

Minutes of Regular Meeting  
**Board of Directors**  
**San Jose Downtown Property Owners' Association**

June 16, 2009

A regular meeting of the Board of Directors of the San Jose Downtown Property Owners' Association (POA), a non-profit California corporation, was held at the SJDA office, 28 N. First St., Suite 1000, San Jose, CA 95113.

Board members present: Berg, Fitzpatrick, Ortbal, Munro, Mattson, Knox, Burnell, Ryan and Utic.

Board Members absent: Isnard, Hammers.

Also present were Executive Director Scott Knies, Deputy Director Blage Zelalich, Operations Manager Eric Hon, Melody Tovar, Emmy Mendoza and Jaclyn D'Arcy from Environmental Services, and Tim Downs, Groundwerx Program Director.

Munro called the meeting to order at 8:35 a.m.

Minutes

- The April 28, 2009 meeting minutes emailed in advance to the board were unanimously approved.

President's Report

- Munro began the meeting by informing the board that Susan Gallagher was no longer with Legacy Civic Towers and had resigned from the board. Munro introduced Kevin Fitzpatrick, who is the new General Manager for Legacy Civic Towers. Fitzpatrick gave a brief self-introduction and expressed his eagerness to join the board. A motion was made and unanimously approved to appoint Fitzpatrick to the PBID board of directors to fill Gallagher's unexpired term, which runs through the end of 2009.
- Next on the agenda was the POA procurement policy. Munro asked Ortbal to provide the board with some background on procurement. Ortbal said the intent is for the POA to follow the spirit of the City of San Jose's procurement policy. He added that the City's Chief Purchasing officer, Walter Rossman, is currently reviewing the draft procurement policy and will provide additional feedback. A final draft of the procurement policy is expected to be completed and ready for approval at the next meeting in August.
- Berg asked if the PBID is bound to accept only the lowest bid. Ortbal said the PBID is bound to attaining the highest quality of services and must have proper justification when making its selection. While the PBID is not required to take the lowest BID, it must clearly identify the criteria with which the award is made, such as quality of work and experience of the contractor. If all the parameters are the same, then the lowest bid should be considered as the deciding factor.

Plastic Bag Reduction

- Munro introduced Melody Tovar and her staff from the City's Environmental Services Department (ESD). Mendoza led a group discussion on plastic bags, which included a slideshow presentation. Mendoza said the reduction of plastic bag litter

is a regional effort with wide spread impact. Oakland and San Francisco have already banned the use of plastic bags and San Jose should follow suit, according to Mendoza.

- Of the 26 major rivers and creeks in the Bay Area impacted by trash levels, three are in San Jose (Guadalupe River, Coyote Valley and Silver Creek). A section of the Guadalupe River passes through the PBID.
- The goals of this movement are to decrease litter, conserve resources and encourage the use of reusable shopping bags.
- Mendoza added that plastic bags cannot be recycled and often jam recycling machinery. Paper bags are not much better because they use up a lot of trees. Palo Alto has banned plastic and charges a fee for paper shopping bags.
- Mendoza said the topic will likely be presented to the Community and Economic Development Committee in late August.
- The board engaged in a discussion and a number of topics were mentioned, such as a deposit for reusable shopping bags, the timing of imposing fees (given the state of the economy) and the enforcement of current litter laws.
- The board will wait to see what the staff recommendation and CED action in August may be before it takes a position. Munro asked for an update on the issue at the board's Aug. 18 meeting.

#### Graffiti Strategy

- Knies led a board discussion on graffiti. Knies said it has been a challenge to maintain our commitment to removing graffiti tags within 48 hours of being reported. Some tags exceed this time frame because of the type of material used and the surface material that was tagged.
- Knies pointed out that Groundwerx, in conjunction with the City's graffiti abatement team, have done an admirable job in fighting graffiti vandalism. Knies asked the board for direction: should we be more proactive in our efforts to combat graffiti; or should we stay the course and just clean up after the taggers?
- Knies mentioned a couple of proactive ideas such as the designation of a graffiti wall where taggers are invited to work. Another potential idea is to institute a graffiti bounty, which rewards informants for their help in identifying, arresting and prosecuting graffiti vandals.
- Burnell said Bakersfield holds the parents responsible for minors who are caught doing graffiti.
- Munro said the City has worked hard and maybe it is time to invite the San Jose Police Department and Parks division to the board meeting and explore more opportunities to collaborate on this vexing matter.
- Ortbal added that the County Department of Corrections and the District Attorney should also be included.
- Berg stated that graffiti abatement is a lot of work and the current efforts are doing an acceptable job. Berg would like some additional information before taking the next step.
- More discussion ensued; the board discussed in greater depth the graffiti bounty, including its potential drawbacks, such as calling more attention to the vandals.
- Mattson advocated for the installation of security cameras. Ryan asked how many cameras currently exist downtown? Ortbal said downtown has mostly traffic cameras, with a few in high crime areas.

- Fitpatrick said even with video footage, it is hard to identify the suspects because they know how to conceal their faces.
- Ortbal shared some recent statistics with the board. There was a spike in graffiti in March, but since that time, the frequency of new tags has declined.
- The board directed staff to continue the dialogue with representatives from the County, Probation, SJPD and Parks and Recreation and return with more information at the August board meeting.

#### Beautification subcommittee update

- Mattson provided an update from the beautification subcommittee meeting on May 27. A draft beautification budget has been developed, which includes maintenance costs for both beautification projects and the SoFA improvements.
- Mattson said the committee has targeted mid to late August for the installation of Phase 2. Many of the elements have been identified. Phase 2 will include the following elements: LED tree lights, street planters, bamboo, and possibly a mural at the Federal Building. Staff is also looking into purchasing a topiary that will be fully-grown and can be placed atop the transit mall fountains.
- Hon added that there are some funds carried over from the installation of the demonstration project. This money will be used to adjust and augment the current block, such as painting the intersection planters and reinforcing the hanging baskets.
- Zelalich said the committee also directed staff to enlist the services of a local landscape designer/architect. The committee wants Phase 2 to have a consistent and complimentary look to the demonstration area, but at the same time, maintain its own unique qualities. A designer will also be able to help create the visual planning materials to assist with the placement of each element.
- Ryan said he's pleased with the overall beautification efforts. He also added that the PBID has the luxury of being able to change elements that do not turn out as expected, which is a good thing.

#### PBID operations report

- The operations report was emailed to the board prior to the meeting. Hon reviewed some of the highlights of the report.
- Hon said he is researching new products to combat some of the new types of graffiti Groundwerx has been encountering, which have proven difficult to remove. There is a tag on the sidewalk on Third Street, which has soaked into the concrete. Pressure washing has not been effective in dealing with this type of tag. Hon's counterpart in Sacramento has faced similar problems in his district and recommended a product that worked for him.
- Hon added that there is no way to remove glass etchings. The glass must be replaced and a protective film should be installed as a preventative measure.
- Several board members commented that the protective film is nearly as expensive as the glass itself. Members suggested the PBID might negotiate a discounted price for anti-graffiti window film.
- Hon gave an update on the Highway 87 clean up project. He said there are enough funds to do another round of weed abatement and

- monthly litter removal up to November. He asked if the board would like to continue this project in 2010.
- Board members commented that it may be difficult to raise the matching funds during these difficult economic times. Knies suggested looking into possible grant funding.
  - Ortbal suggested carrying this agenda item to the next board meeting, and for Hon to develop a proposal for the future cleaning needs of Highway 87.
  - Hon informed the board that he had a preliminary discussion with Willow Glen (Community Benefit Improvement District) and there may be an opportunity for Groundwerx to provide services in Willow Glen.
  - Hon also said Paseo Villas has also asked about contracting with Groundwerx to clean their Auto Galleria parking structure.
  - Knies asked the board if it would be interested in doing additional contract work, outside of the regular Groundwerx services?
  - The board discussed this topic and agreed that there are benefits to providing contract services outside of the district. Staff was directed to continue the discussions and update the board accordingly.

Meeting adjourned at 10 a.m.