



CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT

584 Castro Street #336; San Francisco CA 94114

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DRAFT Minutes of the Regular Monthly Board of Directors Meeting on July 14, 2011 Castro Community Room, 501 Castro Street, Second Floor, San Francisco, California

The meeting was called to order at 6:05 pm by Vice President Tim Patriarca, who began the meeting with introductions of the Board members and the audience, and giving notice that the meeting was being run under the requirements of the Brown Act. Five minutes into the board meeting, at 6:10 pm, Board President Dominic Campodonico arrived and assumed chairing the meeting.

A quorum was present and was maintained throughout the meeting.

Directors Present: Joel Bubeck, President Dominic Campodonico, Jim Laufenberg, Vice President Tim Patriarca, Pat Sahagun, Secretary Pauline Scholten, Gustavo Serina,

Directors Absent: Excused absence: Treasurer Herb Cohn, Blake Smith Unexcused absence: Ken Wingard

Staff, Guests: Five (5) members of the public, including 4 people who have submitted applications to become members of the board; Executive Director Andrea Aiello

Secretary Pauline Scholten took the meeting minutes (Richard Magary, who usually takes the minutes, was absent).

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 began the meeting as Dominic was running late, he briefly 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. Dominic arrived and took over chairing the meeting.

Minutes from June 9, 2011

Those Minutes were adopted by general consent.

President's Report

Dominic briefly reviewed and clarified Roberts Rules of Order and Minutes from past weekends regarding revisiting matters that had previously been voted on by the board. He felt this needed clarification since the Board had a motion on its agenda to remove the bench at Harvey Milk Plaza. He noted that in May 2011 the Board voted on a similar motion to remove the bench at HM Plaza and it had failed; during that same meeting, the Board voted on the creation of a supercommittee to research the issues and the Plaza and to create proposed solutions. Thereafter, a joint meeting of the Services Committee and Streetscape Committee took place wherein these issues were addressed. Subsequently, at the June 2011 Board of Directors meeting, the supercommittee's

motion to spend up to \$6000 for 30 days to hire a security guard stationed at Harvey Milk Plaza was discussed and passed by the Board of Directors. Dominic then discussed whether the July motion regarding removing the bench was a motion to “renew” the first May motion (the motion which failed) or a motion to “rescind” the second May motion and the June motion (the motions which passed). “Rescinding” versus “renewing” have different requirements (giving proper notice, certain voting requirements, etc.), which he reviewed. Dominic then said that given the rules discussed, he was inclined to treat the July motion as a motion to “rescind” the second May motion and the June motion. He further noted that the Board, as a whole, is the final authority in judging how the rules are to be applied and that any member may appeal the President’s decision to treat the July motion as a motion to rescind. Once that motion to appeal is seconded and discussed, it takes a majority vote in the negative to overturn the President’s decision. Dominic noted a further complication in that a motion to rescind becomes moot once the funding for the motion (here, this includes entering into a contract for a security guard) is made. Andrea reported the allocated money has not been spent yet, although she is in discussions with a security firm. Gustavo said that there had been some issues that needed to be resolved regarding what a security guard could and could not do, and that he had hoped to have the local beat police officer attend the meeting to discuss this but the police officer was unable to attend. He hoped to have the officer attend the next meeting.

Public Comment was invited on the President’s Report. There was none.

Treasurer’s Report

Treasurer Herb Cohn was excused from this meeting so the Treasurer’s Report and Financials for April and May 2011 were presented by Andrea.

The Treasurer’s Report for April 2011:

April beginning of month cash balances were \$308,417.49

During the month of April 2011, the CBD earned interest earned of \$87.51 and received flower basket donations of \$500.00.

Expenses for April were \$31,017.24 for our maintenance contract, administration costs, and ongoing programs.

April end of the month cash balances were \$278,046.21

The Treasurer’s Report for May 2011:

May beginning of month cash balances were \$278,046.21

During the month of May 2011, the CBD earned interest earned of \$113.37 and received flower basket donations of \$1,526.79.

Expenses for May were \$29,214.79 for our maintenance contract, administration costs, and ongoing programs.

May end of the month cash balances were \$408,522.88.

She also distributed to Board Members the Balance Sheets and the Profit & Loss statements for April and May 2011.

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

Committee Reports

Executive Committee

Tim gave the Executive Committee Report. He said that the committee had discussed a motion to separate out from the vote on the annual budget the board’s annual decision whether to raise the CBD’s assessment rate. The Executive Committee agreed there should be a “standalone” vote on the assessment at least a month before the budget vote so that the resulting figures could be used to build the annual budget.

- ü A Motion was made by the Executive Committee that at least one month before the vote on the annual budget, a separate vote on an assessment rate increase will be held. A brief discussion followed among the board regarding the motion. Andrea reported that the CBD receives notice from San Francisco in February what percentage increase the CBD can use that year, if the board chooses to implement a rate hike. Gustavo commented that this “will put the onus on our various committees” to make their case

before the board vote on the rate increase regarding what they want to spend money on and whether an increase is needed. After the discussion and a call for public comment, the Motion *passed unanimously*.

Tim also reported:

- 1) The Executive Committee discussed the status of the ongoing problem with the bench in Milk Plaza.
- 2) The Executive Committee voted to approve splitting with MJM the \$5676 cost of repairing damage to the façade of 1853-1857 Market St. that inadvertently occurred during graffiti removal.

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

Board Development Committee

Dominic said that the Board's acceptance of Richard Sollitto's resignation from the board was left off of June's minutes, and that the Board needed to formally accept the resignation again.

- ü A Motion was made by Gustavo and seconded by Tim to accept Richard Sollitto's resignation from the Board. There was very brief discussion on this motion and no comments made during the call for public comment. The Motion *passed unanimously*. [N.B.: It was subsequently determined that the Board's acceptance of Mr. Sollitto's resignation was voted on, approved, and reflected in the June minutes.]

Andrea reported that there are four new applicants for positions on the Board:

- Scott Cataffa (Principal with CMG Landscape Architecture)
- Mark Giberons (manager of Under One Roof store on Castro St.)
- Greg Gurovich (district property owner – 1853-1857 Market St.)
- Dennis Ziebell (owner of Orphan Andy's restaurant at 17th and Market Sts.)

All four applicants were in attendance at the meeting and were introduced to the Board.

Dominic said that applicants to the Board are typically asked to serve for three months as a shadow member on a Board committee, attending meetings, before the Board votes on their nomination. He said given the need for Board members at this time, he suggested that the Board might shorten this period to two months. Tim asked if Dominic or other members of the Board Development Committee had met with the applicants, Dominic responded that no, no board members have yet, but that Andrea had met with all the applicants to discuss their interest, provide some background on the CBD and explain the commitment expected of Board members. The issue of shortening the 3 month orientation period for board applicants was referred to the Executive Committee.

Two other people have expressed interest in joining the board, but they have not yet submitted their applications. These two are: Donna Insalaco (co-owner of Beautiful restaurant on Market St.), Greg Zhovreboff (member of Sisters of Perpetual Indulgence charitable group). Andrea is meeting with Donna Insalaco in the next week or two.

Joel suggested that the applicants be asked their preferences in terms of committee assignments, and the applicants responded with the names of the committees they were interested in serving on.

Public Comment was invited on the Board Development Committee report. There was none.

Streetscape Committee

Andrea gave the Streetscape Committee Report. She said they'd had a long discussion on fostering economic vitality in the district and had decided to invite a number of representatives from various groups (both governmental and non-governmental) to talk about Castro district vitality. She said that at coming meetings for the next few months they would be speaking with representatives from the LGBT Center, local event promoters to talk about promoting events at Jane Warner Plaza, Comcast to discuss advertising opportunities, and S.F.'s Economic Development dept. Andrea will also be talking to the People In Plazas representative about Castro Sundays.

Andrea also reported:

- 1) The Streetscape Committee discussed buying new furniture for Jane Warner Plaza, per the motion approved by the Board in June, but decided to hold off purchasing it until after summer. Ken Wingard and J.D. Petras have volunteered to help Andrea with this task.

- 2) The Streetscape Committee reviewed draft legislation regarding oversight of Jane Warner Plaza. Andrea will be forwarding their amendments to Supervisor Scott Wiener.
- 3) She said the Church & Market Rail Improvement project was slated to start July 15th.
- 4) Donations are continuing to trickle in for flower baskets and nine have been hung. Andrea said a total of \$8212 had been raised so far and that \$3400 more was needed to achieve the goal of hanging 14 baskets this summer. She said that Hearth Realty had offered to do another fundraiser for the baskets.

Gustavo said the Streetscape Committee had discussed at length who should be funding and overseeing the Ambassador Program, the Services Committee or the Streetscape Committee. Dominic responded that the committees make recommendations but that the board funds and makes decisions regarding CBD programs. Dominic suggested that the Ambassador Program partner with City Guides and S.F.'s concierges to spread the word about their activities.

Regarding baskets, Joel asked the Streetscape Committee to consider the Board funding the \$3400 needed to get the remaining baskets up right away.

A motion on the agenda to amend the approved budget to move \$15,000 from the Contingency line item to Economic Vitality was not taken up by the board.

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

Services Committee

Joel said that the Services Committee did not meet. He reported that graffiti removal letters, asking for property owners to sign a release for the CBD's contractors to remove graffiti, had been sent out to all district property owners. Andrea said that she had received 65 signed releases back so far, but was still waiting to hear from more owners. The board indicated she should send a "Final Reminder" notice to those property owners who had not yet returned a signed release form. Andrea said smaller property owners had a lot of questions, many involving the legal ramifications of the agreement. She said it would be beneficial if the CBD had an attorney that she could run these by these type of questions.

Andrea reported that the Services Committee recommended that it was not necessary to pay for Sexual Misconduct Insurance for the Castro Ambassadors. They have extra liability insurance and volunteer accident insurance. The Ambassadors are always in public, never alone with a tourist/visitor. However, Andrea expressed this was another example of something she would like to ask an attorney for their opinion. Dominic said the Board would need an official vote to decline the insurance. Joel said that the Services Committee would discuss the matter at their next meeting and would bring a motion back to the Board.

Joel reported that the Ambassador Program is "going very well." He said there are currently 29 ambassadors and that 3 or 4 more were waiting to be trained. He said the records kept by the Ambassadors Program showed they'd had 946 interactions in the first 3 weeks with tourist and that all feedback so far had been positive.

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

Other New Business

- ü A Motion was made by Pauline and seconded by Gustavo for the CBD to move forward with removing the benches in Harvey Milk Plaza within the next two months. As he had discussed in his Presidents Report (see above) at the beginning of the meeting, Dominic reiterated that because this motion would in effect rescind a prior motion, it would be subject to 30-day notification and certain voting requirements. He said he would like more board members to be notified and in attendance before moving forward with this motion. Gustavo and Pauline said that they were willing to postpone the motion, and said that what they were looking for was a really full discussion of whether funding a security guard was the appropriate way to deal with issues regarding the bench or that other options be considered. Joel said he was concerned that we had promised to hire a security guard for 30 days at the Plaza as soon as possible and we are not living up to our promise. After discussion, a Motion was made by Gustavo and seconded by Pauline to postpone until the August Board meeting. After a discussion and a call for public comment, the Motion *passed unanimously*.

Public Comment was invited on Other New Business. There was none.

Executive Director's Report

Andrea reported that the CBD sponsored People in Plazas concerts had been held in June and July and that two more concerts are currently scheduled for the second Sundays in August and September.

Andrea encouraged Board members to "like" the CBD's Facebook page so that it would get more activity.

Andrea reported the Ambassador Program was going well and that volunteers had begun handing out a Castro map with a Best of the Castro listing on the back, which Pauline had developed.

General Public Comment

At this point in the meeting, it was 7:25pm. Dominic called for General Public Comment. There was no public comment. Dominic reported that the controversy regarding the Rainbow Flag in Harvey Milk Plaza and its oversight by MUMC, was continuing, this time over a request to raise the New York state flag on the flag pole. He said that there had been renewed requests for the CBD to "renew the discussion" regarding who controls the flag. Gustavo requested that the Board obtain a copy of the "flag memo" from MUMC.

Adjournment

The meeting was adjourned at 7:30 pm.

Minutes taken and prepared by Pauline Scholten

Approved: August 14, 2011



Pauline Scholten, Secretary