

**COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE**

**RESOLUTION NO. 14 - 2023**

*Adopted May 2, 2023*

**AUTHORIZING A SECOND AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH FORSTER & KROEGER LANDSCAPE MAINTENANCE, INC., A CALIFORNIA CORPORATION, TO INCREASE THE CONTRACT CONTINGENCY EXPENDITURE AUTHORITY BY \$20,000, FOR A TOTAL CONTINGENCY EXPENDITURE AUTHORITY OF \$54,480 AND AN OVERALL CONTRACT EXPENDITURE AUTHORITY NOT TO EXCEED \$571,104 TO PROVIDE CONTINUED LANDSCAPE MAINTENANCE SERVICES IN COMMUNITY FACILITIES DISTRICT NO. 1 (SOUTH BEACH); FORMER RINCON POINT-SOUTH BEACH REDEVELOPMENT PROJECT AREA**

WHEREAS, The Redevelopment Agency of the City and County of San Francisco (“Former Agency”) established Community Facilities District No.1 (South Beach) (“CFD No. 1”) in 1988 by Agency Resolution Nos. 186-88 through 191-88 pursuant to the Mello-Roos Community Facilities Act of 1982. CFD No. 1 authorized special taxes on real property in the CFD No. 1 area, which is bounded Embarcadero, Beale, Bryant, Federal, Brannan, CP Kelly and Townsend Streets. This area is the South Beach portion of the Rincon Point-South Beach Redevelopment Project Area (“Project Area”), which expired in January 2021. CFD No. 1, however, extends beyond the expiration of the Project Area; and,

WHEREAS, The special taxes are required to be used for the purposes of funding construction and maintenance of certain improvements including four plazas, streetscape improvements, and irrigation and lighting systems as authorized under Section 53313 of the California Government Code and the Local Goals and Policies for Community Facilities District (Former Agency Resolution No. 79-2008 (July 15, 2008)); and,

WHEREAS, In forming CFD No.1 and funding its facilities and services, the Former Agency exercised state authority under the Mello-Roos Act and not under the Community Redevelopment Law; and,

WHEREAS, Pursuant to California Health and Safety Code §§ 34170 et seq. (the “Redevelopment Dissolution Law”) and San Francisco Ordinance No. 215-12 (October 4, 2012) (establishing the Successor Agency Commission (“Commission”) and delegating to it state authority under the Redevelopment Dissolution Law), the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (“Successor Agency”) is administering the Former Agency’s obligations concerning community facilities districts, including CFD No. 1; and,

WHEREAS, By Resolution No. 37-2017 (October 3, 2017), the Commission authorized the selection, pursuant to a competitive solicitation process, of Forster & Kroeger Landscape Maintenance, Inc., a California Corporation (“Contractor”) to provide landscape maintenance services to CFD No. 1; and authorized the Executive Director to enter into a Personal Services Contract (“Contract”) with Contractor to provide said services for an initial three-year term beginning November 1, 2017 and ending October 31, 2020 (“Initial Term”), and one three-year option to extend, beginning November 1, 2020 and ending October 31, 2023 (“Extension Term”); and,

WHEREAS, The Contract provided for expenditure authority not to exceed \$274,436, including \$249,436 for regular landscape maintenance services and expenditure authority for a \$25,000 contingency for extra work on an as-needed basis; and,

WHEREAS, By Resolution No. 25-2020 (October 6, 2020), the Commission authorized the Executive Director to enter into a first amendment to the Contract (“First Amendment”), increasing the Contract expenditure authority by \$276,668 (including a \$9,480 increase to maximum contingency expenditure authority), for an aggregate amount not-to-exceed \$551,104, which provided expenditure authority needed for the Extension Term (Contract years 2021-2023); and,

WHEREAS, The Contractor’s performance under the Contract has been satisfactory and the Contractor is not in default under the terms of the Contract; and,

WHEREAS, Repair of weather-related damage to CFD No. 1 facilities, as well as deferred maintenance accrued during the COVID-19 pandemic, require the expenditure of \$21,900. Together with previously authorized repairs, this expenditure will exhaust the contingency funds currently remaining under the Contract; and,

WHEREAS, An increase of \$20,000 to the maximum contingency expenditure authority available under the Contract will allow staff and the Contractor to address unforeseen maintenance or repairs needed for the remainder of the Contract term, which expires on October 31, 2023; and,

WHEREAS, A second amendment to the Contract (“Second Amendment”) is necessary to authorize this increase. Increasing the maximum contingency expenditure authority available under the Contract by an additional \$20,000 would increase the total contingency made available under the Contract from \$34,840 to \$54,840 and the total expenditure authority under the Contract from \$551,104 to \$571,104; and,

WHEREAS, The additional \$20,000 expenditure authority authorized by the Second Amendment is available from the existing fund balance funded by Community Facilities District No. 1 special taxes; and,

WHEREAS, Authorization of the First Amendment is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301(h), because it authorizes funding for the continued operation, repair, maintenance or minor alteration of existing community facilities or topographical features with negligible or no expansion of existing uses and will not independently result in a significant physical effect on the environment; now therefore, be it,

RESOLVED, The Commission authorizes the Executive Director to execute a Second Amendment to the Personal Services Contract with Forster & Kroeger Landscape Maintenance, Inc., a California Corporation, substantially in the form attached to the Commission Memorandum for this action and approved by the Successor Agency’s General Counsel, for landscape maintenance services in Community Facilities District No. 1 (South Beach) to authorize an increase in the Contract’s contingency expenditure authority by \$20,000, increasing the aggregate Contract expenditure authority to not-to-exceed \$571,104.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of May 2, 2023

  
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Commission Secretary