



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Special Meeting Minutes

### Board of Port Commissioners

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Tuesday, November 14, 2023

11:00 AM

Don L. Nay Port Administration Boardroom

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#### Closed Session

#### A. Roll Call.

- Present:** 6 - Chair Rafael Castellanos, Commissioner Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, and Commissioner Frank Urtasun
- Excused:** 1 - Commissioner Michael Zucchet
- Absent:** 0
- Recused:** 0

*Commissioner Ann Moore was excused until she arrived.*

*Officers Present: Coniglio, Morales, Russell and Yeilding*

#### B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Commissioner, if applicable

*No requests were received.*

#### C. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: None*

#### **CLOSED SESSION**

*Thomas A. Russell, General Counsel, announced the Closed Session items as follows:*

1. [2023-0281](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels of land totaling approximately 147,642 square feet, 45,590 square feet, and 25,643 square feet located adjacent to

Convention Way between Marina Park Way and Park Blvd. in the City of San Diego, California

Negotiating Parties:

Fifth Avenue Landing, LLC - Arthur E. Engel and Raymond A. Carpenter  
SDUPD - Alexa Paulus, Adam Meyer, Tony Gordon, Shaun Sumner

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2023-0271](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Approximately 53,657 square feet of tideland and water area located at 525 E Harbor Drive in the City of San Diego, California

Negotiating Parties:

Free Range Holdings, LLC - Kyle Noonan, Josh Sepkowitz  
The San Diego Symphony Orchestra Association - Martha Gilmer, Katy McDonald, Richard Ledford  
SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Alexa Paulus, Donovan Marinez

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2023-0297](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.  
United States District Court Case No. 15-CV-0578 TWR (AGS)

City of Long Beach v. Monsanto Company, et al.  
United States District Court Case No. 2:16-CV-03493-FMO-AS

*No reportable action was taken on this item.*

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*Secretary, Board of Port Commissioners  
San Diego Unified Port District*

ATTEST:

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*Clerk of the San Diego Unified Port District*