

1 CITY OF SOUTH SAN FRANCISCO

2  
3 REPORTER'S TRANSCRIPT OF MEETING PROCEEDINGS

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5 **CERTIFIED TRANSCRIPT**

6  
7 HARBOR DISTRICT LIAISON SUBCOMMITTEE  
8 OF THE CITY COUNCIL

9  
10  
11 Thursday April 28, 2016,  
12 3:30 - 5:26 p.m.

13  
14 City Hall, City Manager's Conference Room  
15 400 Grand Avenue  
16 South San Francisco, California

17  
18  
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PROCEEDINGS

APRIL 28, 2016

3:30 P.M.

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MAYOR ADDIEGO: Tom, you were going to defer to me to open the meeting?

MR. MATTUSCH: That's correct.

MAYOR ADDIEGO: Okay. Thank you.

So we'll go ahead and call this special meeting of the liaison standing committee to order for this Thursday, April the 28th, and we'll have a roll call.

CITY CLERK: Mayor Addiego.

MAYOR ADDIEGO: Here.

CITY CLERK: Councilwoman Normandy.

MS. NORMANDY: Present.

CITY CLERK: Harbor Commissioner Mattusch.

MR. MATTUSCH: Here.

CITY CLERK: Harbor Commissioner Brennan.

MS. BRENNAN: Yes.

MAYOR ADDIEGO: And we do have a public comment portion to this public meeting. So if any member of the public who has assembled would like to address the subcommittee, now would be the time.

And if not, we'll move on to the first item of business.

1 CITY CLERK: Discussion regarding Oyster  
2 Point Short-Term and Long-Term Flood Protection  
3 Plans required by the San Francisco Bay Regional  
4 Water Quality Control Board. Brian McMinn, Public  
5 Works Director/City Engineer, and Steve McGrath,  
6 General Manager.

7 MAYOR ADDIEGO: So, Brian, would you like to  
8 begin?

9 MR. McMINN: Thank you. I'll take everybody  
10 through. I put in front of you a booklet that says  
11 Item 3 Attachments. And basically these are just  
12 documents of record that I'll reference as I kind of  
13 take you through the chronology of the State Water  
14 Resources Control Board's order that was issued to  
15 the City on December 9th and received by the City on  
16 December 10th.

17 Based on reports of periods of ponding water  
18 from a November 25th king tide, the Regional Board  
19 issued an order, requirement for submittal of  
20 technical reports. In that order they required that  
21 the City submit a short-term flood protection  
22 implementation schedule to address and correct  
23 ponding and flooding at the landfill. And that plan  
24 was due on January 30th, 2016.

25 The City subsequently applied for an

1 extension of that deadline. Although the board did  
2 not grant that extension, they said they would  
3 not -- that they would not pursue enforcement if the  
4 City submitted a short-term plan by February 30th  
5 that was suitable to the executive director.

6 The plan also -- the order also calls for a  
7 long-term flood protection plan and implementation  
8 schedule that documents and considers feasible  
9 options for achieving protection of the landfill  
10 from 100-year flood in the face of rising sea tides  
11 and increased flood frequency and intensity. That  
12 plan is scheduled and due for May 30th of 2016.

13 Subsequent to receipt of this order, staff  
14 from the Commission and the City got together and  
15 discussed bringing a proposal to the respective  
16 governing boards to share in the cost of preparing  
17 the plan to be submitted in response to this order.

18 The second document in the packet is a  
19 resolution from the City of South San Francisco put  
20 into effect on January 13th, 2016, to that effect  
21 for the cost sharing.

22 And then we have in the documents as well a  
23 February 17th letter from the board of harbor  
24 commissioners. And that is the agreement for  
25 funding the engineering studies at the Oyster Point

1 Marina. Basically the District's commitment as well  
2 and the City. And although the document that's in  
3 the packet is not fully executed, a fully executed  
4 copy has been provided to the general manager; and  
5 so both parties have agreed to those terms.

6 The City hired a consultant per the terms of  
7 the agreement, and that consultant prepared a  
8 topographic survey of Oyster Point to identify areas  
9 that were low, areas potentially subject to ponding  
10 during tides and rain events. And that became part  
11 of the short-term plan. From that topo the  
12 engineers identified those areas and called them out  
13 on a set of plans submitted to the Regional Board.  
14 And the plan calls for regrading those areas and  
15 repaving areas in areas that have pavement. That  
16 plan is shown on page 13 of the attachments here.

17 It also called for putting in some flat  
18 valves in some of the low-lying storm drains that  
19 drain to the bay area to prevent the tide waters  
20 from backing up into those drains and into the  
21 parking lots.

22 Along with that is a schedule to complete  
23 the work to mitigate those before the next winter  
24 storms. And the estimate for the cost of those  
25 repairs is currently at \$285,000.

1           The last document in the packet is a  
2 March 21st letter from the Regional Water Quality  
3 Control Board stating that they concur with the  
4 submittal of the short-term flood protection plan  
5 and have accepted that.

6           Staff are currently working with the  
7 consultant on the long-term plan to be submitted by  
8 the end of March in accordance with the order. And  
9 that -- the outline of that plan is being prepared  
10 to put in front of the Regional Board for an initial  
11 review and kind of an acceptance of the direction  
12 that it's going in so that when the final report is  
13 submitted, that it will be informed that they're  
14 expecting, and that will be shared with the harbor  
15 general master -- general manager before that plan  
16 goes in, as well as opportunity for respective  
17 bodies to get a review of that.

18           MAYOR ADDIEGO: Thank you, Brian.

19           So does anyone have a question of Brian  
20 before we move on?

21           MS. BRENNAN: I do. Yeah.

22           So I just want to make sure I understand  
23 correctly. So the engineering plan that has already  
24 been completed, that's included in the information  
25 you provided us, the cost for that was how much?

1 MR. McMINN: 285,000.

2 MS. BRENNAN: Just for this plan.

3 MR. McMINN: For the short-term  
4 implementation --

5 MR. MATTUSCH: Implementation.

6 MAYOR ADDIEGO: She's asking for just the  
7 documents.

8 MR. McMINN: Oh, the document itself.

9 MAYOR ADDIEGO: Yes.

10 MR. McMINN: The invoice that we received to  
11 date was 17,000.

12 MS. BRENNAN: Okay.

13 MAYOR ADDIEGO: And the proposed short-term  
14 fix in the amount of 285- is what's agreed to in  
15 this final --

16 MR. McMINN: That's to implement the  
17 short-term plan.

18 MS. BRENNAN: Thank you.

19 MAYOR ADDIEGO: Anyone else?

20 And so I guess the next natural step is to  
21 look at that \$285,000 number and understand how we  
22 will be approaching that so...

23 Did the Harbor District want to weigh in at  
24 this point or --

25 MR. McGRATH: No, I think Brian's report was



1 pretty comprehensive. I do appreciate being brought  
2 into the loop during the selection of the  
3 consultant. And interested in seeing, actually, a  
4 bit of a breakout to come at some point how that --  
5 what comprises that 285-.

6 MAYOR ADDIEGO: Okay. So I think the last  
7 time Tom and I met in this room with our respective  
8 staffs, we knew that the city attorney was going to  
9 be looking into past documents and to try to see  
10 where responsibility might lie. And I guess he has  
11 done enough of that where you're prepared to --

12 MR. ROSENBERG: Yes, I can speak briefly to  
13 that. Thank you.

14 Hi. Jason Rosenberg, City Attorney.

15 So we last spoke -- I know your counsel may  
16 have a different opinion as to responsibility of  
17 allocation, but our position still remains the same,  
18 and has been consistent all along, that the JPA  
19 clearly states operation and maintenance of the park  
20 and the appurtenant areas are the responsibility of  
21 the Harbor District.

22 In my initial review of some of the  
23 documents we were able to look at the Harbor  
24 District seems to be consistent with that  
25 understanding. It's historically been interpreted

1 that way by previous City staff, Harbor District  
2 staff, kind of correspondence acknowledging, "yeah,  
3 we'll do it." I think there's even been times where  
4 the Harbor District has done feasibility studies --  
5 I think 2007, 2014 -- addressing the deteriorating  
6 parking lot, the need to address that issue. And  
7 there's been, you know, some acknowledgment of, you  
8 know, we -- I remember I think you and Matt saw  
9 something, I can't remember now, that the OES gave  
10 the Harbor District funding for addressing the sea  
11 wall, the riprap, that the Harbor District ended up  
12 using to do that.

13 So it kind of is consistent with the  
14 position we've set forth before, that this is -- the  
15 vast majority of this is the need to regrade this  
16 parking lot that has been -- as far as we can tell,  
17 has not been done in a really, really long time; and  
18 it just needs to be done. And I think previous  
19 Harbor District board or staff has said, you know,  
20 this needs to be done, and where are we -- there's  
21 money been budgeted, it's not been spent. And  
22 there's times the money hasn't been budgeted. And  
23 that's kind of from a high level, without, you know,  
24 going through all the documents bit by bit.

25 And, you know, I'm happy to share what I do

1 have -- not with me now, but the documents with  
2 counsel or staff -- if you want to kind of see where  
3 I'm going with that.

4 MS. BRENNAN: I have a question. Could you  
5 provide us with that information, like, on a cloud  
6 server or something so we can download it?

7 MR. ROSENBERG: Sure. Yeah. I mean --

8 MR. FUTRELL: Let me first make clear I  
9 believe the documents you're referring to were  
10 obtained from the Harbor District as a result of the  
11 public records request. So they're already  
12 documents that we got from you guys. The city  
13 attorney has gone through those and, as I appreciate  
14 it, has pulled out a history of the Harbor District  
15 taking responsibility for this issue over a long  
16 period of time is documented in those documents. So  
17 I think you already have those documents.

18 MS. BRENNAN: Well, just to clarify, I think  
19 that the PRA request was for many --

20 MR. FUTRELL: Yes.

21 MS. BRENNAN: -- thousands of documents.  
22 And so instead of -- you know, I have a day job. So  
23 instead of looking for a needle in a haystack, it  
24 would be really helpful if we could see the specific  
25 documents that relate --

1 MR. FUTRELL: Sure. Absolutely.

2 MS. BRENNAN: -- to what we're talking  
3 about.

4 MR. ROSENBERG: Absolutely. No problem.

5 MAYOR ADDIEGO: and I can't imagine why we  
6 wouldn't do that.

7 MR. FUTRELL: As to the technical, we will  
8 attempt to navigate the cloud. If not, we'll  
9 provide them to --

10 MS. BRENNAN: Whatever works.

11 MR. McGRATH: I think we have a record of  
12 that as well. Of the specific documents that you  
13 requested copies of. I mean, we accumulated a large  
14 number of documents.

15 MR. ROSENBERG: Yeah.

16 MR. McGRATH: I think you only --

17 MR. ROSENBERG: I can share with you the  
18 documents --

19 MR. McGRATH: -- pulled out the documents --

20 MR. ROSENBERG: -- that I think are the most  
21 relevant.

22 MR. McGRATH: But that would be helpful.

23 MR. ROSENBERG: They're all public.

24 MR. McGRATH: Yeah.

25 MR. ROSENBERG: I mean, they're your

1 documents.

2 MR. McGRATH: All right. Yeah. Sure.

3 MR. FUTRELL: And it's not our intent to  
4 create work or hide the ball.

5 MR. McGRATH: Understood.

6 MR. MILLER: Can I jump in?

7 MAYOR ADDIEGO: Please.

8 MS. BRENNAN: Could he sit up here so --

9 MR. McGRATH: You should if you can.

10 MR. MILLER: Sure.

11 I just wonder whether it wouldn't be helpful  
12 if everybody, in addition to just providing some  
13 documents, to provide an explanation what you think  
14 those documents say.

15 When we met last time I think -- my  
16 recollection is we had a discussion that your to-do  
17 list, Jason, was going to be to put down in writing  
18 why -- some support for the opinion you had then and  
19 you continue to have now.

20 And we're open to hearing what you have to  
21 say; but I think it would be helpful, rather than  
22 just say "Look at Documents X, Y, and Z," to say  
23 "And we think they say the following."

24 MR. FUTRELL: Okay.

25 Now, could we do so under the cloak of

1 settlement negotiations or something that would  
2 preclude their use in subsequent proceedings?

3 MR. MILLER: So I'm happy to -- maybe Jason  
4 and I need to talk offline about that. I mean, I  
5 think --

6 MR. ROSENBERG: Well, why don't we just  
7 start with the documents that are public, and then  
8 maybe -- I mean, I think it looks like a sequel  
9 exception that the Harbor District filed for  
10 addressing, you know, flooding. So I think that  
11 speaks for itself. So some stuff I think very much  
12 speaks for itself, and I can provide it to you. And  
13 then if you still want briefing on that, so to  
14 speak.

15 MR. MILLER: It's not so much briefing. And  
16 I do recall, I mean, having this conversation  
17 because if -- we were wondering why we hadn't heard  
18 from you after our last meeting. And if it's  
19 because of your concern that they be made public, we  
20 should address that concern.

21 Interesting I hadn't thought of this issue  
22 as being part of a settlement discussion so I have  
23 to think about that a little bit.

24 MR. FUTRELL: I'd be interested to hear  
25 Jason's --

1 MS. BRENNAN: Could I ask a question?  
2 Because I'm getting a little lost here. What does  
3 that mean, be part of settlement proceedings? I'm  
4 not an attorney so I don't understand what that  
5 means.

6 MR. FUTRELL: From my perspective -- first,  
7 to answer your earlier question, we had decided to  
8 wait for this liaison committee to give the proper  
9 officials the opportunity to work this out as  
10 opposed to being a staff-to-staff discussion. At  
11 some point it needs to be elevated to the proper  
12 officials. The concern that I have is that if we  
13 are unable to reach an accord on who is responsible  
14 for payment, there is the potential for litigation.  
15 And I don't think any of us want our discussions to  
16 become part of evidence at some subsequent  
17 litigation. So it allows the parties to more freely  
18 discuss without fear that later in some deposition  
19 something that you said in this meeting would be  
20 used against you or against us.

21 MR. MILLER: Let me be clear. What I was  
22 hoping for was not an offer that could be construed  
23 as something that you wouldn't want to make public  
24 in a settlement. I just want to understand. I've  
25 heard you say now a bunch of times we think the

1 District is responsible, and you've heard us say a  
2 bunch of times we don't understand why you think  
3 we're responsible. So I just want to learn more.  
4 May be that you'll write a great letter, and we'll  
5 go, oh, we get it. But we're not getting it right  
6 now. We need some help getting it. So that's what  
7 I'm looking for. I don't think I'm looking for  
8 anything that would be --

9 MR. ROSENBERG: Well, maybe we can have a  
10 discussion off line --

11 MR. MILLER: That sounds great.

12 MR. ROSENBERG: I think that would be the  
13 most fruitful solution.

14 MR. MILLER: Sounds good.

15 MR. ROSENBERG: Yeah.

16 MR. MATTUSCH: This is just a discussion of  
17 operation and maintenance of the marina versus  
18 maintenance of the land itself, that we don't own;  
19 and I think that's what we have to kind of clear up  
20 just a little bit.

21 MR. ROSENBERG: Well, the JPA deals with the  
22 appurtenances as well. Park, pathways, appurtenant  
23 improvements as well.

24 MR. McGRATH: An appurtenance is?

25 MR. ROSENBERG: Things attached to the area.



1 The land.

2 MR. McGRATH: Attached to the land?

3 MR. ROSENBERG: Yes.

4 MR. McGRATH: But if the land is sinking...

5 MR. ROSENBERG: It's still the land.

6 MR. MATTUSCH: I guess when some of us read  
7 the JPA, though, we say the JPA is quite clear on  
8 the land is the responsibility of the City and  
9 maintaining the operation of a marina is the  
10 responsibility of the Harbor District. Or at least  
11 that's the way I was reading it. And I think that  
12 we're looking at running a marina and trying to do  
13 so in total favor of everyone here; but my  
14 interpretation at this point is that sinking land  
15 doesn't fall into a simple maintenance agreement.  
16 Maintenance is cutting the grass, trimming a tree.  
17 It's not raising the level of the land by two to  
18 three feet.

19 MS. BRENNAN: So I was looking at this  
20 document here, which I'm sure you all have a copy  
21 of, the geotechnical investigation. Which is --  
22 let's see what date. October 20th, 1976. And this  
23 was produced for the City of South San Francisco.  
24 And it talks in here about the landfill. I've  
25 looked for this document because I was trying to

1 understand a little bit more about how the landfill  
2 was constructed. And it has a section on page 10  
3 which talks about settlement. And it says right  
4 here, the very first sentence, "surface settlements  
5 at this site" of as much -- "as much as 6 to 7 feet  
6 are anticipated under existing conditions."

7           So I take this to mean that the City knew  
8 that there was going to be a significant amount of  
9 subsidence over the years. Obviously we don't have  
10 any idea when that subsidence is going to stop. It  
11 could be continuing for the next few decades. And  
12 it's my understanding that the flooding that's been  
13 happening but -- over the last few decades, but been  
14 getting progressively worse as the subsidence  
15 increases and as sea level rises. So it's an  
16 unfortunate double-whammy situation where we've got  
17 subsidence compounded by sea level rise. And, you  
18 know, it's -- it's a landfill combined with Mother  
19 Nature, so that's kind of what's happening here.  
20 And I guess I'm having a hard time understanding how  
21 the Harbor District, which is responsible for  
22 managing the marina, could be responsible for the  
23 subsidence that was clearly anticipated when the  
24 landfill was constructed.

25           So those are questions that come up for me.

1 And it sounds like our counsel, the two counsels,  
2 are going to have some off-line discussion; but I  
3 hope that whatever comes out of that discussion  
4 informs the City Council as well as the Harbor  
5 Commission so that we're in the loop and we're  
6 learning, you know. I think that there's a lot to  
7 learn. I think, you know, this issue with the  
8 subsidence and with sea level rise, it's been going  
9 on for a really long time; but it just hasn't been  
10 looked at because it didn't reach the tipping point  
11 where people were coming to public meetings and  
12 complaining about it.

13 And that's sort of how this all came up, is  
14 we had a member of the public come and speak, and  
15 his chief complaint was that the Harbor District  
16 paid for a guest dock and the guest dock happens to  
17 be located right near the harbor master's office.

18 And I don't remember how much we paid for  
19 the guest dock; but, anyway, it's really a nice  
20 facility. And the complaint that he was making is  
21 that when you -- when you disembark from the docks,  
22 if the tide is high, you step into water or you  
23 can't get off the dock because it's flooded, and  
24 that flooding is increasing over time. And so it's  
25 starting to impact the infrastructure that the

1 District has put in place, like our floating docks  
2 and things like that, where, fortunately, the docks  
3 float so they're rising, but the land isn't. It's  
4 sinking. So when you step off the docks, you're in  
5 a flood. And so that is a problem, you know, that  
6 needs to get sorted out. And, fortunately, it's not  
7 the whole area, it's only certain sections of Oyster  
8 Point. So, fortunately, the subsidence hasn't  
9 impacted some of the higher ground. Although those  
10 areas have also experienced significant subsidence.  
11 You can feel that when you drive out. It's like a  
12 roller coaster. I mean, we've all driven out there.  
13 But it's -- but the landfill was high enough in  
14 those points where the subsidence isn't impacting --  
15 or flooding isn't occurring.

16 So, you know, it is an issue that I think  
17 needs to get resolved; and it would be in the  
18 public's best interest to find a solution.

19 But I guess my take on it is just that I see  
20 us as the sort of the managers of the marina, and I  
21 see South San Francisco as the owners of the land or  
22 the landlords and the beneficiaries of any future  
23 development that might happen out there, which I  
24 would think could be quite profitable down the road.  
25 And so it would seem that it would be most

1 beneficial for the City to maintain the landfill so  
2 that that future development would -- there would be  
3 more opportunity.

4 And, you know, being that the JPA expires in  
5 10 years, it doesn't seem very logical for the  
6 District to invest a lot of money into a property  
7 that the District doesn't own and only has a 10 year  
8 commitment left on. So that's -- I mean, that sort  
9 of sums up my perspective on it.

10 But at the same time, you know, I think we  
11 did -- we did offer to help with the cost of that  
12 even though it's not that much compared to the cost  
13 of the short-term project. We did offer to  
14 contribute towards the engineering study. And I'm  
15 very interested in hearing more about the long-term  
16 plan and what that -- have we -- is there any  
17 updates on what -- where that's headed?

18 MR. McMINN: The consultants put together a  
19 draft. I haven't -- I just got it yesterday, but I  
20 need to review it and then share it with --

21 MAYOR ADDIEGO: Is that the document that  
22 has to be done by the end of May?

23 MR. McMINN: Yes. Yes.

24 MAYOR ADDIEGO: I think Commissioner Brennan  
25 brings up a good point because we're dealing with --

1 we're dealing with ponding. So that ponding, as  
2 shown on page 13, is, you know, sporadic throughout  
3 the entire area. But I think of greater concern is  
4 the observation that the relatively new guest dock,  
5 that entire peninsula is impacted, is flooded in a  
6 big way.

7 Our short-term fix, I guess, doesn't need to  
8 address that because it was just a ponding issue;  
9 but, you know, there is infrastructure that's in  
10 harm's way and will continue to be. So it's a much  
11 greater fix at some point.

12 MR. FUTRELL: I don't believe I have the  
13 1976 study. Was that in the Harbor District  
14 records?

15 MS. BRENNAN: Fabulous read. I highly  
16 recommend it. Thankfully, it is double spaced.

17 MR. McGRATH: I didn't go through those  
18 records personally. I would assume so. I believe  
19 it's -- it's out there.

20 MAYOR ADDIEGO: Geotechnical --

21 MS. BRENNAN: I have a pdf I could provide.

22 MR. McGRATH: And it's on our website.

23 MR. FUTRELL: That would be excellent.

24 It's on your website? Okay.

25 (Simultaneous overlapping speakers.)

1 MR. FUTRELL: I can just grab that. Thank  
2 you.

3 MAYOR ADDIEGO: And you haven't powered  
4 through that yet, Mr. Rosenberg?

5 MR. ROSENBERG: I have not.

6 MR. FUTRELL: I'm only back to 1982 --

7 MR. McGRATH: I think we discovered it in  
8 preparing the responses so it should be somewhere;  
9 but if you don't have it --

10 MR. FUTRELL: Understand. Thank you very  
11 much.

12 (Simultaneous overlapping speakers.)

13 THE REPORTER: I'm sorry. Can you try not  
14 to talk all at the same time.

15 MR. FUTRELL: I apologize.

16 MAYOR ADDIEGO: We're government people,  
17 we're prone to do that.

18 MS. BRENNAN: So just back to the long-term  
19 plan for a sec. So that draft is out. And so we  
20 might be able to see a draft of it soon?

21 MR. McMINN: The outline. Once I take a  
22 look at it, see if that's something that we want to  
23 be going in that direction. So I would say probably  
24 by next week we'll probably be sharing that.

25 MS. BRENNAN: I did want to chime in, too,

1 and just mention that we had a site visit for the  
2 first time, I think, since I've been on the board,  
3 this week. It was a publicly noticed meeting at  
4 Oyster Point. And we had a little visit with Jim  
5 Merlo, who is our harbormaster there; and he gave us  
6 a tour. One of the things we looked at, since you  
7 mentioned the peninsula where the guest dock is, is  
8 we took a look at the harbormaster's office. And  
9 maybe you're all aware of this, but I'm going to  
10 mention it in case you're not. When you look at  
11 that building, there's a skirt around the bottom of  
12 the building and there's a ramp that goes up to the  
13 door. When the building was originally placed  
14 there, the ramp wasn't there and the skirt wasn't  
15 there because the land was at least 3 to 4 feet  
16 higher. And so what's happened is the land has  
17 compressed and subsided by 3 to 4 feet; and so now  
18 that structure is just kind of floating on piers.  
19 So if you walk around the side of the building, the  
20 skirt's open, and you can look underneath and see  
21 the piers there. And you can also see where we've  
22 had to add all kinds of flexible cabling and conduit  
23 to connect our, you know, sewer and water --

24 MAYOR ADDIEGO: Utilities.

25 MS. BRENNAN: -- and electrical.



1           So we've had to add these extensions to, you  
2 know, accommodate the level of subsidence. So I  
3 think that that building really best illustrates,  
4 you know, the level of subsidence over the years.  
5 And it's kind of shocking; but if you were just to  
6 walk up, you wouldn't really know. I mean, you  
7 would have no way of telling that that was going on.  
8 So, you know, it's a lot of subsidence; but  
9 according to this document it could have been  
10 6 feet.

11           MAYOR ADDIEGO: It may not be done.

12           MS. BRENNAN: It may not be done. That's  
13 true.

14           MAYOR ADDIEGO: It's interesting,  
15 Commissioner Brennan, if you look two, three, or  
16 four story office buildings and they're not on  
17 landfill but it was maybe poorly compacted bay fill  
18 and the same situation has occurred to that  
19 building. So there has been some major reinvestment  
20 to stabilize and keep track of the utilities. It's  
21 the price you pay for that beautiful bay view.

22           MS. BRENNAN: And it is a beautiful view, no  
23 doubt.

24           MAYOR ADDIEGO: So I'm in a little bit of a  
25 quandry how to proceed. I think it might be

1 valuable to have a discussion between electeds.  
2 Most often there's not a definitive answer,  
3 especially when we're dealing with documents that go  
4 back 40 years. Not necessarily definitive answer  
5 that it's all on the City or all on the Harbor  
6 District. We don't usually get there no matter how  
7 much we position ourselves. So it might tend to be  
8 more of a gray area. And maybe we should explore,  
9 at least on this initial fix, if there's any sense  
10 that there could be a partnership to some degree.

11 MR. MATTUSCH: Is there any --

12 MAYOR ADDIEGO: If it's purely a  
13 tenant-landlord, then I do understand that position.  
14 At the same time there's some other language that  
15 led me to believe that there was some responsibility  
16 too.

17 MR. MATTUSCH: Have we researched whether  
18 scavenger had any reserves, funds, or protection  
19 against this when the landfill was being built and  
20 completed and the cap was originally installed?

21 MR. ROSENBERG: We didn't find anything in  
22 our review about that issue. You mentioned, like, a  
23 pot of money or something.

24 MR. MATTUSCH: There was some set aside  
25 rumored.

1 MR. ROSENBERG: Unfortunately, not. We did  
2 not find that. Yeah. And to date we have not  
3 discovered that. I mean, there is a lot of records  
4 and some of them are incomplete, and there's  
5 something that tells a story that you don't get the  
6 last chapter on some of these records and it's, you  
7 know... But I have not found anything yet.

8 MS. BRENNAN: Well, you know, when you look  
9 at this, this is pretty daunting. This is page 17  
10 out of the --

11 MAYOR ADDIEGO: It's our future.

12 MS. BRENNAN: -- Terra Tech -- it says  
13 potential inundation areas. And I thought this was  
14 really interesting because I've been going to some  
15 of the County sea level rise planning meetings, and  
16 this area is actually not really documented  
17 correctly now that I see this. I mean, this tells  
18 sort of a different story than what we're seeing on  
19 Our Coast Our Future, the website where you can go  
20 through all the mapping and look at the sea level  
21 rise projections.

22 You know, it's a complicated situation; and,  
23 you know, I think at this point I would want to  
24 evaluate more information.

25 And I'd be really interested to see what the

1 long-term plan looked like. I know with the JPA,  
2 when I read it, it feels so outdated. You know,  
3 it's so ancient. And it hardly seems relevant to  
4 the current situation. I know I've asked our  
5 counsel in the past wouldn't it make sense to just  
6 toss this thing in the garbage and, like, start with  
7 a new agreement of some sort because it just doesn't  
8 seem relevant today. It talks about things like a  
9 master plan, and no one can find the master plan. I  
10 mean, it's just kind of absurd.

11 So it's really tough to grapple with this,  
12 and, you know, figure out what to do about it. I  
13 guess if I better understood our future engagement,  
14 you know, if it -- if we're looking at a 10-year end  
15 date to the -- or possibly earlier, depending on,  
16 you know, I think what the City would want to do,  
17 and I don't know what will happen with development  
18 plans. But I guess if we had a more clear future  
19 picture of what was going to happen there, it would  
20 be easier to assess what would make sense as a  
21 partnership.

22 MAYOR ADDIEGO: Sure.

23 MS. BRENNAN: And I think that's one of the  
24 areas where this is just almost an impossible task  
25 to sort out. So I guess -- you know, I could spend

1 hours, like, asking questions that are not on the  
2 agenda so I'm not going to do that about, you know,  
3 the EIR from -- what was it? 2011 or something?  
4 And, you know, what the plans for development in the  
5 area are. Is the landfill area ever going to be  
6 developed? If not, you know, would the City want  
7 the District to continue managing the marina long  
8 term. You know, there are just so many questions.

9 So is there -- is there some clarity to any  
10 of that that you guys have arrived at that maybe  
11 we're not aware of? Some updates or something that  
12 might help us better understand the relationship or  
13 the potential future relationship.

14 MAYOR ADDIEGO: Long term, yeah.

15 Mike? Are you --

16 MR. FUTRELL: Well, certainly there's  
17 10 years left on the JPA. And I think from the  
18 City's perspective, we expect the Harbor District to  
19 perform at 100 percent that entire 10-year period.  
20 So the idea that because the end is in sight, the  
21 Harbor District can somehow ratchet back its  
22 responsibilities, we strongly disagree with that.  
23 You have an obligation to operate until that very  
24 last day at 100 percent capacity. And if that means  
25 continuing to maintain, continuing to invest, that

1 is part of the arrangement. Because you will  
2 continue to receive a revenue from that site until  
3 that happens as well.

4 As to the future, I do agree with you that  
5 it is murky; but there are a few factors out there  
6 in play. As you know, there is a previously  
7 approved development agreement with -- a combination  
8 called Oyster Point Ventures made up of Shorenstein  
9 Company and a firm called SKS. They are still  
10 around. That is still alive. As I appreciate the  
11 Shorenstein perspective, it has not moved forward  
12 under their banner because they have not found a  
13 tenant to occupy Phase 1, which is a 500,000 square  
14 foot biotech building.

15 MS. BRENNAN: Would that be on the landfill  
16 or just nearby?

17 MR. FUTRELL: Partially. No, it actually  
18 would take part of the landfill --

19 MS. BRENNAN: Okay.

20 MR. FUTRELL: -- so, from our side, we  
21 celebrate that as an ecological success because the  
22 agreement requires them to dig up the landfill and  
23 replace it with clean fill. And that is the kind of  
24 good outcome you hope for landfills, that they are,  
25 in fact, cleaned up and turned into useful land.

1 And so that's part of it. And I suspect -- well, I  
 2 believe that drives up the cost of it; and maybe  
 3 that plays into why it hasn't actually happened.  
 4 But they are still actively out there; and should a  
 5 deal come forward that works for Shorenstein, that  
 6 would happen.

7 Now, that has a deadline as well. 2019.  
 8 They have a one-year cure period. So even if they  
 9 were unable to move forward by some date I don't  
 10 recall in 2019, they have a year to cure that. So,  
 11 realistically, 2020. And then that deal is dead.  
 12 But if you take that possibility off the table --  
 13 well, let me go back.

14 If that happens and they move forward and  
 15 they break ground, the agreements between the City  
 16 and the Harbor District and Shorenstein call for a  
 17 land swap. At which time the City would regain the  
 18 rights over the land portion of Oyster Point Marina  
 19 and Park; and then the Harbor District would, of  
 20 course, continue to operate the marina portion of  
 21 that. So that's one aspect that would change --

22 MR. McGRATH: Did that extend all the way  
 23 down to the east end?

24 MR. FUTRELL: Jason, correct me. I believe  
 25 it's all the land portion. They'd swap that.

1 MR. McGRATH: Reservation for?

2 It's an operation --

3 MR. ROSENBERG: Wait. I'm sorry. What is  
4 "it"? What is the question?

5 MR. FUTRELL: If the land swap were to occur  
6 with Shorenstein, and we just refer to it as the  
7 land side --

8 MR. ROSENBERG: It doesn't go all the way to  
9 the -- all the way to the east. It does not.

10 MR. McGRATH: Does not.

11 MR. FUTRELL: Okay. So I don't know if the  
12 agreement has a map or if we --

13 MR. McGRATH: And the agreement is detailed  
14 by parcel numbers or by A, B, C, D, E; and then  
15 there's one that --

16 MAYOR ADDIEGO: There was a portion that was  
17 outside of that.

18 MR. FUTRELL: So that is certainly one  
19 possibility, but know that that's been hanging  
20 around for five years.

21 MR. McGRATH: Uh-huh.

22 MR. FUTRELL: So if that does not move  
23 forward, then we are where we are, in partnership  
24 with the Harbor District for another 10 years. And  
25 I -- at least I've heard, I think others have heard



1 as well, Commissioner Brennan, you've raised the  
2 issue of a early termination of the JPA. And that  
3 may be considered under agenda item 2 for today.

4 So our options moving forward, for clarity,  
5 one, the status quo, we continue to work together  
6 for the next 10 years as we have. Hopefully better.

7 Option 2, Shorenstein somehow finds a deal  
8 that works for them and they execute the development  
9 agreement and break ground, and that creates this  
10 land swap. Which we still have a working  
11 relationship with the JPA with the Harbor District,  
12 it just changes automatically the scope of that.

13 Option 3 may be some discussion of  
14 alteration or termination of the JPA earlier than  
15 10 years. I'm sure others have come up with other  
16 options. That's all I've got.

17 MS. BRENNAN: I have a question with regard  
18 to the land swap deal, which because I have only  
19 been on this board for less than four years, I don't  
20 really know the history of that project. I've seen  
21 a few drawings in some of the marketing material on  
22 the Shorenstein and SKS websites over the years, and  
23 it looks like a terrific project. What -- is there  
24 any projected cost for the landfill cleanup? Was  
25 that ever investigated so that their investors have

1 a sense of it?

2 I'm just curious.

3 MR. FUTRELL: I would have to believe  
4 they've done their due diligence. I'm not privy to  
5 their internal financials --

6 MS. BRENNAN: Okay. So we don't know.

7 And the City has never done a study to see  
8 what it would cost to clean up the landfill?

9 MR. FUTRELL: Well, by clean up, if you mean  
10 open the cap, dig it out, replace with clean fill, I  
11 don't think we have done that --

12 MR. McMINN: No.

13 MR. FUTRELL: -- no.

14 MS. BRENNAN: And bringing it up to, like,  
15 Title 27 standards, that hasn't been investigated by  
16 the City?

17 MR. FUTRELL: I don't know enough about that  
18 to comment.

19 MR. ROSENBERG: It was -- this plan predates  
20 Title 27 so it doesn't have to be all the way up to  
21 the code.

22 MS. BRENNAN: Unless some development's  
23 done.

24 MR. ROSENBERG: Right. So where the  
25 development would occur, it would come up to

1 standards; but it doesn't cause the east side.

2 MS. BRENNAN: The whole other area.

3 MR. ROSENBERG: Yeah. Exactly.

4 MS. BRENNAN: Okay. Gotcha.

5 MR. McGRATH: I would like to address this  
6 particular graphic that you raised, Commissioner  
7 Brennan. And this is one that Brian and I chatted  
8 about, actually, when this first appeared because I  
9 had questions about this. And I do think it's a  
10 little misleading, especially if you look on the  
11 south side of this, which is showing inundation, and  
12 yet we know the revetment is steeper there and the  
13 land elevation considerably higher.

14 And it turns out that, in fact, this shows  
15 not so much the inundation of what we might  
16 generally perceive of as the land area of the park,  
17 but rather the difference between when they shot an  
18 aerial topo and the sea level tide at that point and  
19 what it would be at a king tide.

20 MR. McMINN: That is correct. So the inland  
21 extent of what's showing for inundation, that  
22 reflects what -- how far the water would reach  
23 inland during an 8 foot king tide. And this was  
24 flown at a lower tide. And what is not shown is the  
25 mean high-water marker along the shore. So you see

1 there's a lot more blue over on the edge; but some  
2 of that is subject to regular tidal action.

3 MR. McGRATH: Right. So, for example, on  
4 the south side of the graphic, the inland side of  
5 the blue is the high-water mark at king tide, the  
6 outer line of the blue is not necessarily ever  
7 beyond that.

8 MR. McMINN: That would have been where the  
9 water was when it was flown.

10 MR. McGRATH: Right.

11 MS. BRENNAN: It seems like it actually  
12 isn't quite picking up all of the flooding in the  
13 parking lot near the traffic circle. The parking  
14 lot -- well, the parking lot near Drake's Marine.  
15 It doesn't indicate the full extent of the flooding,  
16 which actually comes in quite a bit further than  
17 what is being indicated here. So it just doesn't  
18 look totally accurate to me.

19 MAYOR ADDIEGO: So that major entry point  
20 where the boat ramp is?

21 MS. BRENNAN: So there's the boat -- yeah,  
22 the boat launch ramp.

23 MAYOR ADDIEGO: Right.

24 MS. BRENNAN: This looks fairly accurate  
25 here; but then this area, this actually comes up in

1 here.

2 MAYOR ADDIEGO: Uh-huh. It maybe gets close  
3 to joining this area.

4 MS. BRENNAN: Yeah. So that's not getting  
5 picked up. And then this area back here is where  
6 the parking lot has actually been closed and is  
7 blockaded off because of the damage to the asphalt  
8 from the flooding.

9 MAYOR ADDIEGO: That's in here?

10 MS. BRENNAN: Yeah. The area -- that little  
11 blue spot right there is, like, a closed area of the  
12 parking lot. But where you see that bathroom, which  
13 is that little building right there --

14 MAYOR ADDIEGO: Here. Yeah.

15 MS. BRENNAN: -- the flooding actually comes  
16 up into this area, and then there's another flood  
17 spot that's up here. It's this weird little area  
18 that floods really regularly. So you could actually  
19 pick up that flooding on a Google map. If you look  
20 at the Google aerial maps, you'll see the flooding  
21 there in the Google maps.

22 MAYOR ADDIEGO: That's almost in the middle  
23 of the entire peninsula.

24 MS. BRENNAN: Yeah. And it's much higher  
25 ground. So it's just something weird going on in

1 that.

2 MAYOR ADDIEGO: Unless there are drains that  
3 don't have the flaps in place and maybe --

4 MR. McGRATH: Exactly correct.

5 MAYOR ADDIEGO: You think that's what it is?

6 MS. BRENNAN: So it might be backing up in  
7 there?

8 MR. McGRATH: Yeah.

9 MAYOR ADDIEGO: Yes.

10 MS. BRENNAN: Okay. I couldn't figure it  
11 out.

12 MAYOR ADDIEGO: That would be a relatively  
13 easy fix.

14 That's part of the 285-?

15 MR. McMINN: That's showing, you know, from  
16 there. But the actual plan, the fix, they actually  
17 looked at the areas from the topographic survey that  
18 could potentially pond water. And they actually  
19 went out there during a sub king tide to verify that  
20 those areas got picked up. So you'll see in the  
21 blue and green there those areas that have been  
22 addressed in the long-term and the short-term plan  
23 for it.

24 MS. BRENNAN: Page 13?

25 MR. McMINN: That's starting at 13, and then

1 14 and 15.

2 MS. BRENNAN: Yeah, I can see that. I think  
3 they did pick up that spot on page 13 that's in that  
4 upper parking lot.

5 MR. McMINN: Yes.

6 MR. McGRATH: This is the --

7 MS. BRENNAN: Oh, that's the close-up?

8 MR. McGRATH: This is this --

9 MS. BRENNAN: Okay.

10 MS. McGRATH: -- and this combined. It's  
11 just larger scale.

12 MS. BRENNAN: It would be right there.  
13 Yeah, you see it when you drive by.

14 So can you -- since you have a draft of the  
15 long-term, can you just give us a little prior on  
16 what that plan might include?

17 MR. McMINN: They've given us a copy of a  
18 plan that was submitted by Hayward, and the general  
19 gist of it was it laid out a planning process for  
20 the planning to address sea level rise and the steps  
21 that would be taken for that. It didn't get into  
22 the specifics of plan level -- project plan level  
23 documents or specific time lines. It talked about  
24 forming a JPA, sources of funding, environmental  
25 permitting, things that would have to be addressed

1 to get there. And it looked like it was similar to  
2 the efforts that were taking place here in San Mateo  
3 County on the planning front.

4 MS. BRENNAN: So it was an example from  
5 another place?

6 MR. McMINN: Yes. It was from Hayward. And  
7 we're using that to create an outline to put in  
8 front of the Regional Board.

9 MS. BRENNAN: Okay. So at what point or  
10 who -- would it be the same engineering firm that  
11 would be coming up with the plan -- I'm assuming  
12 it's probably going to be fill that's recommended.

13 Would that be coming --

14 MR. McMINN: That's coming from Tetra Tech.  
15 They're working on it.

16 MS. BRENNAN: Tetra Tech. Okay.

17 Thank you.

18 MAYOR ADDIEGO: Well, I mean, certainly the  
19 long range -- long-term protection is the big issue;  
20 and, you know, how we put money into the Oyster  
21 Point over the next 10 years. But can we pivot back  
22 to the short-term?

23 We have a pretty modest fix that would get  
24 us, you know, in compliance. And I know that -- I  
25 understand the position that if you were solely to



1 look at it as a tenant-landlord position; but I  
2 think that there certainly are other documents that  
3 have come to light where it seemed that there was  
4 some intent to address some of the deficiencies out  
5 there. By maybe past commissions or past staff  
6 certainly. Is there any room to negotiate a shared  
7 arrangement on the immediate --

8 MS. BRENNAN: Well, I mean, I would think  
9 that the next step would be to review those  
10 documents so that we could all get on the same page.  
11 Because I haven't seen them. I actually -- just to  
12 back up a little bit, I did ask our management to  
13 provide me -- and I was hoping the whole board --  
14 with the documents that were procured in the PRA  
15 request. But I knew that there were a lot of them  
16 and I didn't want to, you know, try to rush the  
17 staff because I think their effort was to get you  
18 what you -- you know, what the City asked for. But  
19 I did put in a request to see the documents, and I  
20 haven't been provided with the documents yet --

21 MAYOR ADDIEGO: Okay.

22 MS. BRENNAN: -- so I haven't seen any of  
23 that stuff. So I feel I'm not really working with a  
24 full deck of information at this point.

25 MAYOR ADDIEGO: Okay.

1 MS. BRENNAN: I mean, I have reviewed the  
2 JPA, obviously, and this report that I brought today  
3 and some other things. And I think that the one  
4 thing that comes up for me is in recognizing how  
5 significant this subsidence issue could be over  
6 time, I wouldn't want to see the Harbor District  
7 take on liability for the landfill since we  
8 didn't -- we didn't build or construct the landfill;  
9 we weren't involved -- you know, we were not  
10 affiliated with the City at that time. And  
11 according to everything I've read, including the  
12 judgment from the judge in San Francisco back in the  
13 '70s, it's -- you know, this is the landfill the  
14 City built.

15 And you're not alone. I mean, there are 38  
16 landfills that ring the bay. So it's not -- I don't  
17 want to sound like I'm blaming anybody for the  
18 landfill; I mean, it's just something that we have  
19 in the Bay Area. We have landfills. And a lot of  
20 them are around the bay. So it's a reality for a  
21 number of different agencies. But our little agency  
22 is, you know, struggling. And I think we're finally  
23 moving in a positive direction with our new general  
24 manager. And, you know, I think we have to be  
25 careful about what we take on financially; and I

1 just can't fathom how we would, you know, want to,  
2 like, start taking responsibility for landfills  
3 owned by other agencies.

4 But I also, you know, want to maintain a  
5 good relationship with the City and work, you know,  
6 as collaboratively as possible. So I guess at this  
7 point I feel like we know you guys have some  
8 information you think is relevant and, you know,  
9 noteworthy; and we need to look at it --

10 MAYOR ADDIEGO: Sure.

11 MS. BRENNAN: -- and, you know, talk to our  
12 counsel about, you know, what he thinks about it;  
13 and get back -- you know, get back and have another  
14 meeting; and I guess go from there.

15 MAYOR ADDIEGO: So you wouldn't be averse to  
16 allowing us to enter the property to do the fix?

17 MS. BRENNAN: To enter the property to fix  
18 it?

19 MAYOR ADDIEGO: What is our time frame? By  
20 May we have to have the long-term plan submitted?

21 MR. McMINN: Yes.

22 MAYOR ADDIEGO: So when is the first fix for  
23 the short-term?

24 MR. McMINN: Short-term plan has an  
25 implementation 25 weeks. So basically we need to

1 get it done before the next winter.

2 MAYOR ADDIEGO: In October we have to be  
3 done?

4 MR. McMINN: The timeline starts once the  
5 Regional Board has accepted so --

6 MAYOR ADDIEGO: Okay.

7 MR. McMINN: That date was March 21st.

8 MAYOR ADDIEGO: March 21st. We have 25  
9 weeks.

10 MR. McMINN: That's 25 weeks.

11 MAYOR ADDIEGO: And if we were to start  
12 today, what kind of a project is this as far as time  
13 frame? Is it a 6 week project? Less? More?

14 MR. McMINN: By the time -- we got 7 weeks  
15 in there to prepare plans and approvals, a 12-week  
16 bidding process period in there; and then the  
17 construction of it, actually, is, like, 6 weeks. So  
18 I think it's a fairly conservative estimate.

19 MAYOR ADDIEGO: So we have 7 weeks for  
20 plans?

21 MR. McMINN: Yes.

22 MAYOR ADDIEGO: And then 12 weeks for what?

23 MR. McMINN: The bidding process. Public  
24 bidding since it's a public project.

25 MAYOR ADDIEGO: And 7 weeks -- or what was

1 it?

2 MR. McMINN: Six weeks.

3 MAYOR ADDIEGO: Six to complete.

4 MR. McMINN: Yes.

5 MS. NORMANDY: Brian, do you have an

6 itemized summary of the 285-?

7 MR. McMINN: It was broken out by grading  
8 repairs.

9 MS. NORMANDY: But do you have a copy for  
10 the committee?

11 MR. McMINN: I don't have a copy. I have --

12 MS. NORMANDY: Could we make copies?

13 Because I think it would be helpful, if  
14 we're talking with the Harbor Commission as well as  
15 their management staff, and we're talking dollars  
16 and nobody here -- I mean, we've heard of this, but  
17 you don't have a copy. I think it would be  
18 beneficial.

19 MS. BRENNAN: That's a great idea.

20 MR. McMINN: I can get copies for people.

21 MR. MILLER: Mr. Mayor, can I say something?

22 MAYOR ADDIEGO: Sure.

23 MR. MILLER: I think it's great that you're  
24 here at the table, but just remind everybody that at  
25 least this committee is not empowered to make any

1 decisions. I'm just reminding you --

2 MS. NORMANDY: No, I didn't say make a  
3 decision.

4 MR. MILLER: No, no, I --

5 MS. NORMANDY: As far as providing -- when  
6 Mr. McGrath requested itemized and  
7 Commissioner Brennan is saying there's no decision  
8 to be made, but it would be useful to have this  
9 information. So I'm requesting for my staff to make  
10 a copy.

11 MR. MILLER: I agree 100 percent. I  
12 apologize if I insinuated I was disagreeing with  
13 you. In fact, I'm supporting you because I'm just  
14 reading in the JPA. It says, "The purpose of this  
15 liaison group is not to be an advisory, nor is it to  
16 present recommendations to either party. It's  
17 constituted solely as a means for direct  
18 communication and the exchange of ideas and reports  
19 of plans between the District and the City."

20 So I think it's a fabulous idea to share as  
21 much as possible the information that each committee  
22 can bring back to their full governing boards.

23 MAYOR ADDIEGO: So back to the time frame.  
24 So, as I was jotting down the 7, 12, and 6, if my  
25 math is correct, I think I came up with 25 weeks.

1 So my concern is are we beginning on the plans? Are  
2 we moving in that direction?

3 MR. McMINN: No. We've been working on the  
4 long-term plans first, and then we'll get those out.  
5 But they have not commenced on it. Other than  
6 they've got the plans submitted in the short-term  
7 plan. So the areas have already been marked out,  
8 it's just a matter of coming up with the  
9 specifications.

10 MAYOR ADDIEGO: So is that 7 weeks to do the  
11 specs? I mean, are we -- are we partway into that  
12 initial 7 weeks? I'm just worried that --

13 MR. McMINN: Yes, we are.

14 MAYOR ADDIEGO: We're not out of time?

15 MR. McMINN: No, we're not out of time.

16 MAYOR ADDIEGO: Okay. So we are moving  
17 along.

18 MR. McMINN: And, then, as I said, this is a  
19 very conservative time schedule to get this work  
20 done.

21 MAYOR ADDIEGO: Okay.

22 MR. McMINN: It's a fairly simple bid  
23 package to put together.

24 MAYOR ADDIEGO: Okay. All right. I'm just  
25 concerned. I mean if -- we certainly do need to

1 know, you know, where we stand as a city. The  
2 Harbor needs to see that. I understand their  
3 position, you know, as they see the world. And if  
4 there's something out there that speaks to, you  
5 know, more involvement, then we all need to see  
6 that.

7 And how soon might we get that?

8 MR. ROSENBERG: As soon as possible. About  
9 a week.

10 MAYOR ADDIEGO: Okay. That's fair. A lot  
11 of time has run by since we came into this room.

12 All right. I guess that's Item 3 for today.

13 MS. BRENNAN: Is that it?

14 MAYOR ADDIEGO: Yeah, that's Item 3.

15 Item 4. Do you want to bring that up.

16 CITY CLERK: Discussion regarding Joint  
17 Powers Authority Agreement between the San Mateo  
18 County Harbor District and the City of South  
19 San Francisco.

20 MAYOR ADDIEGO: And so this -- this is, as  
21 Mike alluded to, at some point we had the impression  
22 at least one member of the liaison committee was  
23 interested in not waiting until 2026. And is that  
24 still something that's --

25 MS. BRENNAN: I think --



1 MAYOR ADDIEGO: -- bandied about?

2 MS. BRENNAN: I think what you're  
3 referencing is at the LAFCo hearing I gave -- I made  
4 some comments -- or I guess it was at a LAFCo  
5 meeting. Anyway, I commented that I wasn't taking a  
6 position on whether or not there should be an early  
7 termination.

8 MAYOR ADDIEGO: Okay.

9 MS. BRENNAN: But what I suggested in my  
10 comments, which I have in writing so I know exactly  
11 what I said, was that it might be something that  
12 would be worth considering and having some  
13 discussion about. But I haven't developed a  
14 position on that personally just to be clear.

15 MAYOR ADDIEGO: Sure.

16 MS. BRENNAN: But I did notice that in one  
17 of the City's meetings there was quite a bit of  
18 discussion about a -- what sounded like a very keen  
19 interest in early termination; however, that may  
20 have changed. That was several months ago.

21 So I got the impression that there were --  
22 there was an interest on the part of the City and  
23 potentially considering early termination; and I  
24 also got the gist that the staff was not as keen on  
25 that just because there is a financial benefit to

1 having the Harbor District managing the marina. So  
2 maybe not such a rush from the staff's perspective.  
3 And I can understand that position. Yeah.

4 But, I mean, you know, I think if the City's  
5 interested in talking about it, you know, I would  
6 certainly like to know where -- where everyone  
7 stands, you know, if you want to share that.

8 MAYOR ADDIEGO: I don't think -- I mean,  
9 there was some conversation about looking to  
10 accelerate or end the JPA early; but it was also the  
11 discussion was there are, you know, property tax  
12 dollars that are utilized for a marina that doesn't  
13 quite cover its, you know, annual costs. And if the  
14 Commission was willing to, you know, negotiate all  
15 or a portion of what it previously had been utilized  
16 to make this marina viable, or if it was just the  
17 intent to walk away from the JPA.

18 MS. BRENNAN: I don't think anybody is -- I  
19 know I haven't given it a whole lot of thought.

20 MAYOR ADDIEGO: Okay.

21 MS. BRENNAN: I think that I will say  
22 although I did hear what the city manager said  
23 earlier, I do think because the District doesn't own  
24 the land and because we only have 10 years left on  
25 that -- so it's not like we have a long-term

1 investment at this point, I do think that it would  
2 make sense to look at cost sharing on some of the  
3 projects that could be done to make it a nicer  
4 facility. And if there was an interest in upgrading  
5 the facility for a potential transition to some  
6 gorgeous development that Shorenstein-SKS might come  
7 up with or some other developer if they don't --  
8 don't end up doing their project, you know, if there  
9 was an interest on the part of the City's in really  
10 upgrading the site, I could clearly see that would  
11 be a benefit for the -- you know, for the citizens  
12 of South City. You know, I would hope that the  
13 District would not stand in the way of progress and  
14 that we could work something out so that those  
15 improvements could happen; but I think that it would  
16 be important to share the costs. Because if the  
17 facilities were going to be transitioning over to  
18 the ownership of the City, then the City would  
19 really be benefitting from that longer-term  
20 investment.

21 MAYOR ADDIEGO: Sure. If it had a 40-year  
22 life, then most of it would be.

23 MS. BRENNAN: Yeah. But I think there could  
24 be some fair, amicable way of working those things  
25 out. I think that we've seen -- and I hear this

1 from people, that they really appreciate the quality  
2 of the upgraded docks. So I'm hearing that from a  
3 lot of people. In fact, I ran into some of the  
4 dragon boat team; and one of the people that's a  
5 member of the team has a 45 foot boat at Oyster  
6 Point. And he was asking when the -- you know, when  
7 there were going to be more new docks. So I know  
8 it's really a major upgrade when you put those in.

9 And one of the things our harbormaster has  
10 explained to us is that the smaller slips are  
11 harming our ability to have full occupancy. And  
12 occupancy has been a challenge. But where we have  
13 larger slips with the new docks we're able to fill  
14 those up, and it really has made a difference. So I  
15 think that the future of Oyster Point would  
16 certainly include nicer docks and -- or newer docks  
17 and larger slips. And I think that would help fill  
18 the facility and be a benefit to the users. So and  
19 then, you know, there's a lot of opportunity there  
20 for potentially other parks facilities too. And,  
21 you know, it could be a really -- it's got a  
22 beautiful view. I mean, it could be --

23 MAYOR ADDIEGO: Could be a draw.

24 MS. BRENNAN: And it's not just the bay  
25 view, it's also the mountain too. It's just a

1 really nice spot with the Bay Trail there, I think  
2 that with all the new development in the area people  
3 are going to want to use that location more and more  
4 for recreation.

5 MAYOR ADDIEGO: A lot of enviable  
6 components.

7 MS. BRENNAN: Yeah, definitely. And the Bay  
8 Trail is fabulous. And it's definitely feeling the  
9 brunt of some of the flooding, so I would hope that  
10 any long-term plan would look at how to keep the Bay  
11 Trail dry as much as possible so that the runners --  
12 because I've noticed the runners are struggling to  
13 get through when it's flooding. So things like  
14 that, I think, would really be a benefit to the  
15 public. I don't know, I'm just kind of throwing out  
16 my ideas.

17 MAYOR ADDIEGO: No, I appreciate that.

18 MS. NORMANDY: Me too.

19 MAYOR ADDIEGO: That's the spirit that I  
20 came to the table today with, that -- you know, I  
21 was thrilled to see that under the administration of  
22 your new people you were going to become more  
23 focused on the capital improvements and it might  
24 actually include some dock improvements at the  
25 Oyster Point harbor. And you would like at some

1 point to be a partner in that.

2 MS. BRENNAN: Yeah. And I think the area  
3 that really needs new docks is actually on the east  
4 side of -- of the ferry terminal. And so that area  
5 is not experiencing any flooding problems at all.  
6 So it's like there's really no reason why that can't  
7 be, you know, focused on if there's not an issue on  
8 that side. We did look at the terminal when we were  
9 on our site visit, which I have to say is just a  
10 beautiful facility. I mean, it's just such a nice  
11 design. WATA did a great job. And we were looking  
12 at the fill that was added when they were coming up  
13 with the engineering to connect the terminal to the  
14 land. And so our harbormaster pointed out that -- I  
15 think he said about 6 feet of fill were brought in.  
16 And it was -- it was put in in a way that works.  
17 But at the same time it also buried some of the  
18 infrastructure about, you know, 6 or more feet down.  
19 So I think those are things that need to get  
20 considered in the planning. If we're going to add  
21 fill, you know, at some point -- let's just say  
22 fill's going to be added, that obviously the  
23 electrical and those things are going to need to  
24 come up --

25 MAYOR ADDIEGO: Yeah.

1 MS. BRENNAN: -- so that it's not going to  
2 be so hard later to fix things if, you know, there's  
3 a broken pipe or whatever. But, you know, it can be  
4 done. And it's unfortunately, I'm sure, going to be  
5 very expensive to add the fill; but once it's done,  
6 it's going to be a much nicer facility so.

7 MR. MATTUSCH: Besides fill we got to figure  
8 out if we're going to do some type of sea wall or  
9 some type of shoring. Because as long as we dredge,  
10 then that's going to keep sinking out.

11 But one of the things you mentioned was  
12 about the economics and things not pencilling out  
13 quite as well. I think that now that we've broken  
14 out our enterprise, nonenterprise, we're finding out  
15 that in reality that marina is not doing nearly as  
16 bad as some people postulated in the past.

17 MAYOR ADDIEGO: Okay.

18 MR. MATTUSCH: And I think that perhaps  
19 Mr. McGraw or possibly both of us could bring a  
20 presentation in the future that would demonstrate  
21 this with hard facts showing where our revenue  
22 sources are both from the tenant side, the lease  
23 side, and then also the tax base side. We'd find  
24 it's not as bad as some people postulated in the  
25 past.

1           The other thing is if we're going to be  
2 working together, the hardest thing we're having to  
3 fill is those 30 foot docks. But why do we have the  
4 30 foot docks? We've got BCDC, we've got Coastal  
5 Commission, we've got people that say we've got to  
6 make this available to the common person; and by  
7 their requirements we're being stifled with these  
8 smaller docks to provide access to, shall we say,  
9 the common man.

10           MAYOR ADDIEGO: BCDC and Coastal Commission?

11           MR. MATTUSCH: Coastal Commission.

12           MS. BRENNAN: I don't think Coastal  
13 Commission has any jurisdiction there at all.

14           MAYOR ADDIEGO: All right.

15           MR. MATTUSCH: Coastal Conservancy, was it?

16           MS. BRENNAN: It's BCDC.

17           MR. McGRATH: Coastal Commission weighs in  
18 on dock distribution, if you will, on areas within  
19 their jurisdiction. I don't know to be quite  
20 honest --

21           MAYOR ADDIEGO: BCDC --

22           MR. McGRATH: -- whether BCDC has that --

23           MR. MATTUSCH: Similar --

24           MS. BRENNAN: BCDC is responsible for --

25           MR. McGRATH: Understood.



1 I don't know if they weigh in on the --

2 (Simultaneous overlapping speakers.)

3 MR. MATTUSCH: Well, we've had some issue  
4 with the 30 foot docks that were --

5 MR. McGRATH: -- or the Coastal Commission  
6 does.

7 MAYOR ADDIEGO: They do.

8 MS. BRENNAN: I think they do. I know they  
9 weigh in on the live-aboard --

10 MAYOR ADDIEGO: Yes.

11 MR. McGRATH: Yeah, they do.

12 MS. BRENNAN: How much -- the percentage of  
13 live-aboards.

14 MR. McGRATH: They do.

15 MS. BRENNAN: But that's a good question. I  
16 think I've heard the same thing you have, but we  
17 should double-check it and make sure that's actually  
18 accurate. But I know they definitely weigh in on  
19 the live-aboard issue. Which is another concern.  
20 And, unfortunately, I don't think there's anything  
21 anybody can do about that. I mean, BCDC has just  
22 been --

23 MAYOR ADDIEGO: Harsh.

24 MS. BRENNAN: I've called them a number of  
25 times and asked them, is there any way that this can

1 be lifted? Or, you know, we could try, like, a test  
2 or --

3 MAYOR ADDIEGO: Different percentage.

4 MS. BRENNAN: You know, let's just, like,  
5 test out having a few more. And they're just, like,  
6 no.

7 And then I learned that there was  
8 actually -- that the District -- there was a lawsuit  
9 with BCDC. I don't know if you know this. But this  
10 was -- I was doing some research, and I came  
11 across -- this was really, I thought, quite  
12 interesting.

13 Oh, yeah. It's here.

14 So let me see what I've got. San Mateo  
15 County Harbor District versus People BCDC,  
16 Defendant. It says (Reading): Based on the facts  
17 included in the court opinion, San Mateo County  
18 Harbor District versus BCDC, it appears that the  
19 Division of Boating and Waterways and BCDC may have  
20 a -- oh, wait. This is just about the master plan.

21 I checked to see if they have a master plan.  
22 They don't. They don't have anything more than  
23 we've been able to find. But the facts of the court  
24 opinion were (Reading): In 1977 the City of South  
25 San Francisco owned a small boat marina at Oyster

1 Point, which lies both within the City's limits and  
2 the District's territory. In October 1977 the City  
3 and the District jointly agreed to repair and/or  
4 replace the existing Oyster Point marina facility  
5 and expand them pursuant to a 1975 proposed master  
6 plan agreement between the City and the State of  
7 California Department of Navigation Ocean  
8 Development. The 1975 proposed master plan included  
9 leachate control measures, preparation of the  
10 project site for Marina Park landscaping and other  
11 auxiliary shoreside support facilities. The  
12 District and the City also agreed to permit the  
13 District to rehabilitate, manage, and maintain and  
14 operate the existing Oyster Point Marina.

15 Let me get to the point.

16 But it -- where is it? Let's see.

17 Oh. This side.

18 No.

19 The point was this court case came up; and  
20 that information I quoted from it, because the  
21 Harbor District decided to sue BCDC to get the  
22 live-aboard number expanded, and we lost. And so  
23 that's where I was researching our relationship with  
24 the JPA and came across that.

25 And so it was at that point, when I saw that

1 we lost a lawsuit over it, that I realized no amount  
2 of my calling BCDC was going to make a difference.

3 MAYOR ADDIEGO: That was in the '70s? That  
4 was '77?

5 MS. BRENNAN: No. Actually, that wasn't  
6 that long ago. It was -- well, it wasn't with our  
7 current counsel, but the counsel before. So it was  
8 within the last -- yeah. It was within the last, I  
9 would say, probably 15 years.

10 MR. MILLER: May I ask what you're reading  
11 from?

12 MS. BRENNAN: A report that I produced. I  
13 can give you a copy of it.

14 MR. MATTUSCH: Back to what I was saying  
15 about the slips. We've got too many 30 foot slips  
16 we can't fill, we've got a wait list for the  
17 40-plus.

18 MAYOR ADDIEGO: Right.

19 MR. MATTUSCH: It's my -- I've been led to  
20 believe we can't do anything with the 30 foot  
21 because they've been dictated by number to give  
22 access.

23 MAYOR ADDIEGO: Yeah.

24 MR. MATTUSCH: And if we somehow work  
25 together and say, well, this is a better number of

1 30 foot slips and we're able to convert something,  
2 it's going to be more lucrative for all of us.

3 MAYOR ADDIEGO: Right. Right. That's where  
4 the demand is.

5 At the next BCDC -- I'm an appointee to the  
6 Commission so --

7 MS. BRENNAN: I remember that.

8 MAYOR ADDIEGO: -- I'll ask off line to find  
9 out if they are dictating the configuration or  
10 sizing of slips.

11 MS. BRENNAN: That would be great.

12 MR. FUTRELL: Mind if I gave a little  
13 context just of some facts?

14 MAYOR ADDIEGO: Please.

15 He gets nervous when I just chat.

16 MR. FUTRELL: City staff was asked to  
17 present a study session to our city council in the  
18 wake of the July 2015 LAFCo recommendation that the  
19 Harbor District be dissolved. City staff studied  
20 that and what would that actually mean. Came  
21 forward with three options, looking for direction  
22 from City Council what do you want city staff to do.  
23 One option is just continue as things are. One  
24 option would be to pursue the LAFCo recommendation  
25 and work with County towards dissolution of the

1 Harbor District. And then there was sort of a  
2 middle option, which was sit down with the Harbor  
3 District and see if there's some voluntary amicable  
4 termination. Which one of those three, City  
5 Council, do you want staff to work on?

6 Through that discussion, which I've -- is  
7 public record, and I know many of you have listened  
8 to that. Counsel gave direction they did not want  
9 to at that time seek dissolution. Do not pursue the  
10 LAFCo approach. But nor were they willing, in the  
11 wake of what was contained in that report and the  
12 Grand Jury report, to just continue as is. So staff  
13 was directed to consider and create some venue,  
14 perhaps this, where a discussion of an amicable  
15 termination earlier than the 10 years might be  
16 explored. In staff's presentation we theoretically  
17 posed three potential obstacles to termination from  
18 the City's perspective. One of which was the debt  
19 owed by the Harbor District. But you have recently  
20 paid that off. Congratulations.

21 MAYOR ADDIEGO: Thank you.

22 MR. FUTRELL: That is no longer an issue.

23 However, one issue which remains, that I  
24 think is being addressed, in late 2014 the Harbor  
25 District commissioned an engineering study of the

1 capital needs at Oyster Point. And that report  
2 documented deferred maintenance in the amount of  
3 \$5.7 million. That was -- that remains an issue.

4 I certainly understand the conversation that  
5 if either side would desire new improvements that  
6 might go past the 10 years, that that might be  
7 worthy of discussion. In my mind, at least from  
8 staff's perspective, the 5.7 million in deferred  
9 maintenance, in past maintenance, is a separate  
10 issue. That would be something that, frankly,  
11 should have been happening all along. So that was  
12 one of the obstacles presented to the Council and is  
13 still there.

14 The third, and it's been alluded to, is the  
15 financial. And, certainly, you have correctly  
16 pointed out, we tried to decipher the financials  
17 under the old system. It's very difficult to do.  
18 And so I look forward to a presentation of being  
19 schooled up on what the reality is out there. If  
20 it's rosier, that's better for all of us.

21 MAYOR ADDIEGO: Yeah.

22 MR. FUTRELL: So I just wanted to put that  
23 there, that that's how staff came to get involved.  
24 Council wanted to understand the LAFCo and grand  
25 jury findings and then discuss as a body what do we

1 do next. And from staff's perspective they chose  
2 the middle road, which was sit down with the Harbor  
3 District and see if there is some new partnership  
4 that can be forged.

5 I'm not sure if that's possible or not, but  
6 here we are.

7 MR. McGRATH: So if I could sort of jump in  
8 and address just a couple of those issues from --

9 MAYOR ADDIEGO: Sure.

10 MR. McGRATH: -- the staff's perspective as  
11 well. And the debt certainly is -- I'm very pleased  
12 to be able to recommend to the Commission that we  
13 pay off that debt. It was going to be paid off by  
14 2019 anyway. We managed to pay it off early. And  
15 what that did was that discharged our obligations  
16 related to \$13.5 million of investment in Oyster  
17 Point the District has made. That's not an  
18 insignificant sum.

19 Capital needs, as you and I talked, Mike, I  
20 know that the question has floated around about our  
21 future relationship; but as we put together a  
22 five-year CIP, as staff, I assumed the continuation  
23 of the JPA through its ten-year term. Well, my  
24 staff, of course, was very clear however we address  
25 those capital needs going forward, that those were



1 identifying the projects, putting numbers to them,  
2 and were not reflective of grants, shares of costs,  
3 any other thing that may affect those expenditures.

4 And, then, to the third point, the  
5 financial, yes, we have not in the past been  
6 separating out the enterprise and public revenues  
7 and expenses in that manner anywhere in the  
8 District. We've done that for the first time this  
9 year in our preliminary budget, which the Commission  
10 adopted last week; and it's more art than science  
11 when it comes to determining how the share of costs  
12 of a box of pencils is distributed; but we have  
13 started that process, we know it will be refined  
14 over the course of years forward. And we're happy  
15 we are on the agenda for the May 18th LAFCo hearing  
16 meeting, where we will be presenting an update on  
17 our progress since that LAFCo report was issued.

18 Of course, we'd love to have robust  
19 attendance at that so that we can do a little  
20 bragging about the progress that we've made.

21 MAYOR ADDIEGO: Good.

22 Okay. So I've been a little bit remiss that  
23 we have a member of the public that would like to  
24 speak on this item.

25 We have a little break here, Mr. Ullom, so

1 if you'd like to lean into the microphone so...

2 MR. ULLOM: Okay. Thanks for having me here  
3 and letting me just have my say.

4 The way you're characterizing the meeting  
5 where discussions were put forth about breaking up  
6 the Harbor District, the words you guys used were  
7 divorce, amicable; and it was decided that the staff  
8 was to pursue breaking up with you guys in a manner  
9 that might preserve their \$1.7 million subsidy.  
10 There was no discussion about creating a new  
11 agreement.

12 Later on they went on to say they were going  
13 to pursue a dual track. Dual track, they're talking  
14 with the County supervisors and that they've already  
15 got two of those supervisors on board to dissolve  
16 the Harbor District. So you need to know what your  
17 partner is up to. And your partner has every  
18 legitimate right to protect their interests and get  
19 what they can get out of this arrangement.

20 But the JPA is a rather simple document.  
21 Start -- let me go backwards with it. It specifies  
22 the terms of divorce so to speak. And there is no  
23 discussion about maintaining the lifestyle that  
24 they've become used to by having you subsidize their  
25 operation. It talks what's theirs is theirs and

1 what's yours is yours, and you go your separate way.

2 It specified how you deal with employees, it

3 specified how you deal with benefits. It's pretty

4 much all on page 18 and it's in about one fairly

5 medium-sized paragraph. And that is the terms of

6 dissolution. That's what you've agreed to. You can

7 change that, of course; you can come to a special

8 deal. But that is what it says.

9 And, then, if you look at your discussion

10 about who's responsible to fix the parking lot, for

11 example. If you look in the JPA, they kind of

12 address it, maybe totally address it. They talk

13 about the leachate problems on page 16 of the

14 original agreement. And it says in there that it's

15 agreed by the City that if there's any problems

16 maintaining the court orders that they've been

17 subjected to to prevent the leachate discharge, that

18 it's totally on them. That it was agreed to up

19 front.

20 Now, I can probably say that a good lawyer

21 could argue that the cap and the parking lot are not

22 part of that agreement; but I would say that the cap

23 and the parking lot are fundamental in dealing with

24 the leachate problems because it's supposed to keep

25 water from leaching into the toxic waste that's

1 underneath it. So it's already spelled out whose  
2 responsibility it is to fix that problem.

3           If you look at the overall agreement -- I've  
4 heard someone mention a couple times that there's  
5 like a landlord-tenant relationship here. That is  
6 not close to what the relationship that is  
7 contemplated in this agreement. The agreement is  
8 more like you're the property owner and they're the  
9 property management company. And I've had plenty of  
10 workings with property owners and property  
11 management companies. And I tell you property  
12 management companies do not take their revenue and  
13 plow it into the properties of the properties they  
14 manage for other people. They take the revenue from  
15 those properties, and they manage it wisely; they  
16 try to keep the property up to code; and they take a  
17 cut for themselves; and they send the profit to the  
18 property owner.

19           This agreement contemplates that the  
20 development was going to occur a long time ago and  
21 that everybody was going to make money off the  
22 leases that were going to result from that. That  
23 the Harbor District was only supposed to spend money  
24 that came from operations out there and loans that  
25 were granted out there. That's all that has ever

1 been agreed to. There is nothing in there that says  
2 you're supposed to subsidize their operation. I  
3 know there's been some discussion about the  
4 difference between enterprise and the other kind of  
5 revenue --

6 MR. McGRATH: Public.

7 MR. ULLOM: Public. Well, that's true. But  
8 the fundamental truth of the matter is their staff  
9 did a really long and detailed study and came to the  
10 conclusion that if they end this relationship, that  
11 they would have to come up with \$1.7 million per  
12 year to maintain what they just have. They're not  
13 talking about the delayed maintenance or anything  
14 like that.

15 And as far as the delayed maintenance  
16 occurred or the deferred capital rests on that, it's  
17 totally on the property owner to come up with the  
18 capital to invest and maintain the property owner's  
19 property. It is not the role of the management  
20 company to come up with that money.

21 I hope you'll address that because that's  
22 all very easily documented, it's in your JPA. And  
23 if you'd like to hear what happened at the meeting  
24 and check my characterization of it, I can bring it  
25 up right now in one minute, all the key statements

1 will come out.

2 MAYOR ADDIEGO: Thank you, Mr. Ullom.

3 You're on the record so.

4 I certainly -- the point I do agree with is  
5 it's obvious that originally there was a hoped-for  
6 outcome that there would be monies to be shared, and  
7 it didn't quite happen.

8 MS. BRENNAN: Yeah.

9 And we are where we are now. So the one  
10 thing that came up during the site visit -- I keep  
11 coming back to that because we had never done that  
12 before; but we learned about some very basic things  
13 that are happening at the site which are  
14 collaborative. Which I don't think the  
15 commissioners were aware of before.

16 So Jim Merlo, our harbormaster, filled us in  
17 on the relationship that he has working with City  
18 staff, City employees, to do things like fix lights  
19 in the parking lot that are too high for us to  
20 reach. And, you know, your lift truck comes through  
21 and helps with that. And various areas of  
22 collaboration between the City and the District.  
23 And I'm kind of a nuts-and-bolts process person so I  
24 thought that was interesting. And I thought it  
25 might be a good idea to come up with an assessment

1 of the different areas where the City and -- the  
2 City's doing certain things to maintain the site  
3 such as I think you're offering -- you know, I see  
4 the fire trucks come through sometimes. And there's  
5 various things we learned about from Jim that the  
6 City is doing to help with the site. You're mowing  
7 one of the areas, and then we mow the rest of the  
8 area. There's a division of labor happening that  
9 I'm not sure everyone's aware of.

10 MAYOR ADDIEGO: No.

11 MS. BRENNAN: I wasn't.

12 So this is very basic stuff; but I thought  
13 that, you know, it might be worthwhile to compile a  
14 couple of lists so that we could all see who's doing  
15 what and what the relationship -- how it's developed  
16 over time.

17 And, you know, one thing Jim said is I  
18 haven't really -- you know, maybe he's not going  
19 through all the proper channels; but everybody sort  
20 of working together that keeps the place going.  
21 And, you know, it's important to him because, you  
22 know, that's what he does. So I just thought it  
23 might be worthwhile to take a look at that so we can  
24 see where we already are collaborating and maybe  
25 don't even realize it.

1 MAYOR ADDIEGO: Right.

2 MS. BRENNAN: And --

3 MAYOR ADDIEGO: More of a partnership than  
4 we really envisioned --

5 MS. BRENNAN: Well, that's what I thought.

6 MAYOR ADDIEGO: -- sitting here at city  
7 hall.

8 MS. BRENNAN: Yeah. He was telling me about  
9 this partnership that I didn't know about, so it was  
10 kind of cool.

11 MR. McGRATH: In ways that the JPA really  
12 hadn't --

13 MAYOR ADDIEGO: Right.

14 MR. McGRATH: -- anticipated 50 years ago.

15 MS. BRENNAN: Yeah. And so then that kind  
16 of brought up for me that getting back to the idea  
17 that the JPA is really not a useful document. I  
18 mean, I've been reading it, and -- here it is.

19 And it's frustrating; but, you know, it  
20 could be that it's really time to update it. And  
21 if -- you know, if the City's -- I'm still --  
22 I've heard everything you've said, Mike; but I guess  
23 I'm still not understanding it that clearly. I  
24 think that if we had an updated JPA -- and I don't  
25 know if that would just be a new JPA or an amended



1 JPA; but if it -- if it included information that  
2 was actually relevant, we could probably have quite  
3 an interesting process in developing that new  
4 document.

5           And by developing a new document, we might  
6 end up resolving a lot of these areas of conflict.  
7 I mean, it would be kind of an undertaking to do it,  
8 which would be the down side; but by going through  
9 that process, we might find a way to work together.  
10 And whether it's working together for another 10  
11 years and hitting some goals, or, you know, if the  
12 City decides an early termination is, you know, on  
13 the table and the Commission is -- you know, we're  
14 all on the same page, you know, then maybe that  
15 would sort of come out in the evolution of devising  
16 a new sort of agreement.

17           So that was just an idea that I'm throwing  
18 out. Because obviously there's stuff that needs to  
19 get done. I mean, we can't just stop progress here.  
20 Things have to get fixed, and you know -- you know,  
21 now we've got these two -- the short-term and the  
22 long-term project, plus we've got other work that  
23 needs to happen. And, you know we're starting to  
24 review the leases in a new way. Which I don't know  
25 if you are aware of. Our new general manager,

1 McGraw, has instituted what we call the rent report;  
2 and that's been really enlightening. We just had  
3 that on our last agenda. So what we're doing is  
4 we're looking at a list of all our leased properties  
5 and what the District is receiving in revenue on a  
6 quarterly basis. And so we're seeing a lack of  
7 parity in a number of places, and a lot -- I'm sure  
8 the City probably has a lot of the same issues with  
9 other leases that you have. But, you know, if you  
10 look at the disparity between the different leases,  
11 it's pretty eye opening. And there isn't a whole  
12 lot you can do about that, I mean, because some of  
13 these leases are very old and they -- you know, 25  
14 years and then there was a 25-year renewal that was  
15 acted on. So, yeah, they're really long leases.  
16 But you can start to see where some of the problems  
17 are in trying to make the current site financially  
18 viable.

19           And my hope is that a plan could be devised  
20 not just for Oyster Point, obviously for Pillar  
21 Point too, where we are not -- we don't have the  
22 leases out of mind, that we're keeping them in --  
23 you know, keeping them on the front burner and  
24 looking at ways to bring them up to, you know,  
25 market rate and try to resolve some of the problems

1 with the leases over time.

2 So those are things that, you know, we have  
3 started -- you look like you want to say something.  
4 Interrupt me, please.

5 MR. McGRATH: No.

6 MR. FUTRELL: I get the same look sometimes.

7 MR. McGRATH: I just want to say that I  
8 believe that Oyster Point actually is like a classic  
9 example of this division that we talked about  
10 between enterprise and public functions. And we  
11 have an enterprise side of the house at Oyster Point  
12 with the marina and some leases, but we've also got  
13 significant public functions. We've got a trail,  
14 we've got park areas, we've got beach areas that  
15 people use. And that's why it's becoming important  
16 to separate out our public and enterprise revenues.

17 And so when you do that, and you recognize  
18 that there are significant public functions going on  
19 and there's significant staff time devoted to those  
20 public resources, that it becomes a much more  
21 complex thing that's not easily answered about what  
22 does it cost? What does the whole thing cost?

23 And, certainly, we could look at -- you  
24 know, divide it down and say, well, Dock 11 is at  
25 100 percent occupancy, but Dock 14 is only at

1 30 percent. So, you know, Dock 14 loses money,  
2 Dock 11, and then you just keep expanding it out.

3 So as we dive into this, we're going to  
4 recognize that this is actually complex. And  
5 bringing the JPA up to date to address this, the JPA  
6 was written before the development was completed.  
7 Now we've got the development and we're coming down  
8 the pike; and, you know, one of the things I think  
9 that has to be discussed, and because I'm an  
10 optimist and I like to fix things and run things, I  
11 mean, I think one of the things that we haven't  
12 talked about is "Does, in fact, in 11 years the City  
13 want to run a marina?"

14 MAYOR ADDIEGO: That's what I've been  
15 mulling over while we've been chatting.

16 MR. McGRATH: So not only early termination  
17 or status quo --

18 MAYOR ADDIEGO: But the potential for an  
19 extension.

20 MR. McGRATH: -- and the future going  
21 forward.

22 MS. BRENNAN: Just to pick up on one thing  
23 you were saying, one of the things the District has  
24 really struggled with and not made the case for  
25 successfully -- and this has been really apparent in

1 past LAFCo reviews -- is that we aren't simply an  
 2 enterprise district, that we are offering a lot of  
 3 public services; and we are doing that at both  
 4 locations obviously. I think you're both aware of  
 5 that. But we have not been good at explaining that  
 6 to people. And so I think on the part of the County  
 7 or maybe the board of supervisors or the LAFCo  
 8 director, you know, there was an expectation that we  
 9 should be generating enough revenue to cover all of  
 10 our costs. And the fact that we're essentially  
 11 running two parks was kind of lost on people.

12 When you look at who the users are, I would  
 13 say that we have far more users that don't own boats  
 14 or aren't members of the Oyster Point Yacht Club or  
 15 aren't, you know, necessarily patronizing the  
 16 businesses at Pillar Point Harbor but are actually  
 17 there to use the trails, whether it's the Bay Trail  
 18 or the Coastal Trail, to ride their bikes through to  
 19 just check out the boats and just to kind of --

20 MAYOR ADDIEGO: When the fish run it's  
 21 remarkable how many people are on the pier.

22 MR. MATTUSCH: Yeah.

23 MS. BRENNAN: Yeah. It's like a great  
 24 source of active and passive recreation. And so I  
 25 really hope that -- and I think our new GM is doing

1 a great job of this -- really hope that we're able  
2 in the future to do a better job of getting the word  
3 out about -- about the fact that we are essentially  
4 offering these recreation opportunities for people.  
5 And so that's definitely something that I think, you  
6 know, needs to be kept in mind. And I would love to  
7 see us do an even better job at that because I think  
8 that really is where our largest user base is. I  
9 know Tom's probably going to disagree with me; but  
10 given that, you know, he's a captain --

11 MAYOR ADDIEGO: Ah. Yes.

12 MS. BRENNAN: -- but, you know, it's --

13 MAYOR ADDIEGO: It's all about the boats.

14 MR. MATTUSCH: Oh, no. I've seen people  
15 coming through both sides, that are nonmarina users  
16 entirely, come down. It's a beautiful place to  
17 visit. Doesn't matter which site we're talking  
18 about, both harbors are intrinsically lovely.

19 It sounds to me like we're kind of bracing  
20 right on to No. 5, talking about next steps.

21 MAYOR ADDIEGO: Oh.

22 MR. MATTUSCH: And I think that a number of  
23 the things we have talked about here, we also have  
24 to figure out are we going to have a hard stop at  
25 5:30, or develop a list, or what's our meeting rules

1 here.

2 MS. NORMANDY: I need to --

3 MAYOR ADDIEGO: I think we are going --

4 MS. NORMANDY: I have --

5 MAYOR ADDIEGO: She has another

6 obligation --

7 MS. NORMANDY: -- school. Yeah.

8 MAYOR ADDIEGO: -- that she needs to keep  
9 to. And that's only fair because she told us on the  
10 front end.

11 But I just wanted to compliment you because  
12 there have been some recent events -- I don't  
13 know -- Kite Days and -- that have brought people  
14 from South San Francisco that have never visited in  
15 all these many years because they thought it was  
16 just a place for boats.

17 MR. MATTUSCH: We got the Baby Boot Camp  
18 going on right now, and we've got a big fishing  
19 derby coming on every year. I can't remember if I  
20 sent this year's to the Council or not. There's a  
21 striper and halibut derby being put on at the harbor  
22 in June. That brings in a lot of people that  
23 wouldn't ordinarily visit this area. I've made  
24 presentations to people, trying to get them to bring  
25 fish-rearing capabilities and fish pens in here.

1 And I've suggested not just to the City but to other  
2 people, come in here and do this for us. You get a  
3 lot of publicity. There's a lot of made for TV and  
4 radio things that go on right now. And these people  
5 need a place to operate, and why can't it be here.

6 MS. BRENNAN: Well, to pick up on that, one  
7 of the things that we've seen really growing at  
8 Pillar Point Harbor is the human-powered vessels  
9 like kayaks and the standup paddle boarding and that  
10 sort of thing, and it's gotten really popular. So  
11 we've got two businesses now that are operating out  
12 of Pillar Point, and they're busy with teaching  
13 kayaking lessons and then renting kayaks. And then,  
14 of course, there's the stand-up paddle board too.  
15 But Oyster Point's a little bit different because  
16 there's so much wind. So that's a little bit  
17 challenging.

18 MAYOR ADDIEGO: The boards with the sails  
19 are out there.

20 MS. BRENNAN: Yes. So there are two  
21 businesses operating --

22 MAYOR ADDIEGO: Yeah, but, you know what,  
23 they might be freelancers.

24 MR. McGRATH: No. Now we know of them.

25 MS. BRENNAN: Yeah. We had to approve their



1 permits. And that was a very well attended meeting.  
2 But yes. For Oyster Point, because you've got this  
3 incredible wind resource, the kiting and windsurfing  
4 are, you know, areas that could be potentially even  
5 further developed.

6 And I think kayaking isn't totally out of  
7 the question. We did put in a kayak rack; and,  
8 unfortunately, it's not being used. So it would be  
9 great if there was a way -- while I've got you guys,  
10 I'm just going to mention this -- to work  
11 collaboratively with your parks people to try to  
12 encourage people to take advantage of that. Because  
13 there's storage now. And if you go to Santa Cruz  
14 Harbor, they cannot come up with enough racks for  
15 kayaks. And they rent them out, and it's just --  
16 it's something that would be nice to see people  
17 taking more advantage of.

18 And I think part of the reason why Oyster  
19 Point doesn't get as much active rec as it could is  
20 because people don't think of it as a place to go.  
21 And so it's just about a little bit of a different  
22 marketing approach to getting the word out. And,  
23 clearly, the District, you know, I'll be the first  
24 to say we could be doing a better job with our  
25 website. And we -- some of the commissioners, I

1 don't know how many; but I know for myself I'm very  
2 interested in stepping up our social media. We have  
3 no presence right now. Doing things that would  
4 encourage people to use both facilities in those  
5 ways more frequently.

6 MAYOR ADDIEGO: Get on the water and enjoy  
7 it.

8 MS. BRENNAN: Yeah.

9 MR. McGRATH: I'm making note that we will,  
10 as staff, reach out more proactively with your  
11 staff --

12 MR. FUTRELL: Sure.

13 MR. McGRATH: -- when we have special  
14 events, when we issue commercial activity permits so  
15 that your parks department may have a newsletter we  
16 can send.

17 MR. FUTRELL: We have a very robust  
18 communications department.

19 MR. McGRATH: There we go.

20 MR. FUTRELL: Twitter, Instagram, Facebook.  
21 We have a city newsletter that's --

22 MR. McGRATH: Great.

23 MR. FUTRELL: We're happy to promote what's  
24 going on out there.

25 MS. BRENNAN: Yeah, that would be great

1 because I think it would really grow. If people see  
2 pictures of somebody taking a lesson on a kite  
3 board, they're going to want to try it.

4 MAYOR ADDIEGO: I think the kayaking thing  
5 is big all around the bay, and there's -- aren't  
6 they developing actual -- do they call them bay  
7 trails, but they're --

8 MS. BRENNAN: Yeah. Water trails.

9 MAYOR ADDIEGO: Water trails, yeah. So you  
10 get in at Oyster Point and you end up, I don't know,  
11 Coyote Point or beyond; right?

12 MS. BRENNAN: Yeah. And that --

13 MAYOR ADDIEGO: Where you can get in and get  
14 out, and you can make a three-day trip of it or  
15 more. Right?

16 MS. BRENNAN: Yeah. That's something that  
17 we could definitely find ways to promote.

18 MAYOR ADDIEGO: Be part of that.

19 MS. BRENNAN: Yeah. That would be good.

20 MR. McGRATH: So, Tom, you were talking  
21 about the next steps.

22 MAYOR ADDIEGO: Next steps.

23 MR. McGRATH: So maybe we do need to free  
24 up -- find a time frame --

25 MAYOR ADDIEGO: I'm sorry. The city clerk

1 would like to read the item into the record so that  
2 she's completed her obligation.

3 CITY CLERK: Discussion of Committee's next  
4 steps and setting of future meeting dates.

5 MAYOR ADDIEGO: And you were saying?

6 MR. McGRATH: Oh. I think we've talked  
7 around the JPA a lot.

8 MAYOR ADDIEGO: Yes.

9 MR. McGRATH: What do we do now?

10 MAYOR ADDIEGO: Yeah. Well, I'm intrigued  
11 by the idea of looking at it because it is -- you  
12 know, I think you used the word antiquated. It  
13 certainly is. It seems to be irrelevant today.  
14 Maybe --

15 MR. FUTRELL: If I could make a suggestion?

16 MAYOR ADDIEGO: Yes.

17 MR. FUTRELL: There were several action  
18 items that came out, I think very productive. One,  
19 financial presentation. I would love to see what  
20 you've done to improve that, and my staff would love  
21 to be part of that. Second is us collaborating on  
22 this division of labor idea. I think there's some  
23 definite merit for that. I think the lawyers need  
24 to do what they need to do on the first item we  
25 discussed. So maybe just taking the action items

1 from today and putting those together and that would  
2 be the focus of the next meeting.

3 MAYOR ADDIEGO: Great.

4 MR. MILLER: I'm just trying -- what was the  
5 second one you mentioned?

6 MR. FUTRELL: Well, first is the financial  
7 presentation. Second is the division of labor at  
8 the site. Who actually is doing what between City  
9 staff and Harbor District staff out there. Let's  
10 get a real clear picture of the perhaps informal  
11 collaboration that is taking place.

12 MR. McGRATH: And recognizing nobody's going  
13 to get into trouble for helping out the other's  
14 entity. These are relationships --

15 MR. FUTRELL: Right.

16 MR. McGRATH: -- that have developed --

17 MS. BRENNAN: Evolved.

18 MR. McGRATH: -- over many, many years.

19 MR. MILLER: It doesn't say in the JPA who  
20 is responsible for light bulbs.

21 MR. McGRATH: It does not, right.

22 MAYOR ADDIEGO: That's fine. Nobody is  
23 going to get in trouble. Right, Brian?

24 (Laughter.)

25 MR. MATTUSCH: I think Brian was -- I think

1 Brian was also going to bring us the breakdown of  
2 that long-term and short-term goal.

3 MS. NORMANDY: I don't think it was the  
4 long-term. It was the short-term, 285.

5 MR. FUTRELL: The short-term, 285,000.

6 (Simultaneous overlapping speakers.)

7 MR. MATTUSCH: The short term?

8 MS. NORMANDY: Yeah.

9 MR. FUTRELL: I do think that is a concern  
10 of mine. That the clock is ticking, as you have  
11 pointed out, on getting these repairs made.

12 MAYOR ADDIEGO: Uh-huh.

13 MR. FUTRELL: At some point that needs to  
14 get going. So I'm not sure what progress the  
15 attorneys can make on some better understanding for  
16 this liaison committee or perhaps the full boards to  
17 discuss the issue of who is going to pay for that in  
18 light of the clock.

19 MR. MILLER: It may not be a question with a  
20 simple legal answer.

21 MAYOR ADDIEGO: Right. It's going to be  
22 gray.

23 And I'd like to make a commitment. I'm so  
24 impressed that you've taken the time to become so  
25 intimately acquainted with Oyster Point, that you've

1 taken at least that one site visit. And I've seen  
2 you out there before with cameras. But I think I'm  
3 going to impose upon my colleague that she give up a  
4 portion of one of her very valuable Monday day-offs  
5 and maybe we could do a site visit together. And  
6 I'll buy you breakfast.

7 MS. NORMANDY: Okay. Oh, breakfast.  
8 Finally, like --

9 MAYOR ADDIEGO: I know, I know.

10 MR. MATTUSCH: You didn't buy us breakfast.

11 MS. BRENNAN: Definitely try to, if you can,  
12 set it up so Jim can walk with you.

13 MAYOR ADDIEGO: Okay.

14 MR. McGRATH: Yeah.

15 MS. NORMANDY: I really conclude just to say  
16 thank you to the both of you and your staff for  
17 being here. I think -- I want to say if this really  
18 happened prior to any council discussion, it would  
19 have been probably more a healthier discussion.

20 MAYOR ADDIEGO: Yes.

21 MS. NORMANDY: But it's more of I think we  
22 both agree there's a lot of hearsay and finger  
23 pointing and who said what, that emotions and  
24 passion gets a little accelerated. But I can tell  
25 you I learned a lot sitting across from, you know,

1 you four today; and I appreciate that. More of  
2 enlightening me on some of the stuff that I did not  
3 know of. And I was thinking I was just going to sit  
4 back and thinking what's this meeting going to be  
5 like. But this was really helpful and beneficial.

6 MAYOR ADDIEGO: Good first meeting. I can't  
7 say it any better than that.

8 MS. BRENNAN: Yeah. Thank you for having  
9 us.

10 MAYOR ADDIEGO: I'm very thankful for the  
11 spirit in which you've arrived and helped us along.

12 MS. BRENNAN: Thank you for organizing it.

13 MR. FUTRELL: Did we want to try and pick a  
14 date now, or circulate that by email?

15 MS. NORMANDY: I think we can circulate it  
16 by email.

17 MR. FUTRELL: Okay.

18 MS. NORMANDY: I think, you know, whatever  
19 works --

20 MAYOR ADDIEGO: What time frame out are you  
21 looking at? What date to get some of the  
22 data and --

23 COUNCIL WOMAN NORMANDY: I'd welcome sooner  
24 than later.

25 MAYOR ADDIEGO: So you would like to keep it



1 within a month?

2 MS. NORMANDY: In a month, less than a  
3 month, a few weeks. Just to be able to touch base  
4 again.

5 MAYOR ADDIEGO: A month?

6 MR. McGRATH: Month.

7 MR. FUTRELL: And you and I can collaborate  
8 on some dates and then circulate them, and hopefully  
9 find something that works within that month.

10 MR. McGRATH: Agreed.

11 MS. NORMANDY: Thank you.

12 MAYOR ADDIEGO: Okay. That's a good first  
13 meeting.

14 MR. MATTUSCH: Excellent.

15 MAYOR ADDIEGO: So we'll declare the meeting  
16 adjourned.

17 (The meeting concluded at 5:26 p.m.)

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1 STATE OF CALIFORNIA)

2 ) ss

3 County of San Mateo)

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5 I hereby certify that the foregoing meeting  
6 were taken at the time and place herein named, that  
7 the transcript is a true record of the proceedings  
8 as reported and transcribed by me, a duly certified  
9 shorthand reporter in the state of California and a  
10 disinterested person.

11 I further certify that I am not interested  
12 in the outcome of the said action, nor connected  
13 with nor related to any of the parties in said  
14 action nor to their respective counsel.

15 IN WITNESS WHEREOF, I have subscribed my name  
16 on May 16, 2016.

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KELLIE A. ZOLLARS, CSR No. 5735

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