

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

August 18, 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: Fitzpatrick, Ortbal, Munro, Mattson, Knox, Hammers and Utic.

Board Members absent: Isnard, Berg, Ryan and Burnell.

Also present were Executive Director Scott Knies, Deputy Director Blage Zelalich, Operations Manager Eric Hon, Officer Erik Hove, Officer Tim Harden and Sergeant Jeff Kozlowski from the San Jose Police Department, Tom Ferguson and Phyllis Schulz, Department of Transportation.

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

Minutes

- The June 16, 2009 meeting minutes emailed in advance to the board were unanimously approved.

President's Report

- Hammers said Bryan Johnson, SGI Executive Vice President, was not able to attend the meeting to update the board on the vacated Groundwerx Program Director position.
- Hon said the resignation of Tim Downs was unexpected, however, he did not anticipate any disruption of services. Hon added that Johnson has been through this process before in San Jose and will be able to maintain the program and recruit, hire and train a new program director.
- The board asked if there was a timetable for hiring a new program director and Hon replied that the onus is on SGI and Johnson is to recruit and hire the best possible candidate. This is also an opportunity for Johnson and SGI to make internal improvements in their local operations in advance of bringing on a new program director.
- A copy of the draft procurement process was emailed to the board prior to the meeting. Ortbal said he reviewed the policy and believes it will ensure a fair, open and competitive procurement process.
- Fitzpatrick asked if the policy applied only to procurement of goods and services within the budget year or if it was based on each project? Knies said it would be for the budget year and staff will add the wording to the procurement policy for clarification.
- The board approved the procurement policy pending the revisions recommended in the meeting.

Old Business

- Munro introduced the PBID's interest in the plastic bag issue. This item was carried over from the June 16 board meeting.
- Hon reported the City's Environmental Services Department (ESD) staff has drafted a memo to the City Council's Community and

Economic Development Committee (CEDC) identifying options for the reduction of plastic bag litter.

- ESD will present the memo on August 27 to the CEDC for their input. It will then go to the City Council.
- The board engaged in a collective discussion and suggested Hon attend the upcoming meetings and indicate the PBID supports the goal of reducing plastic bag litter.
- Hammers led a discussion on graffiti, another carry over item from the previous board meeting. Hammers said the graffiti totals have decreased over the past year, but wanted to know what the next step is? How can the POA board help reduce the totals even further?
- Ortbal provided an overview of the graffiti abatement process. Groundwerx removes tags in the public right of way and reports those tags out of their scope. The Department of Transportation (DOT) through Redevelopment funding provides a graffiti abatement crew that removes tags that Groundwerx cannot. Generally, the DOT efforts concentrate mostly on repainting of surfaces, whereas Groundwerx uses solvents to clean the smaller graffiti tags.
- Knies said that Groundwerx and DOT efforts can be effective reactionary responses to graffiti vandalism, but asked Officer Hove how the board can take a proactive approach to further reduce graffiti vandalism?
- Hove described the legal process involved in prosecuting graffiti cases. He said the difficulty lies in dealing with minors, not adults. Minors are only taken into custody for violent crimes and many of the apprehended taggers only receive a citation.
- The minor involved in the "Toon Goons" case was arrested on three previous occasions and recently apprehended. "Troy" was not taken into custody until his fifth arrest.
- Ferguson asked if a civil case could be made for restitution from the families? Hove said the courts are lenient if the families claim financial hardship.
- Knies asked Hove what he thought about instituting a reward program or "graffiti bounty" on the most prominent taggers?
- Hove said Crime Stoppers has a similar type of program. Hove wanted to be clear that bounty-type program should only be implemented for large tags and not the small ones on light poles and other fixtures.
- Mattson asked what is the solution? Hove said the legal system must be improved. If the juveniles are punished, many will discontinue the behavior. Only a select few will continue to tag because of the rush.
- Hove added that he meets with the Mayor quarterly and the Mayor's office is aware of the problems associated with graffiti. Hove suggested putting the juvenile offenders to work cleaning up graffiti.
- Hammers asked has Groundwerx been a positive influence in the fight against graffiti?
- Hove said he works with Groundwerx to add to his cases against habitual graffiti vandals.
- Ferguson shared with the board DOT's graffiti numbers from 2008 through 2009, which show an overall decrease in downtown graffiti. The highest total in 2008 was 1,200 tags in a month, whereas the highest monthly total in 2009 was 800.
- Knies recommended that staff follow up on the possibility of working with "reformed" graffiti vandals and the juvenile probation system to see if graffiti offenders that are caught as

minors can spend some time cleaning tags under the supervision of Groundwerx. Staff will also look at the municipal code civil penalties and restitution associated with graffiti offenses in the city.

Beautification update

- Knies reminded members of the process of creating and installing the demonstration project in 2008, including the creation of an RFP for designing the project, which was awarded to Ken Kay Associates (KKA).
- Knies added that a downtown property owner, who saw the demonstration project and liked some of the elements, hired Kathy Finley, Santana Row's landscape designer to do their building improvements.
- Finley submitted one of the four proposals for the design of the Phase 2 beautification project on First Street between San Fernando and San Carlos. Based on the proposals, Finley's was the most complete and provided the best value.
- Hon said that he was working with Finley on phase 2 concepts. A beautification subcommittee meeting is being scheduled for mid-September. An updated project timeline, budget and conceptual design will be ready at that meeting.
- Knies added that he's met with the U.S. General Services Administration to discuss painting a mural on the Federal building wall on South First St. Their representative was receptive to the idea and staff will work on getting the approval.
- Hammers asked if the board was interested in beginning a Phase 3 using excess beautification funds? He noted the budget on page 14 of the Board packet and said there appears to be ample funds to begin work on Phase 3. Mattson suggested waiting till after the subcommittee meeting and the phase 2 budget has been finalized.
- Ortbal asked what were some of the other potential beautification areas? Knies said part of KKA's service was to identify future beautification locations. This plan recommends five-six areas for beautification projects.

New Business

- Hon reminded the board that the current Hwy 87 clean up project will continue through November. As directed by the board, he has reduced the project scope and project budget for 2010. He proposed two vegetation controls (weed abatement) and reducing the litter pickup from monthly to quarterly, covering only the area within PBID boundaries. The projected budget for next year is \$20,000.
- Knies asked the board for direction, noting the current project covers areas outside the PBID. He said City funding was one-time money and future funding for this project will need to come from the private sector.
- Mattson added that having seen Hwy 87 cleaned up, she feels that the downtown entrances from I-280 should be included. The other board members agreed and directed staff to create a map that shows the specific areas to be cleaned on Hwy 87, concentrating on the section between I-280 and Taylor.

PBID operations report

- Hon gave a quick review of his operations report, which was emailed to the board prior to the meeting. Many of the items were discussed during the earlier parts of the meeting.
- Hon said during his account visit to three Southern California PBIDs, he learned that other districts have experienced similar situations with turnover, including key management positions. The key is finding the best fit for the critical position of program director.
- Hon said the purpose of his trip was to identify best practices and San Jose is very much in line with other districts. The districts he visited were very similar in budget size and needs. He was able to learn from the experiences of the more established districts in Pasadena and Long Beach; and even from the newer Santa Monica district. Hon has shared this information with SGI and will continue to maintain relationships with the other districts.

Meeting adjourned at 10:20 a.m.