

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2831**

**ORDINANCE GRANTING AMENDMENT NO. 2 TO  
LEASE WITH POINT LOMA SPORTFISHING  
ASSOCIATION OF SAN DIEGO, INC., LOCATED  
AT 1403 SCOTT STREET, SAN DIEGO, CA  
UPDATING CERTAIN LEASE PROVISIONS,  
AMENDING THE USE CLAUSE, AND REMOVING  
INGRID POOLE FROM LEASE GUARANTY**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

**WHEREAS**, Point Loma Sportfishing Association of San Diego, Inc. (Point Loma Sportfishing) has a lease with the District to operate a recreational sportfishing operation at 1403 Scott Street, in America's Cup Harbor, San Diego; and

**WHEREAS**, Point Loma Sportfishing's lease is for a period of 20-years and expires in December 2029; and

**WHEREAS**, Point Loma Sportfishing is currently owned by three individuals, Ingrid Poole (38.75%), Frank LoPreste (38.75%), and John Klein (22.5%); and

**WHEREAS**, Ingrid Poole is proposing to assign her 38.75% ownership in equal parts to Paul Strasser and Mark Pisano; and

**WHEREAS**, Paul Strasser would then have a percentage ownership of 19.375% and Mark Pisano would then have a percentage ownership of 19.375%; and

**WHEREAS**, Ingrid Poole has requested to be removed from the Lease Guaranty; and

**WHEREAS**, the amended lease would be guaranteed by the new owners, substitute Frank LoPreste, John Klein, Paul Strasser, and Mark Pisano; and

**WHEREAS**, consistent with District practice, the lease amendment also includes an update to certain lease provisions to bring it to the current standard, including sustainable leasing language; and

**WHEREAS**, the "use" paragraph has also been updated at Point Loma Sportfishing's request to include "non-motorized gondola tours" so they may pursue operations of gondola tours to increase revenues during the off season; and

**WHEREAS**, staff recommends the Board of Port Commissioners consent to the ordinance amending the lease with Point Loma Sportfishing.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That Amendment No. 2 to Lease with Point Loma Sportfishing Association of San Diego, Inc., updating certain lease provisions, amending the use clause and removing Ingrid Poole from the Lease Guaranty is hereby granted.

Section 2. The Executive Director or her designated representative is hereby directed to execute said Amendment No. 2 to Lease.

Section 3. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
\_\_\_\_\_  
By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6<sup>th</sup> day of October, 2015, by the following vote:

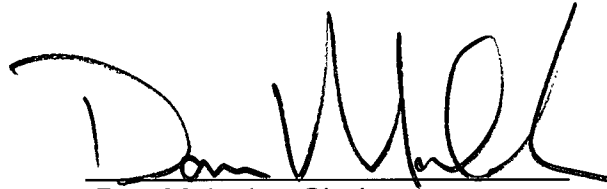
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

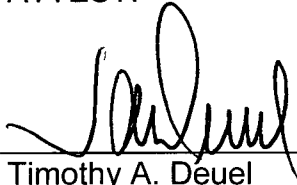
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

