

**MINUTES OF A REGULAR MEETING OF THE  
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE  
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE  
19th DAY OF FEBRUARY 2013**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, in the City of San Francisco, California, at 1:00 p.m. on the 19th day of February 2013, at the place and date duly established for holding of such a meeting.

**REGULAR MEETING AGENDA**

**1. Recognition of a Quorum**

Meeting was called to order at 1:10 p.m. Roll call was taken.

Madame Chair Christine Johnson - present  
Theodore Ellington - present  
Marily Mondejar - present  
Vice-Chair Mara Rosales - present  
Darshan Singh – present

**2. Announcements**

Madame Secretary Jones read announcements regarding the following:

- A. The next regularly scheduled Commission meeting will be held on Tuesday, March 5, 2013 at 1:00 p.m. at City Hall, Room 416.
- B. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting
- C. Announcement of Time Allotment for Public Comments

**3. Report on actions taken at previous Closed Session meeting, if any – None.**

**4. Matters of Unfinished Business – None.**

**5. Matters of New Business:**

**CONSENT AGENDA**

**ALL MATTERS LISTED HEREUNDER CONSTITUTE A CONSENT AGENDA, ARE CONSIDERED TO BE ROUTINE BY THE COMMISSION, AND WILL BE ACTED UPON BY A SINGLE VOTE OF THE COMMISSION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF THE COMMISSION OR THE PUBLIC SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS A SEPARATE ITEM:**

- (a) Approval of Minutes: Special Meeting of February 5, 2013

PUBLIC COMMENT – None.

Commissioner Mondejar motioned to move this item.

Commissioner Singh motioned to continue this item until the next item and it was seconded by Commissioner Ellington.

Madame Secretary Jones called for a voice vote on this item.

Commissioner Ellington - yes

Mondejar – yes

Rosales – yes

Singh - yes

Johnson - no

**ADOPTION:** IT WAS VOTED BY 4 COMMISSIONERS WITH ONE DISSENT THAT APPROVAL OF MINUTES FOR THE SPECIAL MEETING OF FEBRUARY 5, 2013, BE CONTINUED TO THE NEXT MEETING.

**REGULAR AGENDA**

- b) Adopting By-Laws for the Successor Agency and Successor Agency Commission. (Discussion and Action) (Resolution No. 1-2013)

Madame Chair Johnson announced that she was changing the order of the agenda because Commissioner Mondejar had to leave by 3:30 p.m. and there were two action items on the agenda that Ms. Johnson felt were important to have five commissioners present to hear and vote on. Ms. Johnson announced that the new order of the Agenda would be Item 5B, Item 5d, Item 5e and then 5c.

Executive Director Bohee stated that the following changes had been made to the Bylaws in response to the discussion about the proposed by-laws at the last Commission meeting:

- Typographical and numerical errors had been cleaned up;
- The location of all minutes, staff reports and agendas were now available at the end of Section 2 of the Bylaws as well as information on where they were included on the website;
- A global change had been made to distinguish between the Successor Agency Commission as the policy body for Successor Agency to the Redevelopment Agency and the Successor Agency itself;
- The positions of Treasurer in Section 23c and Sr. Deputy Executive Director in Section 23e are subject to further discussions on the budget;
- The language for appointing authority of the Commission was changed to May;
- Compensation, reimbursement to Commissioners and medical benefits were not included in the original language of Ordinance 215-12 according to the City Attorney, so no change would be made there;
- No change is proposed regarding quorum and voting.

PUBLIC COMMENT

Speaker: Francisco de Costa

Mr. de Costa stated that he believed that workshops should have been held in the community before this meeting on Bylaws so that the community could have some input on them.

Commissioners acknowledged community complaints about the meetings no longer being broadcast and talked about possibilities of reinstating live streaming.

Vice-Chair Rosales motioned to move this item and it was seconded by Commissioner Singh.

Madame Secretary Jones called for a voice vote on this item.

Commissioner Ellington - yes

Mondejar – yes

Rosales – yes

Singh - yes

Johnson - yes

**ADOPTION:** IT WAS VOTED BY 5 COMMISSIONERS AND UNANIMOUSLY CARRIED THAT RESOLUTION NO. 1-2013, APPROVAL OF BY-LAWS FOR THE SUCCESSOR AGENCY AND SUCCESSOR AGENCY COMMISSION, BE ADOPTED.

- d) Authorizing a Personal Services Contract with Willie B. Kennedy, a sole proprietorship, dba W.B. Kennedy & Associates, to manage the Agency's Hunters Point Shipyard Site Office and to provide outreach and administrative support services to the Hunters Point Shipyard Citizens Advisory Committee and the Successor Agency for a term of 39 months, beginning April 1, 2013 and ending June 30, 2016, and a total contract amount not to exceed \$847,042; Hunters Point Shipyard Redevelopment Project Area. (Discussion and Action) (Resolution No. 2-2013)

Presenters: Tiffany Bohee, Executive Director; Amabel Akwa-Asare, Assistant Project Manager, Hunters Point Shipyard Project Area; Thor Kaslofsky, Project Manager, Hunters Point Shipyard Project Area; Micah Fobbs, Site Office staff

PUBLIC COMMENT

Speakers: Scott Madison, Hunters Point Shipyard CAC; Dr. Veronica Hunnicutt, Chair, Hunters Point Shipyard CAC; Dorris Vincent, BVHP resident and Shipyard CAC member; Francisco de Costa; Willie Kennedy; Deidra Smith; Sean Harris, BVHP resident

Mr. Madison stated that he was strongly in favor of the Kennedy contract. He mentioned that he ran a business at the shipyard and that the management of the site office under Kennedy was very thorough and efficient.

Dr. Hunnicutt asked the Commission to approve this contract because this contract is extremely important to the work of the CAC. Dr. Hunnicutt stated that the Willie B. Kennedy team is excellent in every way, whether working with other groups and other CAC members or the public.

Ms. Vincent also strongly endorsed the continuance of the Willie B. Kennedy team.

Mr. de Costa was not in favor of continuing this contract. He stated that the CAC has not provided the community with relevant information about the safety of the BVHP.

Mrs. Kennedy asked that the Commission approve this contract. She stated that they were also very concerned about toxins and where meetings were being held and that it was their job to keep the community advised about the shipyard development.

Ms. Smith stated that the Willie B. Kennedy team does excellent work and stated that they go beyond the call of duty for the community and asked the Commission to approve the contract.

Mr. Harris stated that the CAC members like the Commissioners, were appointed, and not selected by the community and believed that there was no real representation of the community at this meeting.

Madame Chair Johnson stated that she had served on the Hunters Point CAC for six years as the Chair of Planning and Development but had no input into the release of the RFP, the acceptance of any of their proposals or the review of any of the responses that they received. Ms. Johnson stated that she did not think that that would affect her ability to make a decision on this item.

Commissioner Mondejar stated that she would defer to counsel on this item.

Counselor Bryan did not see a conflict.

Commissioner Mondejar asked Ms. Akwa-Asare to expand on the outreach process.

Ms. Akwa-Asare responded that their standard process was to have the RFP out for a minimum of 30 days and that the advertisement included: posting RFP on Agency's and City's websites, placing ads in San Francisco newspapers, mailing out the RFP to small businesses in the area. There was a pre-submission meeting approximately halfway through the RFP period. They had 6 interested parties present and one additional party who e-mailed for more information. There were only two submitted proposals.

Commissioner Mondejar asked Ms. Akwa-Asare to expand the review process.

Ms. Akwa-Asare stated that the Agency's policy requires them to bring up contracts for open solicitation every three years to ensure that it is open to the public and if the contractor does not perform adequately, then a new contractor can come in. They also can cancel services at any point if not satisfied with the services provided.

Executive Director Bohee added that in the scope there are regular reporting requirements on a monthly basis in terms of what the activities are as a means for staff and the community to judge against whether the contractor is performing pursuant to the scope and budget.

Ms. Mondejar asked about overall services; support to the CAC, link between the developer, the CAC and the community, and the website.

Ms. Akwa-Asare responded that the shipyard site office maintains a website for HPS CAC. She stated that this contract is entered into by the Agency and the site office contractor, but their scope of work is to serve the Agency by supporting the CAC. It also provides workshops or tours when requested by the developer.

Commissioner Rosales asked about upcoming job opportunities, postings and listings and how much work is available either for an individual seeking a job opportunity or a business opportunity.

Ms. Akwa-Asare responded that the site office has an open door policy from 8 am-5pm every day so residents can come and ask questions about the shipyard. She explained that visitors can be provided with information, such as construction schedules or they can be referred to local organizations that provide job training for upcoming construction.

Commissioner Rosales asked if someone is interested in a business opportunity that is either existing or upcoming, whether they have to go through the developer or can they deal just with the site office. She indicated if the answer to that question is no, then that is something they might want to consider, even if it means increasing the budget.

Thor Kaslofsky responded that the answer to Commissioner Rosales' question is two-fold. The developer maintains a presence on the site and they have someone who is responsible for upcoming construction opportunities. The site office takes in some of those requests, even though it is not the primary point of contact, and refers those interested to someone at Lennar or to community jobs, which are also available as part of the outreach program.

Commissioner Rosales stated that since this is a 3-year contract, she would like to receive periodic reports so that there is a community-based link for those job opportunities.

Commissioner Ellington stated that it seemed that Lennar had agreed to temporarily enter a contractual agreement with the site office and asked if that was money that the Commission has to pay back or whether that contract has expired now.

Ms. Akwa-Asare responded that this contract used to be with the former Agency and when it expired in June of 2012, the developer stepped in and took over the contract. The funds for the contract have always come from the developer. Now they will be going back to the previous agreement so that the contract would be between the Successor Agency and Willie B. Kennedy.

Madame Chair Johnson asked about the contracting process. She asked to clarify about \$0 for website maintenance.

Ms. Akwa-Asare responded that the website has been set up on a server that is free so there is no hosting charge and the man hours required to maintain the website are included in staff hours.

Executive Director Bohee added that it is misleading to show \$0 for this line item, and that it should be included above in staff hours and indicated as such.

Madame Chair Johnson referred to item 9, the sustainability building, and inquired as to whether that referred to the modular building which is unoccupied at this time. Ms. Johnson noted that this line item also has \$0 for management costs and asked for an explanation.

Ms. Akwa-Asare indicated that this line item refers to the scope of services, which are property management-related services and the reservation system. The Hunters Point Shipyard sustainability center is a new building that will be available for lectures and events where the site office will facilitate the reservation system, similar to what they currently do for the conference room at the site office trailers. The time they use for this will be included in staff time hours.

Madame Chair Johnson commented that she served on the CAC for six years and believed that the incoming contractor has done a great job. She stated that she would have liked, however, to have seen more diversity in the responses they received from bidders

Commissioners talked about KPOO radio station and noted that the CAC utilized KPOO to broadcast the monthly CAC meetings.

Commissioners asked about the database that Kennedy Associates maintains. They wanted to know what the database is composed of, if the database was updated and maintained and whether this information was confidential.

Ms. Akwa-Asare responded that the site office maintains several databases; one is a database of addresses which they use to reach out to people in the community, the city and the general public and includes both mailing and email addresses. She indicated that the database is updated as much as people provide new information to the office.

Executive Director Bohee reported that this information is not released to the general public.

Commissioner Rosales motioned to move this item and Commissioner Ellington seconded this motion.

Madame Secretary Jones called for a voice vote on this item.

Commissioner Ellington - yes

Mondejar - yes

Rosales - yes

Singh - yes

Johnson - yes

**ADOPTION:** IT WAS VOTED BY 5 COMMISSIONERS AND UNANIMOUSLY CARRIED THAT RESOLUTION NO. 2-2013, AUTHORIZING A PERSONAL SERVICES CONTRACT WITH WILLIE B. KENNEDY, A SOLE PROPRIETORSHIP, DBA W.B. KENNEDY & ASSOCIATES, TO MANAGE THE AGENCY'S HUNTERS POINT SHIPYARD SITE OFFICE AND TO PROVIDE OUTREACH AND ADMINISTRATIVE SUPPORT SERVICES TO THE HUNTERS POINT SHIPYARD CITIZENS ADVISORY COMMITTEE AND THE SUCCESSOR AGENCY FOR A TERM OF 39 MONTHS, BEGINNING APRIL 1, 2013 AND ENDING JUNE 30, 2016, AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$847,042; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA, BE ADOPTED.

- e) Approving a revised schedule of berth license fees at the South Beach Harbor and amending its rules and regulations to establish a fee for licensees' second parking permit, Rincon Point South Beach Redevelopment Project Area. (Discussion and Action) (Resolution No. 3-2013)

Presenters: Tiffany Bohee, Executive Director; Leo Levenson, Deputy Director, Finance and Administration; Elaine Forbes, CFO, Port of San Francisco; Peter Dailey, Maritime Director of Port of San Francisco; Marilyn Yeh, Financial Analyst, Maritime Division; James Walter, South Beach Harbor Master

**PUBLIC COMMENT**

Speakers: John Mastory, Advocates for South Beach Harbor; Les Hennessy, boat-owner, South Beach Harbor; John Borjoroguy

Mr. Mastory represented Advocates for South Beach Harbor, a group of 200 people, primarily boat-owners, and their focus is to improve the harbor and work with the Port. Mr. Mastory approved the proposal set forth by the Port.

Mr. Hennessy stated that he was the President of the Advocates for South Beach Harbor and mentioned that relationship between the Advocates for South Beach Harbor and the Port has been excellent. They negotiated 17 points over the last 9 months and the Port is in agreement with all of them. He underscored the need to have that facility be continually upgraded and maintained.

Mr. Borojorogwey, an African Union representative, spoke about the Port of San Francisco, the America's Cup and the 18<sup>th</sup> Amendment.

Commissioner Ellington inquired about the other public outreach that the group has done other than the outreach for the Advocates for South Beach Harbor.

Mr. Dailey stated that they reached out to tenants and slip-holders of the Marina including members of the South Beach Yacht Club, the Bay Area Disabled Sailors group and as many boaters as they could contact. They sent out notices of public meetings and invited everyone even non-members of the Advocates and have had 7 or 8 meetings. They set up an email notification system to let everyone know about changes at the Harbor, updated the website, posted FAQ's and phone contact information.

Commissioner Ellington inquired about what other options were explored when attempting to do the assessment.

Ms. Forbes said they did a survey, spoke to the Port Commission and looked at the Rec & Park Marina and their post-construction rates to get an idea of an appropriate fee to recommend to the Port Commission.

Ms. Yeh responded that the waitlist fee at \$75/year will generate an additional \$38,000. Visitor parking will be \$600/year and generate \$45,000-\$60,000 in incremental revenue. The proposal is to get the first parking pass free and the second at \$600/year. She added that there are about 207 parking spaces.

Commissioner Singh inquired about the going rate for parking in that area.

Ms. Forbes clarified that parking meter rates with events are \$5.00/hr; \$2.25 without events. She added that they proposed the one free parking spot with the second one paid. Ms. Forbes indicated that they wanted to bring the cost of parking closer to market value but this is still below market.

Commissioner Rosales inquired about the waitlist and wanted to know what the chances are of anyone on the waitlist getting into the harbor.

Mr. Walter responded that the current waitlist lasts from 8 ½ to 11 years. Their waitlists average about 200 people. Mr. Walter stated that 7 to 10 boaters/month give up their slip.

Commissioners discussed staff resources being an issue and inquired about the fee increase.

Ms. Forbes responded that there are two reasons for this: one, to generate revenue and two, to know who really wants to stay on the waitlist to keep it active.

Madame Chair Johnson asked about how the new fee structure will cover costs and asked Ms. Forbes to talk about where the new revenue will put them in terms of deficit and where they will be in terms of market high costs.

Ms. Forbes responded that it will remain status quo if there is no new revenue which would leave a deficit of about \$1 million. She explained that with the fee change, because it comes late in the year, they will end the year at about \$800,000-\$900,000 deficit. Ms. Forbes added that the Successor Agency does have fund balance related to this project through 2016 when the revenue bonds are repaid, they can get through with the fund balance available. She stated that with the dissolution of the Agency the revenue bonds went from an interest-only payment to a fully amortized principal. The debt service for this operation is \$1.9 million which is very high compared to this small operating budget.

Mr. Walter added that they are going to monitor this with the Port over the coming year as the fees come in to see what happens with the fund balance.

Ms. Forbes responded to Madame Chair Johnson's second question stating that they will be below the top of the market but within line of the Rec & Park Department's rates and slightly lower for the smaller slips.

Commissioners inquired about parking demand, parking cost; how an asset of being on the waiting list or being a parking pass holder can be protected.

Ms. Forbes responded that this parking had been associated with recreational boating and for the harbor only. They had tried to develop a solution that was both acceptable and not limiting in access via an unrealistic parking charge, so when it is not boating season, they will monetize the parking.

Mr. Dailey responded that by putting the fee at \$75 annually, the hope was to wean the list of people who do not want to pay an annual fee as well as eliminate those people who have not moved from their slips in months.

Mr. Walter responded that the rule is that there must be a name on the waitlist, an application must be signed, slips are non-transferable and that this is strictly enforced. He added that if caught, the pass-holder could lose their slip.

Madame Chair Johnson added the text, "Resolved that the Successor Agency Commission hereby approves an annual waitlist fee of \$75 and be it further and then the last Resolve will be that the Executive Director shall continue to have the authority".

Commissioner Ellington motioned to move this item with the modification and Commissioner Mondejar seconded this motion.

Madame Secretary Jones called for a voice vote on this item.

Commissioner Ellington - yes

Mondejar - yes

Rosales - yes

Singh - no

Johnson - yes



**ADOPTION:** IT WAS APPROVED BY 4 COMMISSIONERS WITH ONE DISSENT, THAT RESOLUTION NO. 3-2013, APPROVING A REVISED SCHEDULE OF BERTH LICENSE FEES AT THE SOUTH BEACH HARBOR AND AMENDING ITS RULES AND REGULATIONS TO ESTABLISH A FEE FOR LICENSEES' SECOND PARKING PERMIT, RINCON POINT SOUTH BEACH REDEVELOPMENT PROJECT AREA, BE ADOPTED.

- c) Informational presentation of the Recognized Obligation Payment Schedule for July 1, 2013 to December 31, 2013 (ROPS 13-14A). (Discussion)

Presenters: Tiffany Bohee, Executive Director; Sally Oerth, Deputy Director; Leo Levinson, Deputy Director, Finance and Administration

**PUBLIC COMMENT**

No comment.

Commissioners inquired about the legal services category and what it covers.

Executive Director Bohee responded that this category covers general administrative questions and that there are other legal services line items that appear by project. She stated that this is a catch-all for everything else and considered to be with city attorney and other specialized counsel as needed. Executive Director Bohee added that the primary source of funds for legal services is actually under the "other" category. This is so they can respond to unknowns in the future.

Madame Chair Johnson inquired about what the process will be in general for developing the ROPS through the Commission.

Executive Director Bohee responded that the Oversight Board has the ultimate authority, but the Commission does have discretion and jurisdiction over the budget.

Madame Chair Johnson suggested that the Commission be more involved with looking at the ROPS.

Deputy Director Oerth responded that sometimes DOF's template changes have driven the timeline more than anything else because they are now creating personalized locked templates for each Successor Agency.

Commissioners inquired about line items where data did not add up and about lines that are crossed out.

Staff clarified that sometimes only half or a portion of the amount for that budgeted item will show depending on the need on that project for that portion of the year. Staff further clarified that they have things divided out between staffing and other operating costs; the staffing line includes those people working directly for the Agency and may include some people who are city employees but who are essentially Agency staff.

Deputy Director Oerth responded that crossed out lines are proposed for deletion after ROPS 3 and will be retired.

Johnson referred to the memo and the draft and stated she was confused about what was the Commission's obligation in terms of housing assets and what is being transferred to the Mayor's Office of Housing and was not clear on what is on the ROPS and what is not.

Deputy Director Oerth responded that the short answer is that assets that are completed (Agency's single family program or limited equity program) were transferred to the city and to the Mayor's Office of Housing as the Housing Successor Agency under the dissolution law. Future parcels to be developed in the Shipyard or Mission Bay or Transbay, are considered "retained housing obligations" and it is still the Commission's obligations to deliver that affordable housing. Therefore they continue to be on the ROPS because the Commission will need tax increment to fund them.

**6. Public Comment on Non-agenda Items**

Members of the public may address the Commission on matters that are within the Commission jurisdiction and not on today's calendar. Each speaker shall have up to three minutes to make pertinent public comments unless the Commission adopts a shorter period. It is strongly recommended that members of the public who wish to address the Commission should fill out a "Speaker Card" provided by the Commission Secretary, and submit the completed card to the Commission Secretary.

No public comment.

**7. Report of the Chair – None.**

**8. Commissioners' Questions and Matters**

Johnson stated that she would send an email to the Harbormaster and some of the visitors at this meeting today to make notes about concerns about parking, boats being able to move out of slips, and some of the other items that were not directly related to the resolution that was passed and that she would do that on behalf of the Commission.

**9. Closed Session – None.**

**10. Adjournment**

It was moved by Commissioner Singh, seconded by Commissioner Ellington and unanimously carried that the meeting be adjourned at 4:05 p.m.

Respectfully submitted,  
*Natasha Jones*  
Natasha Jones  
Interim Commission Secretary

**ADOPTED:**