



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes - Draft Board of Port Commissioners

Wednesday, September 23, 2015

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, and Commissioner Valderrama

Excused: 1 - Commissioner Nelson

Absent: 0

Commissioner Nelson was excused until he arrived at 1:20 p.m.

Officers Present: Coniglio, DeAngelis, Deuel, Medina, Monson, and Russell

B. Pledge of Allegiance.

Commissioner Merrifield led the Pledge of Allegiance.

C. Public Communications.

None.

ACTION AGENDA

3. [2015-1600](#) PRESENTATION BY DISTRICT AND CITY OF NATIONAL CITY STAFF REGARDING BALANCED LAND USE PLAN FOR NATIONAL CITY MARINA DISTRICT AND DIRECTION TO STAFF TO INITIATE PROJECT REVIEW AND DEVELOP A FUNDING PLAN

Joel Valenzuela, Director, Maritime; Brad Raulston, Executive Director, City Manager's Office, City of National City; and Christie Coates, Senior Asset Manager, Maritime Properties, Real Estate, addressed the Board with the staff presentation regarding Action Agenda Item 3 - File No. 2015-1600. (A copy of the staff report and presentation is on file in the Office of the District Clerk.)

Commissioner Nelson arrived at 1:20 p.m.

Commissioner Moore, Commissioner Nelson, Chairman Malcolm, Commissioner Castellanos, and Commissioner Valderrama offered comments on the staff presentation and requested further clarification on the proposed actions. During the discussion Mr. Valenzuela, Rebecca Harrington, Deputy General Counsel; Anna Buzaitis, Associate Redevelopment Planner, Environmental and Land Use Management; Ron Morrison, Mayor, City of National City; Mr. Raulston; and Thomas Russell, General Counsel, offered additional clarification regarding the matters under consideration.

Chairman Malcolm announced that after the publication of the agenda additional agenda related materials in the form of letters via email were received from Pasha Automotive Group, The San Diego Port Tenants Association, and the Working Waterfront Group . (A copy of the letters is on file in the office of the District Clerk.)

The following members of the public addressed the Board with varying viewpoints on the matters presented: Greg Cox, Supervisor, County of San Diego; Ron Morrison, Mayor, City of National City; Jacqueline Reynoso, President/CEO, National City Chamber of Commerce; Sandy Vissman; Wildlife Biologist, US Fish & Wildlife Services; Carolina Martinez, Policy Advocate, Environmental Health Coalition; Leonor Garcia, resident, City of National City; Maria Margarita Garcia, resident, City of National City; a statement from Maria C. Villanueva, resident, City of National City, was read into the record by Rodrigo de La Rosa, a representative of the Environmental Health Coalition; Gregory W. Boeh, Chief Operation Officer, G.B. Capital Holdings, LLC; Charles "Muggs" Stoll, Director of Land Use and Transportation Planning, San Diego Association of Governments (SANDAG); Todd Roberts, President, Marine Group Boat Works; Andy Hanshaw, Executive Director, San Diego Bike Coalition; Sean Hower, Director, Business Development, BNSF Rail Road; John Pasha, Senior Vice President, Pasha Automotive Services; Cindy Gompper Graves, President and Chief Executive Officer, South County Economic Development Council; Gerald Roiz, President, International Longshore and Warehouse Union (ILWU) Local 29; Jack Duncan, Real Estate Consultant, Dixieline Lumber Company; and Chester Mordasini, President, Teamsters Local 911. Carolina Martinez provided translation services for Leonor Garcia, and Maria Margarita Garcia.

Following public comment Commissioner discussion ensued. The following Board Members offered comments on the matters presented, the public comments, the staff recommendations and requested further clarification on the recommendations: Commissioner Valderrama; Commissioner Bonelli, Commissioner Moore; Commissioner Nelson; Commissioner Merrifield and Chairman Malcolm.

Commissioner Bonelli left the dais at 3:12 p.m. and was excused from the remainder of the special meeting.

During the Board discussion, Ms. Harrington offered additional clarification regarding the matters under consideration.

3. [2015-1600](#) PRESENTATION BY DISTRICT AND CITY OF NATIONAL CITY STAFF REGARDING BALANCED LAND USE PLAN FOR NATIONAL CITY MARINA DISTRICT AND DIRECTION TO STAFF TO INITIATE PROJECT REVIEW AND DEVELOP A FUNDING PLAN

Commissioner Valderrama offered a motion to commence pre-design on land use designation changes to add approximately two acres of park, at a minimum, to the First Point of Rest (FPR), reconfigure commercial recreation land use designations north of Pier 32 Marina, and adjust adjacent maritime land use designations as the work was necessary to begin the entitlement process for a future Port Master Plan Amendment. He stated that his motion included an option of staff looking at up to three acres designated for park use with the understanding that the Board was 'not taking away' from maritime uses. Commissioner Merrifield seconded the motion.

Commissioner Moore, Commissioner Nelson, Chairman Malcolm, and Commissioner

Valderrama discussed the motion, the Balanced Plan, the bikepath location, and the potential need for buffer zones to be positioned near sensitive habitat. In light of concerns regarding the proximity to sensitive habitat and any possible impacts on wildlife in the area, Commissioner Nelson requested that staff expedite any necessary environmental investigation efforts such as biological resource filings. Commissioner Valderrama concurred with Commissioner Nelson.

Recommendation 3A: On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board directed staff to commence pre-design on land use designation changes to add approximately two acres of park, at a minimum, to the First Point of Rest (FPR), reconfigure commercial recreation land use designations north of Pier 32 Marina, and adjust adjacent maritime land use designations as the work was necessary to begin the entitlement process for a future Port Master Plan Amendment. The motion included an option of staff looking at up to three acres designated for park use, with the understanding that the Board was not taking away from maritime uses. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

Nays: 0

Excused: 0

Absent: 1 - Bonelli

Abstain: 0

Recused: 0

Based on the pre-design work described in the prior action on Item 3A File No. 2015-1600, Commissioner Valderrama offered a motion to develop a project description for California Environmental Quality Act (CEQA) analysis and return to the Board with the project description for further direction.

Ms. Harrington clarified that the motion under discussion for Item 3B File No. 2015-1600 was for CEQA work related to the City of National City's Balanced Plan. Commissioner Moore seconded the motion.

Recommendation 3B: On a motion by Commissioner Valderrama, seconded by Commissioner Moore, the Board directed that based on the pre-design work described in the prior action on Recommendation 3A in File No. 2015-1600, staff was to develop a project description for California Environmental Quality Act (CEQA) analysis and return to the Board with the project description for further direction. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

Nays: 0

Excused: 0

Absent: 1 - Bonelli

Abstain: 0

Recused: 0

Commissioner Valderrama offered a motion to incorporate into Pasha Automotive Service's (Pasha) Tidelands Avenue Closure project an analysis of a permanent Bayshore Bikeway route outside of the National City Marine Terminal and the surrounding District's maritime industrial land uses. Commissioner Merrifield seconded the motion.

Chairman Malcolm offered an amendment to the motion, that, in the event the permanent bike path was not completed at the time of the Tidelands Avenue closure, and following consultations with stakeholders, the Board could direct staff to identify and approve an alternative interim Bayshore Bikeway route as a means to continue moving forward with the Tidelands Avenue Closure project.

Commissioner Valderrama expressed his desire to implement the striping of the temporary bike path without hindering goods movement and maritime operations.

Commissioner Nelson, Chairman Malcolm, Commissioner Merrifield, Commissioner Valderrama, Commissioner Moore, and Commissioner Castellanos offered comments regarding the matter. Ms. Harrington and Ms. Buzaitis provided additional clarification regarding the Tidelands Avenue Closure project, the proposed rail spur, and a permanent bike path on tidelands.

Commissioner Valderrama accepted the amendment proposed. Commissioner Merrifield seconded the motion.

Recommendation 3C: On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board directed staff to incorporate into Pasha Automotive Service's (Pasha) Tidelands Avenue Closure project an analysis of a permanent Bayshore Bikeway route outside of the National City Marine Terminal and the surrounding District's maritime industrial land uses; and, in the event the permanent bike path was not completed at the time of the Tidelands Avenue closure and following consultations with stakeholders, the Board could direct staff to identify and approve an alternative interim Bayshore Bikeway route as a means to continue moving forward with the Tidelands Avenue Closure project. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

Nays: 0

Excused: 0

Absent: 1 - Bonelli

Abstain: 0

Recused: 0

Commissioner Valderrama offered a motion regarding Item 3D File No. 2015-1600 directing staff to formulate a plan for funding improvements, including allocating enhancements and project features such as a noise buffer, to certain future projects. Commissioner Nelson seconded the motion.

Recommendation 3D: On a motion by Commissioner Valderrama, seconded by Commissioner Nelson, the Board directed staff to formulate a plan for funding improvements, including allocating enhancements and project features such as a noise buffer, to certain future projects. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

- Nays: 0
- Excused: 0
- Absent: 1 - Bonelli
- Abstain: 0
- Recused: 0

CLOSED SESSION

Thomas Russell, General Counsel, announced the closed session items as follows:

1. [2015-1626](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 16,580 square foot building on a platform over approximately 31,608 square feet of water located at 1360 North Harbor Drive in the City of San Diego, California

Negotiating Parties: Shaun Sumner, Anthony Gordon, Penny Maus, Wendy Ong - SDUPD; Mike Morton, Jr. - The Brigantine, Inc.; Jim Wendler - Fish Market Restaurant, Inc.; Uri Feldman - Sunroad Enterprises

Under Negotiations: Price and Terms
2. [2015-1627](#) Closed Session Item No. 2

PUBLIC EMPLOYEE PERSONNEL EVALUATION:
GENERAL COUNSEL
Government Code Section 54957
- 2.5 [2015-1629](#) Closed Session Item No. 2.5

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

Khavari Construction, Inc. v. San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2014-00012404-CU-BC-CTL
Consolidated with Case No. 37-2013-00069754-CU-BC-CTL

Thomas Russell, General Counsel, announced the Board considered the items on the closed session agenda but took no reportable action.

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

ATTEST:

Clerk of the San Diego Unified Port District,