

London N. Breed
MAYOR



Bivett Brackett
CHAIR

Dr. Carolyn Ransom-Scott
VICE-CHAIR

Vanessa Aquino
Tamsen Drew
Kent Lim
COMMISSIONERS

Thor Kaslofsky
EXECUTIVE DIRECTOR

**MINUTES OF A REGULAR MEETING OF THE
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE
18TH DAY OF JUNE 2024**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting in person at 1:00 p.m. on the 18th day of June 2024.

REMOTE ACCESS:

WATCH LIVE ON SFGOVTV: <https://sfgovtv.org/ccii>

PUBLIC COMMENT:

Members of the public may provide public comment in-person at the noticed location or remotely via teleconference (detailed instructions available at: <https://sfocii.org/remote-meeting-information>). Members of the public may also submit their comments by email to: commissionsecretary.ocii@sfgov.org; all comments received will be made a part of the official record.

INSTRUCTIONS FOR PUBLIC COMMENT:

DIAL: 1-415-655-0001 **ENTER ACCESS CODE:** 2663 820 3710 **PRESS #** **PRESS #**
again to enter the call. Press *3 to submit your request to speak.

REGULAR MEETING AGENDA

1. Recognition of a Quorum

Meeting was called to order at 1:02 p.m. by Chair Brackett. Roll call was taken.

Commissioner Aquino – present
Commissioner Drew - present
Commissioner Lim - present
Vice-Chair Scott - present
Chair Brackett - present

All Commissioners were present.

2. Announcements

- a) The next regularly scheduled Commission meeting will be held **in person** on Tuesday, July 2, 2024 at 1:00 pm at City Hall in Room 416.

- b) Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting:
Please be advised that the ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- c) Announcement of Time Allotment for Public Comments from participants dialing in:
Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Commission adopts a shorter period on any item. We recommend that members of the public who are attending the meeting in person fill out a "Speaker Card" and submit the completed card to the Commission Secretary. All dial-in participants from the public will be instructed to call a toll-free number and use their touch-tone phones to provide any public comment. Audio prompts will signal to dial-in participants when their audio input has been enabled for commenting.

PUBLIC COMMENT CALL-IN: 1-415-655-0001 ACCESS CODE: 2663 820 3710

Secretary Cruz read the instructions for the public to call in.

- 3. Report on actions taken at previous Closed Session meeting - None**
- 4. Matters of Unfinished Business - None**
- 5. Matters of New Business:**

CONSENT AGENDA

- a) Approval of Minutes: Regular Meeting of May 21, 2024
- b) Authorizing a Fifth Amendment to the Personal Services Contract with Forster & Kroeger Landscape Maintenance, Inc., a California corporation, to extend the term on a month-to-month basis for a period not to exceed six months, to December 31, 2024, and increase the contract amount by up to \$56,172, for a total aggregate amount not to exceed \$701,372, for landscape maintenance services in Community Facilities District No. 1 (South Beach); Former Rincon Point-South Beach Redevelopment Project Area (Action) (Resolution No. 15-2024)

PUBLIC COMMENT- None

Vice-Chair Scott motioned to move Items 5(a) and 5(b) Commissioner Drew seconded that motion.

Secretary Cruz called for a voice vote on Items 5(a) and 5(b).

- Commissioner Aquino - yes
- Commissioner Drew - yes
- Commissioner Lim - yes
- Vice-Chair Scott - yes
- Chair Brackett - yes

ADOPTION: IT WAS VOTED BY FIVE COMMISSIONERS THAT APPROVAL OF THE MINUTES FOR REGULAR MEETING OF MAY 21, 2024, BE ADOPTED.

ADOPTION: IT WAS VOTED BY FIVE COMMISSIONERS THAT RESOLUTION NO. 15-2024, AUTHORIZING A FIFTH AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH FORSTER & KROEGER LANDSCAPE MAINTENANCE, INC., A CALIFORNIA CORPORATION, TO EXTEND THE TERM ON A MONTH-TO- MONTH BASIS FOR A PERIOD NOT TO EXCEED SIX MONTHS, TO DECEMBER 31, 2024, AND INCREASE THE CONTRACT AMOUNT BY UP TO \$56,172, FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$701,372, FOR LANDSCAPE MAINTENANCE SERVICES IN COMMUNITY FACILITIES DISTRICT NO. 1 (SOUTH BEACH); FORMER RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA, BE ADOPTED.

REGULAR AGENDA

- c) Authorizing a Personal Services Contract with Goodwin Consulting Group, Inc., a California Corporation, for a three-year term for Special Tax Consulting Services in an amount not to exceed \$463,432, with two one-year options to extend the contract, related to Mello-Roos Community Facilities Districts administered by the Office of Community Investment and Infrastructure (Discussion and Action) (Resolution No. 16-2024)

Presenters: Thor Kaslofsky, Executive Director; Mina Yu, Budget and Project Finance Manager

PUBLIC COMMENT - None

Chair Brackett thanked Ms. Yu and staff for putting together this presentation and making sure OCII was in compliance.

Commissioner Drew motioned to move Item 5(c) Commissioner Aquino seconded that motion.

Secretary Cruz called for a voice vote on Items 5(c).

- Commissioner Aquino - yes
- Commissioner Drew - yes
- Commissioner Lim - yes
- Vice-Chair Scott - yes
- Chair Brackett - yes

ADOPTION: IT WAS VOTED BY FIVE COMMISSIONERS THAT RESOLUTION NO. 16-2024, AUTHORIZING A PERSONAL SERVICES CONTRACT WITH GOODWIN CONSULTING GROUP, INC., A CALIFORNIA CORPORATION, FOR A THREE-YEAR TERM FOR SPECIAL TAX CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$463,432, WITH TWO ONE-YEAR OPTIONS TO EXTEND THE CONTRACT, RELATED TO MELLO-ROOS COMMUNITY FACILITIES DISTRICTS ADMINISTERED BY THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE, BE ADOPTED.

- d) Status Update on the San Francisco Unified School District’s Mission Bay School Project’s Contracting and Local Hiring, Play Yard Reimbursement Agreement and Enrollment Planning (Discussion)

Speakers: Thor Kaslofsky, Executive Director; Gretchen Heckman, Project Manager, Mission Bay; Kate Levitt, Bond Program Communications Director, SF Unified School District

PUBLIC COMMENT

Speakers: Bernice Casey; Oscar James, native resident, District 10

Ms. Casey stated that she was the parent of two children in the school district, a high-schooler and a 5th grader. She stated that she regularly attended school board and District Advisory Committee (DAC) meetings regarding school closures. Ms. Casey informed Commissioners that the DAC meetings were all in English and all the materials distributed were also all in English, which meant that many of the district's discussions regarding closures and mergers were not available to a large percentage of the San Francisco (SF) community. She wanted Commissioners to be aware of this omission.

Mr. James had two concerns. He referred to hirings and stated that he would like the Young Community Developers, A. Philip Randolph (Institute San Francisco), Community House of Potrero Hill and other organizations in the community that were hiring to be notified about the opportunities for employment. Regarding contractors, especially union contractors and those certified in their special trades, Mr. James requested that they have the opportunity to bid on the jobs that came through OCII.

Vice-Chair Scott thanked staff for their report. She stated that she had been concerned regarding school closures and she understood they were waiting for information from the school board. Dr. Scott inquired about whether they were concerned about schools which were recommended for closure. She suggested that they go through community organizations to communicate updates on the schools, have materials in multiple languages and involve the unions as well. Dr. Scott wanted to make sure the entire community was involved in these decisions.

Ms. Levitt responded in the affirmative. She stated that district-wide there was much concern regarding the impact the closures would have. Ms. Levitt acknowledged that there was room for improvement in the outreach. She agreed that once the criteria was applied and there was a list of schools recommended for closure, there should be extensive outreach to the schools and communities involved. Ms. Levitt stated that at the moment, she could not share specific details about how that would happen. On the Mission Bay School project, she stated they had done outreach with community organizations regarding hiring.

Commissioner Lim inquired about which contractors were being used.

Executive Director Kaslofsky stated that the contract compliance team was working with the school district to get that report regarding the School Yard and that OCII staff might be able to report back to the Commission with the information in August.

Chair Brackett interjected that she believed that Commissioner Lim was talking about the overall project. She stated that OCII is funding only the playground and the bulk of the funding used for the SFUSD-issued bond was being used for the building. She clarified that what Commissioner Lim was referring to was what the overall project would look like in terms of small business inclusion, hyper local contractors having access to that opportunity and what workforce compliance would look like for the overall school project.

Executive Director Kaslofsky stated that OCII staff could work with SFUSD to supply that information to Commissioners.

Chair Brackett asked them to describe SFUSD's small business policy or whether they had one at all; she inquired about whether it conformed with the City's Small Business Enterprise (SBE) policy, which was 50%.

Ms. Levitt responded that they did have one but she did not have the details and stated they would follow up with that information. She responded that it did not conform to the City's SBE policy but they had a project labor agreement (PLA) that they worked with.

Commissioner Lim stated that a PLA would be fine because it included union contractors.

Chair Brackett recalled that when OCII and SFUSD staff presented a design workshop on the Mission Bay School at an OCII Commission meeting in 2022, an enrollment projection number was included in the slide deck. At that time, the district stated in their Commission presentation talking points that enrollment would be increasing citywide and especially in Mission Bay (MB) and that need was driving the schedule for the Mission Bay School design and construction. However, it had come to her attention that this information may be inaccurate. Ms. Brackett inquired about whether Ms. Levitt had a response to that statement.

Ms. Levitt responded that she could get some clarity on enrollment projections. However, the district still had a commitment to provide access to a school within every neighborhood so that the community that was within walking distance could have access. She pointed out that there were very few SFUSD schools serving the community within the MB community and the wider area. She explained that there had been development and growth, including affordable housing and families that had moved into that neighborhood and SFUSD was committed to providing a school for that community. She stated that she would provide more detailed information on enrollment projections to OCII.

Chair Brackett inquired about whether she was aware that there were four elementary schools within a one-mile radius of MB.

Ms. Levitt responded in the affirmative. She named some of the schools within District 6, including Bessie Carmichael, MB and Daniel Webster, and stated that there was remaining commitment to the area.

Chair Brackett referred to SFUSD's Facilities Master Plan (FMP) mentioned in the presentation, which had been created in 2022 when the slides for an OCII Commission update were created. She inquired about whether the same data used to create the Commission slides was also used for the creation of the FMP.

Ms. Levitt responded in the negative and added that additional information was used to create the FMP, including facilities conditions assessment and other items.

Chair Brackett clarified that it was created in 2022, presented to the Board in September 2022 and not approved until May 2023. The content of the Facilities Master Plan was already public knowledge in 2022.

Ms. Levitt agreed with that statement.

Chair Brackett asked Ms. Levitt to explain why the enrollment number in the 2022 Commission slide deck was different from the enrollment projection in the FMP, There was another enrollment number associated with material sent to the California Department of Education (CDE). She pointed out that all three projections for enrollment were different.

Ms. Levitt was not familiar with each of the three differing enrollment projections but stated that she would follow up. She stated that she had been in her position for only three months and was still learning about the history and background of the MB School, the numbers that were used and what was communicated out about it. She stated that she was not prepared to respond to that question.

Chair Brackett reported that the basis for the school was enrollment possibility and being that there may be three different numbers being used was very concerning for this project. She stipulated that if the District was closing schools throughout the City, because there were not enough students and then building a school based on inaccurate data which stated that enrollment was actually going up, then that would present a problem. Ms. Brackett pointed out that there were students already in schools that need significant repairs, where students could be harmed due to poor conditions and for SFUSD to start on a new project and a new buildout for students who might not even be occupying the building would constitute a concern for the public. Ms. Brackett noted that SFUSD had been notified months earlier about a Commission request for updated information on this situation and expressed disappointment that the enrollment projection question could not be answered.

Chair Brackett moved onto the next question. She inquired about the timeline for construction and whether it was on time or had been moved back.

Ms. Levitt responded that they were still on target to complete in August 2025. She added that there were some projected delays related to permitting approvals; however, currently it was still on track. It was SFUSD's commitment to inform the community and OCII if there were any changes to schedule for the Mission Bay School.

Chair Brackett stated that she attended school board meetings and had been attending for over a decade. She pointed out that within the time that the Facilities Management Plan (FMP) was presented to the public, the district and especially the current Superintendent was asked by the public if he planned to close schools and he responded emphatically no on every occasion. If this document is being used as the underlying basis for closing schools, which was the same information that the superintendent was asked about, Ms. Brackett indicated that it would be a concern to the public and to OCII, if SFUSD was not being transparent and accurate about what they were submitting to the public, public agencies and to the media. There were several discussions about the district being underfunded and budget deficits. She read a report that for the 2021-22 SFUSD budget, the district had projected a deficit of \$90 million and newspaper articles had been written indicating that the district would go broke. In fact, the budget ended up with a surplus of over \$100 million at the end of the year, and this got no media attention. The following year 2022-23 the district projected a deficit of \$125 million and pushed for school closures again, but in fact ended the year with a \$105 million surplus. They stated that the cost savings was due to not hiring teachers, not providing specific services to students in need, such as special education, low-income students and

English language learners. Ms. Brackett stated that she found it hard to believe when the District continued to state that they prioritized students and what was best for them, considering that at the end of 2023, she understood that the District again closed schools without notice to the public, including the Chinese Newcomer School, without notice to even the students at that school. Ms. Brackett reported that due to public outcry they reopened the school and then started the DAC process, which the Superintendent initially had said was about the surplus property that the District had and was not about school closures, but had subsequently re-introduced the idea of school closures. Now the public is finding out that the DAC may be taking action within less than 30-60 days from today that would create criteria to close schools, which would affect hundreds of students and parents, who may have not known about the public outreach meetings. In fact, she thought that the District set up meetings for parents on similar days to the public outreach meetings. Ms. Brackett pointed out that there were two meetings which were supposed to be outreach to the same population on the same day, therefore bifurcating communities that should have been given public input.

Chair Brackett pointed out that California Department of Education (CDE) had given SFUSD a negative certification, meaning that CDE had done an audit of the district's budget inaccuracies and concluded that the district staff had a lack of training and that their payroll process was subpar. As a result, CDE now had state oversight of all SFUSD financial actions. Ms. Brackett inquired about what that would mean for this Mission Bay School project if in fact SFUSD no longer had the fiduciary duty to make decisions on behalf of the district or on how the district spent money and if CDE had to approve any purchases or even the construction of the school itself.

Ms. Levitt stated that she appreciated Chair Brackett's concerns and apologized for not being able to respond to all the questions. She stated that she had taken the job at SFUSD as a parent and as a former teacher to address how SFUSD could provide transparency, how to work to build trust, and how to communicate with communities and the public. Regarding the certification from CDE, Ms. Levitt clarified that that was specific to the district's general operating budget but that bond funding was restricted and separate, such that the oversight by the state was solely for the district's operating budget and did not extend to the bond. She explained that the bond had a separate audit and a separate oversight process through the Citizen's Bond Oversight Committee (CBOC) with different required accountability measures. Ms. Levitt assured Commissioners that the funding for MB School was secure, unencumbered and would be sufficient to complete from the 2016 bond and that the oversight by CDE would be separate and specific to the general operating budget.

Chair Brackett referred to CBOC and pointed out that the Committee was not in compliance from 2016-20. She informed that it was not until 2020 that members were appointed to CBOC and that during that time they found out that many of the projects, including Buena Vista Horace Mann, was not completed as projected under the 2016 bond, that many of the school playgrounds were not completed as designed under the bond and that, in fact, bond money was not being spent appropriately and that some of the bond money was being used to pay for the district's legal expenses.

Ms. Levitt stated that she was aware of the CBOC situation, but reported that in the last two years, it had been reconstituted, was meeting on a monthly basis, had active membership and had ongoing oversight with quarterly reports on all financials and an annual report on financials and performance. She stated that the situation had much improved.

Chair Brackett stated that she was not sure anything had changed, because CBOC members who had attended district meetings had complained that the Director of Facilities had not listened to them and they did not know what projects would be finished or be carried over or which schools would be closed or stay open. It was reported that this situation created competition between many communities over resources as well as issues over contractors doing deficient work and submitting reports to the district that facilities were upgraded when they may not have been upgraded to the standard to which the public thought they would be upgraded.

Chair Brackett returned to the matter of the MB School and stated that if it were to be completed by summer 2025, they would have to begin outreach now. She referred to the mention of Universal Transitional Kindergarten (TK) and Prekindergarten (UPK) in Ms. Levitt's responses and inquired about what the district had done to market them to the larger public, since these early educational offerings were approved by the Governor two years ago and there has been no movement on enacting this in SFUSD schools yet. She clarified that she meant the outreach should be done now because the school is being designed for 500 students.

Ms. Levitt responded that she would provide more information on TK and UPK in a subsequent update to OCII.

Chair Brackett referred to MB enrollment in the Facilities Master Plan, where it was stated that she understood SFUSD to be potentially be changing enrollment to go back to a more segregated neighborhood-based enrollment system which would lock certain students from different neighborhoods out of the MB School and that only families that lived in the immediately surrounding area would be able to enjoy this new facility. Ms. Brackett inquired about what the SFUSD was proposing in the future for enrollment and what it would look like for this school.

Ms. Levitt stated that she was not involved in the enrollment planning discussions. She was aware of district-wide conversations regarding shifting from the current attendance area policies to a different zoning policy, but was not sure when that shift would occur. She believed that information was contingent on what would happen with resource alignment and adjustments to the school portfolio as to whether there would be any school closures or mergers.

Chair Brackett concluded that she has heard SFUSD state that they practice equity. She stated that in this matter of the MB School and dealing with the SFUSD over the past two years, there has been no equity. She stated that there had been no equity from a small business standpoint in terms of access to contracting on this project, which was what OCII had been promised. Neither was there equity in terms of workforce because there had been no outreach to local committee organizations that hired locally or to the broader public community. Ms. Brackett stated that if this was to be a school for all, it should have been on everyone's radar throughout the City. The district had left the parents of schoolchildren whose schools might be closed in an uncertain status and unclear about what was being proposed as far as who might be able to have access to this new school. It felt like they were going backwards to the 60's and 70's, when zoned enrollment was deemed illegal in SF after both the Black and Chinese communities sued against doing this type of enrollment and won. She stated that she wanted answers quickly because this situation was very concerning.

e) Request for information to verify the status of the San Francisco Unified School District's Mission Bay School Project (Discussion)

Presenter: Thor Kaslofsky, Executive Director

Chair Brackett requested that Executive Director Kaslofsky put together a formal email to the SFUSD Superintendent highlighting the issues brought up at this meeting and including any other questions or comments that OCII Commissioners might have and require a response within 30 days.

Vice-Chair Scott agreed that the questions brought up in this item needed to be answered formally.

Chair Brackett also requested that the SFUSD provide a representative who could answer the questions posed and that they present this information to the OCII Commission at a future meeting.

Executive Director Kaslofsky clarified that Chair Brackett was requesting a formal reply from SFUSD within 30 days as well as attendance at a future OCII Commission meeting.

PUBLIC COMMENT

Speaker: Bernice Casey

Ms. Casey stated that it was her understanding that OCII's job was to decide when and how to spend money on the MB school project and that the SFUSD was using 2016 bond money to build it in the hopes that they would be reimbursed. With that in mind, she stated that when the district started putting together documents in 2021 about how the 2016 bond money would be used, this action had already pitted schools against schools. As an example, Ms. Casey stated that in October 2021 there was a proposal (and she indicated that all this was on the district website) for Buena Vista to receive \$55 million from the 2016 bond money for renovations and repair. This resulted in an outcry about the MB school needing some of those funds and as a result when the district passed the amendment, the total amount was decreased to \$40 million for Buena Vista. Ms. Casey described the terrible conditions such as electrocution, gas leaks and lack of toilet paper in the schools in the SE of the City. She inquired about how they planned to maintain the MB School when they could not even maintain the schools they already had.

6. Public Comments on Non-Agenda Items

Speaker: Oscar James, native resident, District 10

Mr. James stated that he wanted to introduce the hyper local general and sub-contractors that were present at the meeting and asked them to stand up. He stated they would be participating in the contract meetings. Mr. James commended OCII for the good work they were doing.

7. Report of the Chair

Chair Brackett stated that she had no report.

8. Report of the Executive Director

Executive Director Kaslofsky provided an update on the Mexican Museum grant extension approved by OCII on May 21, 2024, which allowed for an additional 12 months for fundraising and then a six-month extension. He explained that this went to the Oversight Board (OB), because this was an

enforceable obligation on May 30, and it was approved. From there it went to the Department of Finance, which had until July 15 for their review and approval. He reported that the OB had amended the grant to include a request for a report on the status of the art, an inventory and to have an independent art professional review that report. They also asked for an update in six months.

9. Commissioners Questions and Matters

Vice-Chair Scott stated that she wanted to acknowledge Chair Brackett for all the good work that she was doing and had done as a mother and as a citizen. On behalf of the Commission, she provided a plaque to Chair Brackett in honor of the contributions that she and her daughter, Jasmene Thompson, had made to the City, in making sure that the youth of SF were being raised in excellence and for their leadership to the City.

10. Closed Session - None

11. Adjournment

Commissioner Aquino motioned to adjourn and Vice-Chair Scott seconded that (e)motion.

The meeting was adjourned at 2:11 p.m.

Respectfully submitted,



Jaimie Cruz
Commission Secretary