

**MINUTES
BOARD OF PORT COMMISSIONERS
SAN DIEGO UNIFIED PORT DISTRICT**

The regular meeting of the Board of Port Commissioners of the San Diego Unified Port District was called to order by Chairman Cushman at 1:04 p.m., Tuesday, November 3, 2009, in the Board Room at 3165 Pacific Highway, San Diego, California.

PLEDGE OF ALLEGIANCE

Agenda Item 1. Commissioner Padilla led the Pledge of Allegiance.

ROLL CALL

Agenda Item 2.

Present: COMMISSIONERS Bixler, Burdick, Cushman, Padilla, Peters, Spane, and Valderrama.

OFFICERS Bennett, Liner, Kirkpatrick, McEntee, and Wurster.

Absent: No Commissioners absent.

Excused: None.

PUBLIC COMMUNICATIONS

Agenda Item 4. None.

CONSENT AGENDA

Chairman Cushman announced that the following Consent Agenda items would be continued to a future meeting:

Agenda Item 13. Resolution Consenting to Assignment of ownership interests within Point Loma Marina, LLC.

Agenda Item 28. Resolution Authorizing staff to accept the \$1,000,000 Award allocated to the San Diego Unified Port District by the Department of Homeland Security, Federal Emergency Management Agency in its Fiscal Year 2009 American Recovery and Reinvestment Act Port Security Grant Program.

Chairman Cushman announced that Board action was no longer required regarding the following Consent Agenda Item:

Agenda Item 19. Resolution Selecting and Authorizing a 42 Month Engineering Agreement with Moffatt & Nichol Blaylock for professional engineering services for the Tenth Avenue Marine Terminal Shore Power Project in San Diego, California for an amount not to exceed \$367,250.

Chairman Cushman announced that Action Agenda items 30 and 31 would be continued:

Agenda Item 30A. Resolution Consenting to 10 Year Sublease from Point Loma Marina, LLC to JFAT, LLC dba Jimmy's Famous American Tavern, with two 5 year options to extend.

Agenda Item 30B. Resolution Granting Approval to Point Loma Marina, LLC for Proposed Restaurant Tenant Improvement Project.

Agenda Item 31. Resolution Authorizing a Special Conditions Agreement with San Diego Gas and Electric for 12KV primary electric service at B Street and Broadway Piers Shore Power Project in an amount not to exceed \$1,950,000 and indemnifying San Diego Gas and Electric for providing the electrical service.

Chairman Cushman announced that Action Agenda Item 34 would be moved to the Consent Agenda.

APPROVAL OF MINUTES

Agenda Item 3. On motion of Commissioner Spane, seconded by Commissioner Bixler, the Board approved in a single vote, the minutes submitted for the regular and special meetings of October 6, 2009 by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

CONSENT AGENDA CONTINUED

Commissioner Valderrama requested that **Consent Agenda item 20**, Resolution Rejecting Low Bids from WEI Industrial, Global Power Group, and DWI Power Systems as Non-Responsive and Authorizing a Purchase Agreement with Hawthorne Power Systems for the acquisition of two portable emergency electrical generators for the Cruise Ship Terminals, Tenth Avenue Marine Terminal, and National

City Marine Terminal for an amount not to exceed \$294,213.58, be pulled for further clarification.

Chairman Cushman announced that **Consent Agenda item 21**, Resolution Selecting and Authorizing a two (2) year Agreement with PCI for pavement marking and striping at various tidelands locations in an amount not to exceed \$180,000, be pulled for discussion.

On motion of Commissioner Padilla, seconded by Commissioner Peters, the Board, with a single vote, adopted Consent Agenda items 5, 6, 7, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27 and 34 (**Ordinance 2583; Resolution 2009-187; Ordinance 2584** through and including **Ordinance 2586; Resolution 2009-188; Ordinance 2587; Resolution 2009-189; Ordinance 2588; Resolution 2009-190; Ordinance 2589; Resolution 2009-191; Ordinance 2590; Resolution 2009-192** through and including **Resolution 2009-194; Resolution 2009-197** through and including **Resolution 2009-202; and Resolution 2009-204**) by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None. Commissioner Bixler abstained on item 22.

Agenda Item 5. **Ordinance 2583**, Granting a 10 Year Non-Exclusive Easement to CoxCom, Inc. dba Cox Communications San Diego for telecommunications facilities to serve the USS Midway Museum located in the vicinity of Broadway, Harbor Drive, and Navy Pier, was adopted as part of the consent agenda.

Agenda Item 6. **Resolution 2009-187**, Authorizing Amendment No. 4 to Memorandum of Understanding/Business Agreement with the United States of America Department of the Navy for potential acquisition of its leasehold interest in 1220 Pacific Highway, was adopted as part of the consent agenda.

Agenda Item 7. **Ordinance 2584**, Granting a 20 Year Easement to Pacific Bell Telephone Company dba AT&T California for Communications Facilities to service the Harbor Police Administration Building at 3380 North Harbor Drive, was adopted as part of the consent agenda.

Agenda Item 8. **Ordinance 2585**, Granting Amendment No. 2 to Lease with Bartell Hotels dba Island Palms West to modify the security deposit lease paragraph, was adopted as part of the consent agenda.

Agenda Item 9A. **Ordinance 2586**, Ordinance Granting a Twenty Year Lease to Fisherman's Landing Corporation, with conditions, was adopted as part of the consent agenda.

Agenda Item 9B. **Resolution 2009-188**, Consenting to Encumbrance of Fisherman's Landing Corporation Leasehold in the amount of \$947,565 in favor of Regents Bank, N.A., with conditions, was adopted as part of the consent agenda.

Agenda Item 10A. **Ordinance 2587**, Granting a Twenty Year Lease to United Sportfishers of San Diego, Inc., dba H&M Landing, with conditions, was adopted as part of the consent agenda.

Agenda Item 10B. **Resolution 2009-189**, Consenting to Encumbrance of United Sportfishers of San Diego, Inc., dba H&M Landing's Leasehold in the amount of \$650,000 in favor of Point Loma Community Bank, with conditions, was adopted as part of the consent agenda.

Agenda Item 11A. **Ordinance 2588**, Granting a Twenty Year Lease to Point Loma Sportfishing Association of San Diego, Inc., with conditions, was adopted as part of the consent agenda.

Agenda Item 11B. **Resolution 2009-190**, Consenting to Encumbrance of Point Loma Sportfishing Association of San Diego, Inc.'s Leasehold in the amount of \$300,000 in favor of Point Loma Community Bank, with conditions, was adopted as part of the consent agenda.

Agenda Item 12. **Ordinance 2589**, Granting a Six Year and Four Month Tideland Use and Occupancy Permit to Scott Street Parking, Inc., with three options of thirteen years and eight months, to extend for a total term of twenty years, was adopted as part of the consent agenda.

Agenda Item 13. **Item Continued.**

Agenda Item 14. **Resolution 2009-191**, Granting Indemnity to Metropolitan Transit Systems (MTS) under a Telecommunications License Agreement for use of the Catalina Standpipe Communications Facilities, was adopted as part of the consent agenda.

Agenda Item 15. **Ordinance 2590**, Granting Amendment No. 6 to the Spinnaker Option Agreement to extend term with Fifth Avenue Landing, LLC, was adopted as part of the consent agenda.

Agenda Item 16. **Resolution 2009-192**, Adopting Plans and Specifications and Awarding Contract No. 2008-05 to PAL Engineering, Inc. for the National City Marine Terminal Pave Southwest Perimeter Project in the amount of \$288,699, was adopted as part of the consent agenda.

Agenda Item 17. **Resolution 2009-193**, Authorizing a Second Amendment to the Agreement with Leni Schwendinger to increase the maximum amount payable under the agreement by \$350,000 for the design, fabrication and installation of the public artwork for the Broadway Cruise Ship Terminal for a total amount not to exceed \$418,000 in accordance with the previously approved project budget, was adopted as part of the consent agenda.

Agenda Item 18. **Resolution 2009-194**, Appointing Chris Zapata to the Port's Public Art Committee for a three year term as the representative for the City of National City, was adopted as part of the consent agenda.

Agenda Item 19. **Board Action No Longer Required.**

Agenda Item 22. **Resolution 2009-197**, Authorizing the Extension of the District's Pool of Investment Banking and Underwriting Firms for a period not to exceed three years, was adopted as part of the consent agenda.

Agenda Item 23. **Resolution 2009-198**, Declaring Items of Equipment to be surplus to the needs of the Port District and Authorizing their sale or disposal in accordance with BPC Policy No. 111, was adopted as part of the consent agenda.

Agenda Item 24. **Resolution 2009-199**, Approving four Environmental Fund Projects for an amount not to exceed \$303,758, was adopted as part of the consent agenda.

Agenda Item 25. **Resolution 2009-200**, Authorizing Agreements with Tetra Tech EM Incorporated and Haley & Aldrich, Inc. to provide environmental investigation services on an as needed basis for an aggregate amount not to exceed \$1,400,000 (\$466,666 aggregate amount a year for a period of three years), was adopted as part of the consent agenda.

Agenda Item 26. **Resolution 2009-201**, Selecting and Authorizing Agreements with AMEC Earth & Environmental, Inc.; Weston Solutions, Inc.; and Merkel & Associates, to provide as needed sample collection and laboratory analysis for a total amount not to exceed \$375,000 for three years, was adopted as part of the consent agenda.

Agenda Item 27. Resolution 2009-202, Granting Indemnity to the National Polytechnic College of Science (NPCS) for any damage or injury claim arising from the Harbor Police Department (HPD) Dive Team's use of the NPCS's dive pool facility, was adopted as part of the consent agenda.

Agenda Item 28. Item Continued.

Agenda Item 34. Resolution 2009-204, Authorizing the Capital Development Project Reference No. 11 Funds in the total amount of \$251,000 be utilized to design and construct water feature(s) as part of the Broadway Cruise Ship Terminal Project, was adopted as part of the consent agenda.

RESOLUTION REJECTING LOW BIDS FROM WEI INDUSTRIAL, GLOBAL POWER GROUP, AND DWI POWER SYSTEMS AS NON-RESPONSIVE AND AUTHORIZING A PURCHASE AGREEMENT WITH HAWTHORNE POWER SYSTEMS FOR THE ACQUISITION OF TWO PORTABLE EMERGENCY ELECTRICAL GENERATORS FOR THE CRUISE SHIP TERMINALS, TENTH AVENUE MARINE TERMINAL, AND NATIONAL CITY MARINE TERMINAL FOR AN AMOUNT NOT TO EXCEED \$294,213.58.

Agenda Item 20. Commissioner discussion ensued. In light of the staff report stating that conditions at the National City Marine Terminal did not allow for the immediate use of the generators, Commissioner Valderrama requested clarification regarding funding level that would be required to implement the modification project in the future.

Chief Engineer, Steve Kirkpatrick stated that currently there were five meter locations in National City and staff determined, when considering security needs, that three of the locations should be energized in the event of an emergency, with a cost of \$30,000 per location or \$90,000 total. Mr. Kirkpatrick stated that staff was investigating the use of security grant monies to fund that portion of the project.

Clerk's Note: Agenda Items 20 and 21 were pulled by the Chairman to be discussed sequentially. Agenda Item 20 was discussed first, and then Agenda Item 21 was discussed and voted on by the Board. Agenda Item 20 was then readdressed and voted on by the Board.

RESOLUTION SELECTING AND AUTHORIZING A TWO (2) YEAR AGREEMENT WITH PCI FOR PAVEMENT MARKING AND STRIPING AT VARIOUS TIDELANDS LOCATIONS IN AN AMOUNT NOT TO EXCEED \$180,000.

Agenda Item 21. Commissioner discussion ensued. Referring to the difficult economic times, Chairman Cushman expressed concern that after 34 contractors had expressed interest in the project only one contractor submitted a bid package. Chairman Cushman requested clarification from staff as to the reason only one bid was received.

Chief Engineer, Steve Kirkpatrick stated that staff also was concerned with a single response, and in addition to reviewing the specifications of the request for bid staff surveyed several of the interested contractors. Staff received feedback that the lead abatement portion of the specifications, which called for the removal of lead-based paint, was the stated source of the contractor's concern.

Commissioner Valderrama requested and received confirmation from Mr. Kirkpatrick that no work had been completed by the previous contractor prior to termination of their contract. Based upon receiving only a single response to the request for bid, Commissioner Valderrama stated that he was not comfortable approving the staff recommendation.

Chairman Cushman requested and received clarification from Port Attorney, Duane Bennett. Mr. Bennett explained that the Board may accept or reject the staff recommendation. He stated that the Board did not have to enter into the agreement and could direct staff to re-bid the work.

Commissioner Valderrama made a motion to reject the staff recommendation. Commissioner Peters seconded the motion.

On motion of Commissioner Valderrama, seconded by Commissioner Peters, adopted **Resolution 2009-196** rejecting the staff recommendation and directing staff to re-bid the project, by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

RESOLUTION REJECTING LOW BIDS FROM WEI INDUSTRIAL, GLOBAL POWER GROUP, AND DWI POWER SYSTEMS AS NON-RESPONSIVE AND AUTHORIZING A PURCHASE AGREEMENT WITH HAWTHORNE POWER SYSTEMS FOR THE ACQUISITION OF TWO PORTABLE EMERGENCY ELECTRICAL GENERATORS FOR THE CRUISE SHIP TERMINALS, TENTH AVENUE MARINE TERMINAL, AND NATIONAL CITY MARINE TERMINAL FOR AN AMOUNT NOT TO EXCEED \$294,213.58.

Agenda Item 20. On motion of Commissioner Valderrama, seconded by Commissioner Peters, adopted **Resolution 2009-195**, Rejecting Low Bids from WEI Industrial, Global Power Group, and DWI Power Systems as Non-Responsive and Authorizing a Purchase Agreement with Hawthorne Power Systems for the acquisition of two portable emergency electrical generators for the Cruise Ship Terminals, Tenth Avenue Marine Terminal, and National City Marine Terminal for an amount not to exceed \$294,213.58, by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

PRESENTATION

UPDATE ON IMPLEMENTATION OF COURT SETTLEMENT WITH HOMEOWNERS OF 501 AND 505 FIRST STREET, CORONADO.

Agenda Item 29. Deputy Port Attorney Leslie FitzGerald addressed the Board with a status of the implementation of the court settlement regarding the homeowners of 501 and 505 First Street in Coronado. (A copy of the presentation is on file in the Office of the District Clerk.)

Commissioner discussion ensued. As the matter involved local, state and federal agencies, Commissioner Spane thanked staff for their dedicated work and a timely resolution.

Commissioner Valderrama thanked Commissioner Spane for his unwavering efforts on behalf of the District that helped spur timely resolution of the matter.

On motion of Commissioner Spane, seconded by Commissioner Valderrama, the Board accepted the staff report, by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

ACTION AGENDA

POINT LOMA MARINA

Agenda Items 30AB. Items continued.

RESOLUTION AUTHORIZING A SPECIAL CONDITIONS AGREEMENT WITH SAN DIEGO GAS AND ELECTRIC FOR 12KV PRIMARY ELECTRIC SERVICE AT B STREET AND BROADWAY PIERS SHORE POWER PROJECT IN AN AMOUNT NOT TO EXCEED \$1,950,000 AND INDEMNIFYING SAN DIEGO GAS AND ELECTRIC FOR PROVIDING THE ELECTRICAL SERVICE

Agenda Item 31. Item continued.

RESOLUTION ELECTING CHAIR, VICE-CHAIR AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS TO SERVE FOR CALENDAR YEAR 2010.

Agenda Item 32. Commissioner discussion ensued. Commissioner Bixler nominated Commissioner Robert "Dukie" Valderrama as Chair; Scott Peters as Vice-Chair; and Steve Padilla as Secretary to serve for calendar year 2010.

On motion of Commissioner Bixler, seconded by Commissioner Burdick, the Board adopted, with a single vote **Resolution 2009-203** electing Robert "Dukie" Valderrama as Chair of the Board of Port Commissioners, Scott H. Peters as Vice Chair of the Board of Port Commissioners, and Stephen C. Padilla as Secretary of the Board of Port Commissioners for the upcoming year 2010, by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

REVIEW AND CONSIDERATION OF PROPOSED BOARD AGENDA FOR MEETING OF DECEMBER 1, 2009.

Agenda Item 33. On motion of Commissioner Burdick, seconded by Commissioner Peters, the Board approved the proposed Board Agenda for the Meeting of December 1, 2009, by the following vote: Yeas-Bixler, Burdick, Cushman, Padilla, Peters, Spane, Valderrama; Nays-None; Excused-None; Absent-None; Abstained-None.

Chairman Cushman announced that he was recalling Consent Agenda item 22 to clarify the record of Commissioner Bixler's recusal. As an employee of Bank of America, Commissioner Bixler announced that as stated earlier, following the reading of the closed session agenda, he would recuse himself from consideration of **Consent Agenda item 22**, a Resolution Authorizing the Extension of the District's Pool of Investment Banking and Underwriting Firms for a period not to exceed three years.

Port Attorney, Duane Bennett stated that, for the record, he had advised the Clerk that Commissioner Bixler did announce his intended abstention, and that the Commissioner also stated to the Port Attorney that he would be abstaining from Consent Agenda item 22. As Port Attorney, his recommendation to the Board was that the record reflect Commissioner Bixler had declared a conflict of interest as to item 22 and that no vote, relative to him, should be considered as to Consent Agenda item 22. Mr. Bennett concluded his remarks stating that as the matter was on the Consent Agenda Commissioner Bixler was not required to leave the dais.

OFFICER'S REPORT

Agenda Item 35. In accordance with BPC Policy 110, the following change orders, executed by the Executive Director, were reported:

- A) Change Order No. 9 for \$0.00 and 6 Calendar Days to Contract No. 2008-17R with Gordon-Prill San Diego, Inc. for Harbor Police Administration Facility Improvements, San Diego, California.
- B) Change Order No. 2 for \$4,040.00 and 6 Calendar Days & Change Order No. 3 for \$38,346.00 and 0 Calendar Days to Contract No. 2007-03 with Hazard Construction Company, Inc. for FY10 Pavement Maintenance TAMT, NCMT, & National City, San Diego and National City, California.
- C) Change Order No. 4 for \$6,847.00 and 3 Calendar Days to Contract No. 2008-03 with Davis & Adams Construction, Inc. for Administration Building Annex Restrooms Improvements, San Diego, California.
- D) Change Order No. 7 for (\$72.85) and 0 Calendar Days to Contract No. 2007-26 with Randall Construction, Inc. for Tideland Comfort Station Refurbishment Various Locations: Chula Vista, Coronado, Imperial Beach, National City and San Diego, California.
- E) Change Order No. 1 for \$34,178.00 and 30 Calendar Days to Contract No. 2008-16 with 3-D Enterprises, Inc. for Tenth Avenue Marine Terminal and National City Marine Terminal Lighting Improvements, San Diego and National City, California.

PRESIDENT'S REPORT

Agenda Item 36. Executive Director, Charles Wurster announced that Maritime Trade Development Manager, Joel Valenzuela was recognized by the American Association of Port Authorities for completing the eligibility requirements for the prescribed program of Professional Port Manager. Chairman Cushman and Executive Director Wurster presented Mr. Valenzuela with his certificate.

BOARD COMMITTEE REPORTS

Agenda Item 37. None.

COMMISSIONER COMMENTS

Agenda Item 38. Commissioner Bixler requested that staff conduct a survey indicating which District properties along Harbor Drive, in the vicinity of the easement granted by Consent Agenda item 5, were served by cable infrastructure, as well as the condition of the cable. The request was to ensure that in the event there was cable utility work to be accomplished in the area it would all be done at once so as not to dig into a newly resurfaced street. He further requested that the information be delivered to the Board in December.

Commissioner Burdick announced that it was brought to her attention after the Board had adjourned to Closed Session, that Closed Session Agenda item 9 was also related to Closed Session Agenda items 5a and 5b, which she had previously recused herself from; thus, she stated for the record that she would recuse herself from the discussion regarding Closed Session Agenda item 9.

CLOSED SESSION

Duane Bennett, Port Attorney, announced the closed session agenda as follows:

Agenda Item 3.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 221,000 square feet of tideland area leased to Fifth Avenue Landing, LLC, and the adjacent District-owned roadway, all bayward of the San Diego Convention Center.

Negotiating Parties: Carol Wallace, CEO, San Diego Convention Center Corporation; Raymond Carpenter and Arthur Engel, Managing Members, Fifth Avenue Landing LLC; Ellen Corey Born, Karen Weymann, Shahriar Afshar, SDUPD.

Under Negotiation: Price and Terms

Agenda Item 4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (a) of Government Code Section 54956.9:

SDUPD v. Argonaut Insurance Company, et al.
San Diego Superior Court No. GIC 874394

Agenda Item 5a.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: District Property: Approximately 35 acres of property located within the Harbor District of the Chula Vista Bayfront. Located West of I-5, South of H Street, and North of J Street in Chula Vista, California.

Pacifica Companies Property: Approximately 97 acres located within the Sweetwater District of the Chula Vista Bayfront. Located West of I-5, South of E Street, and North of F Street in Chula Vista, California

Negotiating Parties: Ashok Israni, President, Pacifica Companies;
Ellen Corey Born, Dirk Mathiasen, Paul Fanfera, Chris Hargett, SDUPD; Charles E. Black, CB Urban Development

Under Negotiation: Price and Terms

Agenda Item 5b.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Rohr: Approximately 4.082 acres in Chula Vista adjacent to the western boundary of Goodrich's north campus, bounded by G Street on the north and near the H Street extension right of way on the south.

Negotiating Parties: Robert George, Facilities Engineer; Rick Siordia, Environmental Engineer; Rohr, Inc., dba Goodrich Aerostructures Group;
Ellen Corey Born, Dirk Mathiasen, Paul Fanfera, Chris Hargett, SDUPD; Charles E. Black, CB Urban Development

Under Negotiation: Price and Terms

Agenda Item 6.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 12.42 Acres of Property located on the Southern Portion of the Former LNG Site, West of Interstate 5 and Bay Boulevard, Chula Vista.

Property: SDG&E - Approximately 17.69 Acres of Property occupied by SDG&E under an Easement in perpetuity for an Electric Substation and Adjacent Non-Exclusive Easement for Transmission and Distribution Facilities, both of which are located West of Interstate 5 and Bay Boulevard in Chula Vista

Negotiating Parties: Eugene Mitchell, Regional Vice President, External Affairs, SDG&E; Ellen Corey Born, Dirk Mathiasen, Randa Coniglio, Karen Weymann, Chris Hargett, SDUPD

Under Negotiation: Price and Terms

Mr. Bennett announced no closed session would be heard regarding Closed Session item 7.

Agenda Item 7.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: South Bay Power Plant consisting of approximately 115 acres of property located west of Interstate 5 and Bay Boulevard in Chula Vista

Negotiating Parties: Randall Hickok, Managing Director, Asset Management West, Dynegy, South Bay, LLC; Ellen Corey Born, Dirk Mathiasen, Randa Coniglio, Karen Weymann, Chris Hargett, SDUPD

Under Negotiation: Price and Terms

Agenda Item 8.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 53,144 square feet of land located at
4975 North Harbor Drive, San Diego

Negotiating Parties: John Grimstad, Point Loma Marina, LLC
Ellen Corey Born, Randa Coniglio, Karen Weymann, SDUPD

Under Negotiation: Price and Terms

Agenda Item 9.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: City of Chula Vista/Redevelopment Agency of the City
of Chula Vista: Approximately 5.67 acres located at 965
Lagoon Drive, Chula Vista

District: Approximately 1.79 acres, described as Parcel H-17, in
the Chula Vista Bayfront Master Plan, Harbor District

Negotiating Parties: Denny Stone, Economic Development Manager,
Redevelopment Agency of the City of Chula Vista, and
Eric Crockett, Redevelopment Manager, Community
Development, City of Chula Vista;
Ellen Corey Born, Paul Fanfera, Chris Hargett, SDUPD

Under Negotiation: Price and Terms

Agenda Item 10.

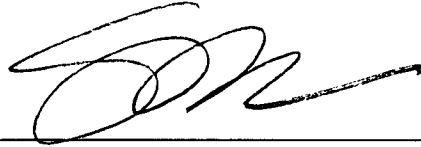
PUBLIC EMPLOYEE APPOINTMENT, PERSONNEL EVALUATION OR DISCIPLINE:
EXECUTIVE DIRECTOR AND PORT ATTORNEY

Government Code Section 54957.6

As to Consent Agenda item 4, the Board, by a 7-0 vote, delegated settlement authority with respect to the Argonaut litigation to Chairman Cushman.

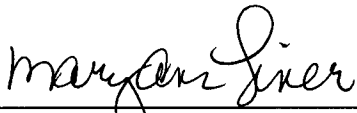
As to Consent Agenda item 10, the Board, by a 6-1 vote, with Commissioner Spane voting no, authorized a \$20,000 salary stipend for the Port Attorney for 2009.

There was no other formal or reportable action, pursuant to Government Code Section 54950 et seq to report from the closed session; whereupon, Chairman Cushman adjourned the meeting.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District