



CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT

584 Castro Street #336; San Francisco CA 94114

www.CastroCBD.org 415-500-1181

Minutes of the Regular Bi-Monthly Board of Directors Meeting on April 12, 2018

Directors Present: Hubert Ban, President Jamal Cool, Brian Gougherty, Treasurer Alex Harken, Peter Laska, Jim Laufenberg, Helen McClure, Pat Sahagun

Directors Absent and Excused: Scott James, Vice President Alan Lau **Staff Present:** Andrea Aiello, (taking minutes) **Guests include:** guests were present but declined to introduce themselves.

1. CALL TO ORDER AND INTRODUCTIONS: The meeting was called to order at 6:04 pm by Board President, Jamal Cool. A basic quorum was present and maintained throughout the meeting.

Brown Act Notice

Jamal 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 before any vote is taken on each agenda item and following committee reports; and for general public comment, scheduled as Item 4 on the agenda for this meeting, to be called in order but no later than 6:55pm. 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. A copy of the meeting agenda was publicly posted timely in advance, on-line at www.castrocbd.org and at the S.F. Public Library, 100 Larkin Street. A copy of the board package was available for public review at the meeting.

2. APPROVE FEBRUARY 8, 2018 BOARD MINUTES

Motion (M-JL1, 2nd), to approve minutes. No changes. A call for public comment was made. (there was none). Motion approved.

3. ANNOUNCEMENTS

A. Executive Director's Report

Andrea Aiello informed the board that the fourth of the quarterly oversized postcards were mailed to property owners and merchants in the district. She provided a sample of the postcard. The postcard is promoting the *Live! In The Castro* series. Opening day is on May 19th, all board members were encouraged to attend.

B. President's Report

President Jamal Cool

Introductions^[SEP]

Board members and guests introduced themselves and noted any current, potential conflicts of interest.

4. COMMITTEE REPORTS

A. Executive Committee Report

1. Bylaws Amendments: Andrea referred board to the amendments proposed by the Executive Committee, particularly related to nomination of board members and grammar and clarity corrections. Andrea read the amendments to the board and they were provided in the board packet. Andrea explained that per the bylaws, any amendments must first be presented to the board and at the next meeting they will be voted on. There were no questions.
2. CBD Renewal: Jamal reminded board members that we need to begin the renewal process and the CBD, as all CBD's do and as recommended by OEWD, will be hiring a consultant to direct this process. Jamal advised the board that this will require quite a bit of work and asked for volunteers to join a renewal committee. Jamal thanked Helen for already volunteering. Hubert volunteered to join the committee. **Motion (JL1, 2nd) to appoint Helen McClure, Hubert Ban and Jamal Cool to the CBD Renewal Committee.** Call for public comment, there was none. **Motion approved.** Helen, Hubert and Jamal were thanked.
3. Vote to approve Jim Laufenberg as secretary of CBD board of directors. **Motion (PL1, 2nd) To approve Jim Laufenberg as secretary of the Castro CBD board of directors.** Call for public comment, there was none. **Motion approved.**
4. **Motion (JL1, 2nd) to temporarily waive board practice of requiring new board applicants to participate in a committee for 3 months before coming before the board for a vote.**
5. **Motion to approve board applicant Chad Beecher: Motion put on hold** for next meeting. Mr. Beecher was unable to attend at the last minute.
6. **Motions (JL1, 2nd) to rescind prior direction on board action from the following items at a public meeting:**
 - a. **To remove Scott James from the board of directors.**
 - b. **To give Executive Committee authority to enter into contract with legal counsel for up to \$5000 retainer for issues related to the CA Ralph M. Brown Act, Sunshine Ordinance, Public Records Act and 549A Lease and sublease.**
Call for public comment. There was none. **Motion approved.**
 - c. **Motion (AH, 2nd) to remove Scott James from the board of directors.** Call for public comment. A member of the public stated that he has concerns about removing Scott James from the board and he has lots of questions. **Motion approved by unanimous board vote.** Jamal advised all members of the public that based on advise from the CBD's attorney, the board can not engage in conversation with the public, per the CA Brown Act, so anyone with questions please email the CBD or Andrea.
 - d. **Motion (JL, PS2) to approve up to \$5000 for legal counsel for issues related to the CA Ralph M. Brown Act, Sunshine Ordinance, Public Records Act and 549A Lease and sublease.** Call for public comment. Shana MaHaffey introduced herself as a cofounder of The Coop, and the tenant of the Castro CBD's. She expressed concerns about the Castro CBD's cleaning vendor Block By Block and Andrea Aiello's support of Block By Block re: Block By Block employee issues. Ms. MaHaffey expressed disappointment that the CBD had to spend money on an attorney. **Motion approved.**
7. Update on potential base of operations move to 693 14th Street: Jamal updated that board that Andrea has submitted the CU application to the Planning Dpt. It has taken some time due to complications with the planning dpt. and waiting for documents from the landlord. Things should be moving forward soon. The landlord will be providing the CBD with a clean shell and an ADA bathroom. Call for public comment. Ms. MaHaffey stated that this is the first time she has heard this information.

8. Update on 549A lease and sublease: Jamal updated the board that they have discussed the possibility of moving with the landlord's representative. There are possible options being considered that would enable the CBD to be released from the lease, including the Coop has expressed interest in taking over the entire space. Public Comment: Ms. MaHaffey stated that she believes the CBD is retaliating against the CBD for complaining about Block By Block.

9. Discussion of Sunshine Ordinance Complaint received: Jamal announced that the CBD received a Sunshine Ordinance complaint. Through OEWD, the city attorney advised the CBD that the CBD is not subject to the Sunshine Ordinance. Call for public comment, there was none.

B. Services Committee Report

1. **Motion (JL, 2nd) to approve contract amendment for Castro Cares 2016 to remove providing homeless outreach services through a subcontract with PHFE and replace with providing outreach services through a subcontract with the SF AIDS Foundation and a time extension until November 30, 2018.** Call for public comment, there was none. **Motion approved.**

2. **Motion (JL, 2nd) to approve \$175,000 contract with OEWD for Castro Cares 2018.** Andrea explained this was for grant submitted earlier in the year for fy 2018-19 case management & outreach, patrol special police services, project coordination, data collection and advocacy and project management and oversight. Call for public comment. Public comment included member stating he doesn't understand Castro Cares. Jamal again stated to please email the CBD or Andrea with any questions. **Motion approved.**

3. **Motion (PS, 2nd) to approve request to Supervisor Sheehy for \$60,000 to fund the Castro Cares case manager from January 2019- June 2019.** Andrea explained that the case manager is funded by a combination of grant dollars and donations, and this funding will fund the case manager through December 2018. Call for public comment. There was none. **Motion approved.**

4. **Motion to approve adding up to \$7000 to the Castro Cares 2018 contract to fund the Bigbelly program which includes \$1500 for maintenance costs.** Andrea explained that Mayor Farrell is implementing a new program to test and evaluate the Bigbelly trashcans. He has selected 4 neighborhoods to conduct this initial evaluation. Each neighborhood will get 5 trashcans. The Castro is the first of these neighborhoods. Andrea explained that the amendment is now \$16,500 for 6 months (instead of the original 3 months) of the Bigbelly program. The CBD will contract with Bigbelly to lease the trashcans and the city is providing the CBD the funds (through this contract amendment) to reimburse the CBD for these costs. The total amount of the contract amendment is \$16,500 not \$7,000. **Motion (JL, PS2) to approve adding up to \$16,500 to the Castro Cares 2018 contract to fund the Bigbelly program which includes \$1500 for maintenance costs.** Call for public comment. Public comment questioned why the CBD would get rid of brand new cans that were just put in this year and replace them with these Bigbelly cans? **Motion approved.**

5. New Block By Block (BBB) 3 year contract: Jamal informed the board that we are negotiating a new 3 year contract with BBB. BBB has been steam cleaning 5 days/week, only because they are using banked hours. The current contract without any banked hours allows for 1-2 days/week of steam cleaning. Andrea is working with the Finance Committee to try to increase the BBB contract to include additional days of steam cleaning.

6. **Motion (JL, 2nd) to approve contract for \$1750.50 with Bigbelly for 5 Bigbelly trashcans at distinct locations within the city of San Francisco's Fix It boundaries in the Castro/Upper Market.** Andrea explained this was the cost per month, but this will be for 6 months, for the 5 cans. Call for public comment. Public comment urged the CBD to install cigarette butt receptacles on the light poles. Kevin Schoenthaler with Bigbelly introduced himself. He explained how the Bigbelly works and added that the Bigbelly cans do have a cigarette butt receptacle. **Motion approved.**

C. Finance Committee Report

1. Review 3rd Quarter Financials: Treasurer Alex H. presented the 3rd Quarter financials to the board.

There are no major issues. We are spending funds as we should be. Call for public comment, there was none.

2. **Motion from committee to approve 2016 Form 990.** Alex reviewed main points. Asked if there were any questions, no questions. Call for public comment, there was none. **Motion approved.**
3. **Motion (JL, 2nd) to approve 3.6% Assessment Increase for FY 2018-19.** Andrea explained that the CBD is allowed to increase assessments up to the February CPI increase for the SF Bay Area. Board discussion. One board member voiced concern with increasing assessment rate. Call for public comment. There was none. **Motion approved.**
4. Discussion and Review Draft FY 2018-19 Budget: Alex H. presented summary of the draft budget. Andrea will be working with each committee to develop their detailed budget for the upcoming fiscal year. He asked for any questions, there were none. Call for public comment. There was none.
5. **Motion (JL, 2nd) to approve loaning \$5506 from contingency for FHMP Project Manager.** Andrea explained this was to fund the project manager through June 2018. Call for public comment, there was none. **Motion approved.**
6. **Motion (JL, PS2) to approve amendment to Erin Elliott's contract for project manager for FHMP for \$25,000.** Andrea explained that in the board packet there is a letter of intent to fund the CBD \$19,264 from Horizons Foundation. **Motion approved.**

D. DISI Committee Report

1. **Motion (JL, PS2) to approve \$125,000 12 month contract from OEWD for Jane Warner Plaza Improvements.** Andrea reminded the board this is for the grant that was submitted to OEWD earlier in the year. Call for public comment, there was none. **Motion approved.**
2. **Motion from committee to approve the Community Challenge Grant Contract for \$100,000 to fund improvements to Pink Triangle Memorial & Park once SF Public Works and Susan Martin have removed their cease and desist orders related to the Eureka Valley Foundation and all parties have collaborated on the improvements and have signed an agreement with the Castro/Upper Market Community Benefit District documenting their support for the plan and the grant and collaboration.** Andrea informed the board that John Goldsmith has been removed from the Eureka Valley Foundation (EVF) board, he and EVF received a cease and desist letter from Public Works and also the artist. Lanita Henriquez informed Andrea that she is more than happy to continue directing the original \$100,000 grant to the CBD to fund improvements to the Pink Triangle Park as originally intended. Lanita's direction to Andrea was to send her an updated budget and scope of work. Andrea stated it is important for all parties to agree before moving forward. Call for public comment. Gary McCoy, Steve Hall, Garrett Robinson introduced themselves as members of the EVF board. They thanked Andrea and the CBD board for their willingness to continue working with them, they are looking forward to working together and happy for the collaboration. John Goldsmith stated that the landscape plan is over a year old and there is no way this can be resurrected. No other public comment. **Motion approved.**
3. **Motion (BS, 2nd) to approve MOU with the EVF outlining the relationship between EVF and the Castro CBD related to the CCG Pink Triangle Park grant.** Andrea explained that this should be tabled or assigned to the executive committee as the MOU is not yet available. Discussion, amended motion (BG, 2nd) to grant the executive committee the authority to craft and approve the new MOU with EVF. Call for public comment, there was none. **Motion approved.**
4. **Motion (BG, 2nd) to approve supporting FHMP and joining FHMP as a partner organization.** Andrea explained that being a partner means that the CBD generally supports the FHMP and the reimagining of Harvey Milk Plaza and the CBD will help promote and/or market the project and events. Call for public comment, there was none. **Motion approved.**
5. **Motion (BG, 2nd) to approve fiscal sponsorship of the Friends of Harvey Milk Plaza.** Discussion, Andrea explained that the CBD's attorney has crafted this agreement. The fiscal agreement section at the end is still in draft form and needs to be reviewed by the finance committee. Andrea explained the

insurance coverage issues. Alex discussed that the CBD is working on developing a relationship with Horizons Foundation, so that Horizons would hold the funds for the CBD. The funds would come into the CBD, and then be deposited into the Horizons Foundation fund for Harvey Milk Plaza. Discussion. Call for public comment. Public comment included opposition to this. No additional public comment.

Motion approved.

6. Motion (BG, JL2) to approve \$250,000 contract with Perkins Eastman for conceptual design phase of FHMP project. Andrea explained the contract and the deliverables. Explained that because FHMP is practically all volunteer, it has taken the group a long time to get the deliverables stated clearly and to detail the budget clearly. FHMP is now happy with the deliverables and budget. Andrea included the CBD's indemnification language into the contract. Discussion. Call for public comment. John Goldsmith stated that there is no option for a refurbished and restored version of the current Harvey Milk Plaza. No further public comment. **Motion approved.**

E. Land Use Committee Report

1. Update on neighborhood communication: Andrea reported that the committee decided that Land Use Committee members would share, including Andrea, attendance at the Upper Market Alliance meetings.
2. **Motion from committee to support the Castro Animal Clinic at 100 Church St.** Andrea read the letter in the packet, discussed the proposed clinic, no-overnights, small clinic. Veterinarian is one of the "green light" businesses from the Castro Retail Strategy report. Call for public comment, there was none. **Motion approved.**

General Public Comment

John Goldsmith expressed concern with the CBD being the fiscal sponsor for Harvey Milk Plaza redesign project. He also said that this was boundary overreach. Shana MaHaffey spoke about uncomfortableness with Block By Block employee who did not follow the agreed upon rules. She also alleged that Andrea discounted negative experiences she has had with the BBB employees. Shana then alleged that it was the CBD's fault that Easy Breezy closed down and left the Castro. CBD board member Helen McClure spoke about the wide variety of people who live in S.F, and some people have different disabilities, disabilities that might make them unaware of social cues or what's "too close".

Adjournment

Meeting was adjourned at 8:15 p.m.

Minutes taken and prepared by Andrea Aiello

Date Approved May 10, 2018

 5/10/2018

Jim Laufenberg, Secretary