



## **CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT**

**584 Castro Street #336; San Francisco CA 94114**

**[www.CastroCBD.org](http://www.CastroCBD.org) 650/355-1294**

### **Minutes of the Regular Monthly Board of Directors Meeting on June 9, 2011 Castro Community Room, 501 Castro Street, Second Floor, San Francisco, California**

The meeting was called to order at 6:05pm by Vice President Tim Patriarca chairing for President Dominic Campodonico who could not attend.

A quorum was present and was maintained throughout the meeting.

**Directors Present:** Joel Bubeck, Treasurer Herb Cohn, Jim Laufenberg, Vice President Tim Patriarca, Pat Sahagun, Secretary Pauline Scholten, Blake Smith, Ken Wingard;

**Directors Absent:** Excused absences: President Dominic Campodonico, Gustavo Serina, Richard Sollitto;  
Unexcused absences: none

**Staff, Guests:** Seven (7) members of the public and the media; Executive Director Andrea Aiello; Richard Magary (taking Minutes).

An agenda was distributed to Board members and guests.

#### **Introductions**

The Board members publicly introduced themselves and guests were invited (but not required) to introduce themselves.

#### **Brown Act Notice**

Tim summarized California's Brown Act, as its rules apply to the CBD's Board meetings. They include provisions that meetings are publicly noticed in advance and are open to the public; for public comment on each agenda item, and before any vote is taken; and for general Public Comment, scheduled as Item VIII on the Agenda for this meeting, to be called in order but no later than 7:25pm. Guests who interrupt or are otherwise disruptive of the Meeting will be given a verbal warning. If a second interruption or disruption by the individual(s) occurs at the meeting, they will be asked to leave.

#### **Minutes from May 12, 2011**

After corrections were noted, those Minutes were adopted by general consent.

#### **President's Report**

No President's report was made, since Dominic was absent.

Andrea asked Board Members if they wanted to hold the regularly-scheduled July meeting on July 14. In the past two years, the July meeting was not held. After discussion, it was agreed to schedule the July meeting as usual, and to consider then whether to hold an August meeting.

#### **Committee Reports**

##### **Executive Committee**

Tim gave the Executive Committee Report.

- A Motion was made by the Executive Committee (no second required) to ratify the Executive Committee's decision to support the addition of a metered parking space on the west side of Noe Street

in front of the Community Garden in the space where there is currently a curb cut and free/open unmetered parking. After Board discussion and a call for public comment on the Motion (there was none), the Motion passed *unanimously*.

- A Motion was made by the Executive Committee (no second required) to ratify the Executive Committee's decision to send to Supervisor Wiener a letter in support of the Chevron Gas Station's claim regarding cracked sidewalks at 17<sup>th</sup> and Market Streets. Director Pat Sahagun recused himself and left the room during discussion of and voting on this Motion. After Board discussion and a call for public comment on the Motion (there was none), the Motion passed *unanimously*.

Public Comment was invited on the Executive Committee report. There was none.

### Board Development Committee

Andrea reported on behalf of the Committee that Director Richard Sollitto submitted his resignation due to extended personal obligations outside of San Francisco.

- A Motion was made (M-JL, 2<sup>nd</sup>-BS) to accept the resignation with regret and thanks for his past service and to instruct the Executive Director to send a letter to that effect to Richard. After Board discussion and a call for public comment on the Motion (there was none), the Motion passed *unanimously*.

### Streetscape Committee

Ken presented the Streetscape Committee report.

- A Motion was made (M-KW, 2<sup>nd</sup>-JL) from the Streetscape Committee to approve the recommendation from the Joint Streetscape/Services Committee meeting on Harvey Milk Plaza redesign to encourage a safe and comfortable environment for pedestrians.  
As a related development, Ken said that Supervisor Wiener is developing legislation to clarify operating hours, permitted activity, etc. in Jane Warner Plaza, since (as a City "Pavement to Parks" project) it does not fall under all existing, appropriate City regulations. Ken also explained that, in a joint meeting, the Streetscape and Services Committees discussed a 30 day pilot program to hire private security guard firm to monitor activity in the two Plazas for six hours per day at varying times of day, seven days a week, starting as soon as possible. There was also discussion at this Joint Committee meeting to somehow close off the benches during late evening hours and early morning, and have the hours that the seating is open posted. The cost for the pilot would not exceed \$6,000. Budgeted funds are available for the project.
- During discussion of the Motion, an Amendment was made (M-KW, 2<sup>nd</sup>-BS) to spend up to \$6,000 from the existing Security Services budget for the 30 day security guard pilot program described above; that the Services Committee would interview and select a contractor; to issue media information to emphasize the CBD's concerns and efforts to improve quality of life issues in the two Plazas; to assure that guards working on the project are given training, orientation, and a purpose-appropriate job description; and that the pilot be monitored and evaluated after 30 days.

Ken explained that this Motion and Amendment were intended to show the CBD's understanding of and desire to respond to concerns expressed by neighbors and merchants. If judged successful and/or as modified from experience during the pilot period, the program could be extended. During the pilot, CBD Committees also should continue to consider other options for the Plazas. The options include removing, modifying or replacing the Harvey Milk Plaza benches, some how closing them off during certain times and creating hours during the day that the seating would be open. Hours and duties of the security guards under the pilot program should be coordinated with existing S.F. Patrol Special Police assignments in the area

After extended Board discussion, there was a call for Public Comment. One speaker suggested that the use of a non-profit security service contractor be considered. The suggestion will be considered by the Services Committee when interviewing and selecting a contractor. Then, the Amendment was voted upon; it was *approved* with one dissenting vote. Then, the Motion as amended was approved *unanimously*.

Committee Reports were suspended at this point to hear the:

### Treasurer's Report

Herb presented the Treasurer's Report for March 2011:

March beginning of month cash balances were \$340,255.58

During the month of March 2011, the CBD earned interest earned of \$103.25 and received flower basket donations of \$9.10.

Expenses for March were \$31,950.44 for our maintenance contract, administration costs, and ongoing programs.

March end of the month cash balances were \$308,417.49

He also distributed to Board Members the Balance Sheet as of March 31, 2011 and the Profit & Loss statement for July 2010 – March 2011. He also will send the March 2011 Profit & Loss Statement by email to Board Members. At next month's meeting, he will present Treasurer's information for both April and May.

Public Comment was invited on the Treasurer's Report. There was none.

Committee Reports continued at this point in the meeting.

### Finance Committee Report

Herb presented the Finance Committee report, with the proposed budget for July 1, 2011 – June 30, 2012, which he explained, and the Board discussed. Herb noted that projections for next year also include \$378,188 in carryover and reserves, which include the mandated final six months of operating costs at the end of the CBD's current ten year life. The proposed budget meets all expense percentages mandated by the CBD's Management Plan. During discussion the allocations between Economic Development and Streetscape budget lines were discussed.

- A Motion was made by the Finance Committee (no second required) to approve the 2011-2012 budget as presented. After further Board discussion and a call for public comment on the Motion (there was none), the Motion passed *unanimously*.

After the vote, it was noted that the 2011-2012 Budget included a recommended increase in Assessments of 1.5% or \$6,030, as permitted by the Management Plan and calculated according to a CPI index as required. Concern was expressed by some Board members that future budgets and recommended assessment increases should be presented and voted upon clearly and separately.

- A Motion was made (M-BS, 2<sup>nd</sup>-HC) to rescind the above approval of the 2011-2012 budget, to allow for additional discussion. After Board discussion and a call for public comment on the Motion (there was none), the Motion passed *unanimously*.

There then was further discussion of the recommended Assessment increase, the history of past increases (and years in which there had been none), the base amount and CPI formula used to calculate the increase, and related issues.

During this discussion, Ken served for several minutes as temporary chair in Tim's absence.

- A new Motion was made by the Finance Committee (no second required) to approve the 2011-2012 Budget as presented, including the proposed 1.5% Assessment increase. After further Board discussion and a call for public comment on the Motion (there was none), the Motion was *approved* with two dissenting votes.

### Services Committee Report

Joel presented the Services Committee report.

He reported on the continuing issue of alleged damage to the building facade at 1857 Market Street by MJM workers removing graffiti. Total cost was \$5,676. Negotiations with MJM have led to a proposed settlement under which MJM would pay one-half (\$2,838) and the CBD would pay one-half (\$2,838), based on the fact that MJM's workers did the alleged damage and that the CBD does not have graffiti removal damage waivers from property owners, as is the policy with several other CBDs in the City.

There could not be a vote on the matter at this meeting, since the item was not publicly noticed in advance as required by the Brown Act. It was the sense of the Board discussion on the matter that six of eight attending Board members favored the proposed resolution with MJM, to take as a “lesson learned” and to resolve the issue. Andrea further reported that graffiti damage waivers based on those used by other CBDs are being prepared and will be mailed to all property owners in the CBD during June. Although no vote was to be taken on the matter tonight, Public Comment was invited on the issue. There was none.

The matter was referred to the Executive Committee for further action and a report back to the full Board at the next meeting.

### **Other New Business**

#### **Rainbow Flag**

Patrick Batt was invited to speak on the issue of the Rainbow Flag which currently is maintained under the stewardship of MUMC (Merchants of Upper Market & Castro) at Harvey Milk Plaza. Patrick is a longtime local businessperson and MUMC Member. He was MUMC’s president when the agreement between MUMC and the City concerning the Rainbow Flag and flagpole at Harvey Milk Plaza was made and remains involved in MUMC’s Flag stewardship. He noted that MUMC became involved after the Rainbow Flag, with no entity really in charge to take care of it, subsequently suffered from neglect and was in disrepair. No City department or other local group was willing to take responsibility for on-going maintenance, other necessary funding and support. MUMC agreed to assume responsibility for maintenance, flag replacements (typically about 4 times per year), insurance and other items. Patrick added that MUMC had a letter between DPW and MUMC, authorizing this agreement. He said he had the letter at home, but didn’t think of bringing it with him. Patrick noted that the Castro St. Fair contributes \$4,000 annually for the flag replacement and MUMC pays for the insurance. MUMC also coordinates the general maintenance of the flag through volunteers. MUMC soon began receiving an increasing number of requests to temporarily replace and/or lower the flag on behalf of and in honor of various individuals, organizations, etc. The MUMC Board considered these requests and found the volume and variety of them, as well as practical operating and safety issues involving flying the flag at half-staff to be a lot for a volunteer organization to handle. As the task of making judgments became increasingly difficult, a policy evolved that the flag would be maintained at full-staff at all times, except in extremely rare and unique situations to be considered by the MUMC Board.

At this point in the meeting it was 7:25pm and discussion of the Rainbow Flag was suspended for public comment.

### **General Public Comment**

Tim called for general Public Comment on CBD-related issues not listed on tonight’s Agenda. There was none.

#### **Rainbow Flag, continued**

- A Motion was made (M-PS, 2<sup>nd</sup>-JB) to encourage the S.F. Department of Public Works to convene a meeting with all interested parties to discuss the decision-making process concerning the flag/flagpole at Harvey Milk Plaza.
  - During discussion of the Motion, an Amendment was proposed to add a request that Supervisor Scott Wiener be asked to follow up on the proposed request for a DPW meeting. The Motion for Amendment failed for lack of a second, and discussion continued on the primary Motion.
- Members of the public attending were invited to participate in the ensuing discussion. It was noted that MUMC’s significant contributions regarding the Flag are appreciated, but that MUMC may not have communicated as effectively as it could have in the past, regarding its role, policies and procedures, etc. regarding the Flag. Why the issue has become an issue for CBD discussion also was questioned. Several Board members expressed the feeling that the issue should be discussed between community and neighborhood representatives and appropriate officials at City Hall, including our Supervisor, not by the CBD. Following further discussion, and Public Comment having been heard as part of the discussion, the Motion *failed* with one yes vote and 7 no votes.

- A Motion was made (M-BS, 2<sup>nd</sup>-JB) to support policies/practices which encourage responsible drinking on Pink Saturday (June 25) to ensure that the event is a positive community event. During discussion, it was noted that alcohol drinking's negative effect on major events such as Pink Saturday is a growing problem. The purpose of this Motion is to show the CBD's support for SFPD Mission Station's Castro Liaison Sgt. Chuck Limbert's call for responsible alcohol serving and selling practices by licensed premises during Pink Saturday and similar events. It was noted that Jane Warner Plaza will be closed to the public during Pink Saturday, and that SFPD's local command post will be located there. All persons entering the gated event will be screened for metal objects and no alcohol containers will be allowed through the gates. Licensed premises are being reminded by SFPD and the State Alcoholic Beverage Commission of the strict off-sale rules for various license types. After Board discussion and a call for Public Comment (there was none), the Motion passed *unanimously*.
- A Motion was made (M-HC, 2<sup>nd</sup>-BS) to support the WIN Center, a proposed pharmacy and Medical Cannabis Dispensary (MCD) at 260 Noe Street. JD Petras, Edward Huser and attorney Douglas Evans representing the WIN Center were invited to make a brief presentation. The operation will be 90% holistic, organic medicine and about 10% MCD with no smoking or other consumption allowed on premises or in the area. It will be non-profit, operating in partnership with other groups such as IEP, LYRIC, etc. Most surplus funds will benefit organizations and causes in The Castro. The project is seeking MCD approval, and a "spot zoning" exemption from Planning Code provisions, since it will be less than the required 1,000 feet from some local schools. It will be between 850 and 920 feet from McKinley and Harvey Milk schools. State MCD regulations permit MCDs to operate as close as 600 feet from schools, but San Francisco has a 1,000 foot rule. During the Board discussion that followed, Ken served for several minutes as temporary chair in Tim's absence. Board discussion noted that there already are at least four permitted MCDs in the area, plus others in surrounding neighborhoods. The need for vibrant local businesses of all types, the benefits provided by medical cannabis products, the presence at nearby restaurants of families with young children, whether this is an appropriate topic for CBD consideration (vs. neighborhood groups such as DTNA in this case), also were points noted by Board members. After a call for Public Comment on the item (there was none) the Motion *passed* with two no votes and one abstention. Andrea was instructed to write a letter regarding the CBD's support.

### **Executive Directors Report**

Andrea reported that the Ambassadors training will be held on Saturday June 11. She showed the materials bags that Ambassadors will carry/wear. She thanked Blake, Pauline and Joel for their help interviewing Ambassadors and the coordinator.

### **Adjournment**

The meeting was adjourned at 8:05 pm.

Minutes taken and prepared by Richard Magary

**Approved** July 14, 2011



Pauline Scholten, Secretary