



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Hans F. Larsen

**SUBJECT: AMENDMENT TO DOWNTOWN  
PBID AGREEMENT - ENHANCED  
SECURITY PILOT PROGRAM**

**DATE:** August 27, 2012

Approved

Date

9/5/12

**COUNCIL DISTRICT: 3**

## RECOMMENDATION

Approve the First Amendment to the agreement with the San José Downtown Property Owners Association and the San José Downtown Association to authorize implementation of an Enhanced Security Pilot Program through the use of the San José Police Department Secondary Employment Program as part of the Downtown Property and Business Improvement District from the date of approval by City Council to December 31, 2012.

## OUTCOME

This action will allow the Downtown Property Based Improvement District (PBID) to implement an Enhanced Security Pilot Program for properties within the boundaries of the PBID by providing a more visible security presence by using uniformed police officers on a secondary employment basis to deter vandalism and other public nuisance and quality of life crimes which adversely affects property and business activity to create a better environment for businesses, residents and visitors.

## BACKGROUND

On January 15, 2008, the City Council approved an agreement with the San José Downtown Property Owners Association (Owners Association) and the San José Downtown Association (Downtown Association) to provide services for the Downtown PBID as outlined in the Downtown Property and Business Improvement District Management Plan/Engineer's Report. As previously approved by the City Council, the Owners Association utilizes the Downtown Association to manage the delivery of services for the PBID. The agreement expires on December 31, 2012. The PBID has successfully managed and provided the enhanced services, including sidewalk cleaning, power washing, information/ambassador services and beautification

activities. Annual surveys of property owners demonstrate a high level of satisfaction with the services and performance of the Downtown PBID.

On June 19, 2012, the City Council renewed the Downtown PBID for a 10-year period from January 1, 2013 to December 31, 2022. As part of the renewal process, the Owners Association conducted outreach with property owners within the Downtown PBID on what services they would like the PBID to provide and what service areas or issues might be improved upon. Most aspects of the service plan received positive feedback from property owners, especially cleaning and beautification activities. However, a few areas were identified as opportunities for the Downtown PBID to provide a more proactive role and enhanced level of service. Those areas included business attraction/retention and enhanced security services for properties within the boundaries of the district. The Enhanced Security Pilot Program is in response to public nuisance and quality of life crimes such as vandalism, illegal drug use and sales, and public urination, which adversely affect property and business activity in Downtown San José and could be deterred through enhanced security.

### ANALYSIS

Properties, businesses and residences within the boundaries of the Downtown PBID operate within an urban environment that presents certain challenges that could be more effectively resolved with an enhanced security presence. The entry areas, alcoves, plazas, parking areas and easements to properties and businesses, and the customers, employees and residents using them, experience the negative effects of public nuisance and quality of life crimes occurring in, around, and adjacent to properties in the district.

The Downtown PBID, in consultation with the Police and Transportation Departments, and the City Manager's Office, developed the framework for an Enhanced Security Pilot Program. A range of service alternatives were initially considered including a more information oriented private security presence to a more formal, official looking private security detail, to the San Jose Police Department (SJPD) Secondary Employment Program. Collectively, based upon the nature of the security concerns, using SJPD Secondary Employment is believed to be the most effective approach to mitigate crimes occurring at properties and to people using the properties that make up the PBID. The basis for that decision is the experience in using SJPD Secondary Employment and the professional training, protocols, and uniforms employed by them, in conjunction with the knowledge of the PBID program by the Downtown Association.

The pilot program would initially include two uniformed secondary employment officers, four days per week, four hours per day, for approximately six months. All SJPD policies and procedures that govern secondary employment would be in effect for this pilot program. The scope of the pilot program and services is summarized in the following bullet points:

- Provide visible uniformed security presence in and around the properties within the PBID to serve as a deterrent to criminal behaviors
- Rotate and visit properties and locations throughout the District

August 27, 2012

**Subject: Amendment to Downtown PBID Agreement**

Page 3

- Deter and/or communicate criminal activity to appropriate agencies, especially when the criminal activity affects the intended use of the property
- Engage in regular communication with PBID staff, provide basic statistical information, and potentially respond to concerns from property owners and businesses in the PBID
- Potential education of property owners and businesses about crime prevention such as properly securing property to reduce vandalism and property damage
- Detain and make arrests of those committing crimes within the PBID in accordance with SJPD secondary employment policies.

The Downtown PBID and the inter-departmental team of Police, Transportation and the City Manager's Office, would monitor the activity and evaluate the effectiveness and impact of service delivery. At the end of the six month pilot period, based upon its overall effectiveness, a decision will be made to continue the enhanced security effort, or modify it based upon conditions within the district and what is considered to be the most effective path forward to deal with the public nuisance crimes.

The proposed first amendment will modify the current agreement by allowing the Downtown PBID to provide enhanced security services through the pilot program described in this memorandum. The current agreement prohibits the Owners Association through the Downtown PBID from providing any law enforcement, detaining holding or arresting persons suspected of committing a crime, wearing uniforms that in any way resemble the San Jose Police Department, and carrying weapons, handcuffs or chemical agents while providing services to the District. This amendment will authorize the PBID to use SJPD Secondary Employment to provide enhanced security services until the expiration or earlier termination of the agreement.

### **EVALUATION AND FOLLOW-UP**

The proposed amendment authorizes the implementation of an Enhanced Security Pilot Program. The current agreement expires December 31, 2012. Staff will bring forward for review and consideration by the City Council a new agreement between the City and the Owner Association and Downtown Association to cover the period of renewal from January 2013 to December 2022. The new agreement will address enhanced security.

### **PUBLIC OUTREACH/INTEREST**

Throughout 2012, significant public outreach and discussion occurred in regards to the types of enhanced services that would be beneficial for the Downtown PBID to provide. Property owners and businesses overwhelmingly support the business model employed by the PBID of providing enhanced services aimed at improving the environment within the boundaries of the PBID including cleaning, ambassador, beautification, business attraction and security services.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

August 27, 2012

Subject: Amendment to Downtown PBID Agreement

Page 4

- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
  
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria listed above, however this memorandum will be posted on the City's webpage for the September 18, 2012 City Council agenda.

### COORDINATION

This memorandum and amendment have been coordinated with the Police Department, the Office of Economic Development, and the City Attorney's Office.

### COST SUMMARY/IMPLICATIONS

The cost to implement the Enhanced Security Pilot Program would be fully covered by the Downtown PBID within their existing budget and would have no cost implications to the City.

### CEQA

Not a Project, File No. PP10-066.

/s/  
HANS F. LARSEN  
Director of Transportation

For questions please contact Jim Ortbal, Assistant Director of Transportation, at (408) 535-3845.