

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 34 - 2023

**AUTHORIZING AN AMENDED AND RESTATED PERSONAL SERVICES
CONTRACT WITH FORSTER & KROEGER LANDSCAPE MAINTENANCE, INC., A
CALIFORNIA CORPORATION, TO EXTEND THE CONTRACT TERM BY UP TO
THREE YEARS AND INCREASE THE TOTAL EXPENDITURE AUTHORITY BY
\$72,600, FOR A TOTAL OVERALL CONTRACT EXPENDITURE AUTHORITY OF UP
TO \$118,100, TO PROVIDE CONTINUED LANDSCAPE MAINTENANCE SERVICES
AT ELLIS DRIVEWAY (BLOCK 0725. LOT 026), AND AUTHORIZING ASSIGNMENT
OF CONTRACT TO THE CITY AND COUNTY OF SAN FRANCISCO UPON
TRANSFER OF OWNERSHIP OF ELLIS DRIVEWAY; FORMER WESTERN
ADDITION APPROVED REDEVELOPMENT
PROJECT AREA A-2**

- WHEREAS, In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code, section 33000 *et seq.* the “Community Redevelopment Law”), the Redevelopment Agency of the City and County of San Francisco (“Former Agency”) undertook programs for the redevelopment of blighted areas in the City and County of San Francisco (“City”), including the Western Addition Approved Redevelopment Project Area A-2 (“Project Area”); and,
- WHEREAS, In the course of redevelopment activities within the Project Area, the Former Agency obtained fee title ownership of property located at 1597 Ellis Street (Assessor’s Block 0725 Lot 026), an approximately 6,875 square-foot vehicular and pedestrian accessway connecting Fillmore Street to the mixed-use shopping center bounded by Fillmore, Geary and Webster Streets (“Ellis Driveway”); 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”); and,
- WHEREAS, Upon dissolution of the Former Agency, the Successor Agency prepared, in consultation with the City's Real Estate Division and other City Departments, a Long Range Property Management Plan ("PMP") providing for the disposition of certain of the Former Agency's real property and interests in real property, including Ellis Driveway, as required by Redevelopment Dissolution Law § 34191.5; and,

- WHEREAS, On December 7, 2015, the California Department of Finance ("DOF") approved the PMP, as adopted by Oversight Board Resolution No. 14-205 (Nov. 23, 2015), and the subject real property, including Ellis Driveway, was transferred to the Community Redevelopment Property Trust Fund under Cal. Health & Safety Code§ 34191.4 (a), pending disposition in accordance with the PMP; and,
- WHEREAS, The PMP calls for Ellis Driveway to be disposed of for fair market value. The Successor Agency has contracted for the preparation of an appraisal of fair market value of the property, which is appraised at approximately \$30,000.
- WHEREAS, From time to time, portions of Ellis Driveway have been used during events like the Fillmore Farmers Market and Juneteenth, as well as more informally by the community; and,
- WHEREAS, Ellis Driveway is immediately adjacent to the Fillmore Heritage Center ("FHC") property, also owned by OCII and currently leased to the City. Given the proximity of Ellis Driveway to the FHC, and the community's interest in the site in general and the desire for an orderly transfer, OCII and the City believe that coordinated transfer of both properties to the City would allow the City to best operate and manage both properties; and,
- WHEREAS, OCII and the City must obtain Board of Supervisors approval for transfer of Ellis Driveway to the City. In addition, the City is currently negotiating a lease of the FHC to San Francisco Housing Development Corporation (SFHDC) and Fleming Development, which is anticipated to be completed in early-mid 2024; and,
- WHEREAS, In the meantime, OCII is responsible for maintaining Ellis Driveway. In late 2021, members of the community alerted OCII to conditions of disrepair at Ellis Driveway, including garbage accumulation, poor sidewalk conditions and other potential hazards. To address these conditions, OCII entered into a personal services contract for maintenance services with Forster & Kroeger Landscape Maintenance, Inc, a California corporation ("Contractor") on February 1, 2022 for a maximum amount of Forty-Five Thousand Five Hundred Dollars \$45,500 ("Original Contract"). The Original Contract expires on December 20, 2023; and,
- WHEREAS, Because the Original Contract will expire prior to OCII being in a position to transfer Ellis Driveway, staff are proposing an amended and restated contract ("Amended Contract") that extends the Original Contract for up to three years and includes a commensurate budget increase of up to \$72,600, and a total overall budget of \$118,100. This extension is intended to provide ample time for the City to complete its FHC negotiations and for OCII and the City to complete the property transfers; and,
- WHEREAS, Section IX.D.1(d) and (e) of the Successor Agency Purchasing Policy allow a sole-source contract where there is a demonstrated urgency to issue the contract to protect Successor Agency assets, and where the proposed contractor has previously provided the needed services and has performed satisfactorily and gained information and experience making them uniquely qualified to provide the services.

In this case, given the continued need to provide maintenance services at Ellis Driveway to protect the property asset and Contractor's past performance maintaining the space, staff recommend issuing the Amended Contract to Forster & Kroeger on a sole-source basis; and,

WHEREAS, at the request of MOHCD in anticipation of transfer of Ellis Driveway, the Amended Contract allows OCII to assign the contract to MOHCD upon transfer of ownership of Ellis Driveway. It also allows MOHCD to expand the service area to include certain exterior portions of FHC, and allows MOHCD to extend the Amended Contract for an additional three years, each in MOHCD's sole discretion and without any further obligation of the Successor Agency; and,

WHEREAS, Contractor is a minority-owned business certified by the State of California, Department of General Services (DGS) as a Small Business Enterprise ("SBE"), is compliant with OCII's Nondiscrimination in Contracts and Benefits, Minimum Compensation, and Health Care Accountability Policies, and has satisfactorily performed under the Original Contract; and,

WHEREAS, Authorization of the Amended Contract 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 an Amended and Restated Personal Services Contract for landscape maintenance services of Ellis Driveway 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, authorizing extension of the Original Contract for up to three years, from December 20, 2023 to December 20, 2026, and increase the Budget of the Contract by a total of up to \$72,600, which will result in overall OCII contract expenditure authority of \$118,100, together with certain assignment and extension provisions benefitting MOHCD.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of December 5, 2023

Commission Secretary