



## Legislation Details (With Text)

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**Title:** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) APPROVING THE MULTI-UNIT DWELLINGS ILLEGAL DUMPING ENFORCEMENT PILOT PROGRAM; (2) AUTHORIZING AN APPLICATION FOR THE HYBRID AND ZERO EMISSION VEHICLE INCENTIVE PROGRAM FOR AN ELECTRIC TRUCK; AND (3) APPROPRIATING \$300,000 FROM GENERAL FUND DESIGNATED RESERVES AS FOLLOWS: \$240,000 TO THE PROPERTY MAINTENANCE VEHICLE REPLACEMENT FUND, \$50,000 TO THE STREET MAINTENANCE FUND, AND \$10,000 TO THE ENVIRONMENTAL SERVICES FUND IN FY 2021-22

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. RES 2021-127 MUD Illegal Dumping Enforcement Pilot Program, 2. PPT item 20 - MUD Enforcement Pilot Program 091421

Date	Ver.	Action By	Action	Result
9/21/2021	1	City Council	adopted	Pass
9/20/2021	1	City Council		

**PREPARED BY:** KARINEH SAMKIAN

**DATE OF MEETING:** 09/20/21

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) APPROVING THE MULTI-UNIT DWELLINGS ILLEGAL DUMPING ENFORCEMENT PILOT PROGRAM; (2) AUTHORIZING AN APPLICATION FOR THE HYBRID AND ZERO EMISSION VEHICLE INCENTIVE PROGRAM FOR AN ELECTRIC TRUCK; AND (3) APPROPRIATING \$300,000 FROM GENERAL FUND DESIGNATED RESERVES AS FOLLOWS: \$240,000 TO THE PROPERTY MAINTENANCE VEHICLE REPLACEMENT FUND, \$50,000 TO THE STREET MAINTENANCE FUND, AND \$10,000 TO THE ENVIRONMENTAL SERVICES FUND IN FY 2021-22

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

*Improve Public Safety Item 506 "Illegal Dumping/Multi-family Complexes (Education and Enforcement)"* is an adopted policy item contained in the FY 2021-23 Adopted City Council Priority Workplan, effective March 15, 2021.

**CEQA Compliance Statement**

Conducting outreach and enforcement at multi-unit dwellings and applying for a grant are not projects, as defined by CEQA guidelines.

## **BACKGROUND**

Litter and illegal dumping have been identified as a major issue of concern for City of San Pablo (City) staff, residents and City Council. The City currently has several programs in place for residents to help reduce littering and illegal dumping including: street sweeping, trash receptacles on streets and in parks, dump vouchers, dumpster days, curbside clean-ups, bulky item collection, mattress recycling, and household hazardous waste drop-off. In addition to these programs, Public Works (PW) Department staff regularly pick up illegally-dumped items on the streets and in the creeks. Despite these programs and services, litter and illegal dumping are burgeoning issues which continue to blight the San Pablo community.

In response, the City Council identified litter and illegal dumping as a Council Priority Workplan Policy and an internal Litter and Illegal Dumping Task Force (Task Force) was established by the City Manager. The Task Force was made up of Police, Community Services, and PW staff to study the issue and recommend a policy strategy to help alleviate littering and illegal dumping. The Task Force recommendations presented to the City Council in February of 2020, acknowledged the fact that litter and illegal dumping are citywide issues that require a holistic, multi-year approach of programs, outreach, infrastructure, and enforcement. Staff are proposing a multi-unit dwellings (MUD) pilot enforcement program which is in accordance with the Task Force's recommendations to address illegal dumping.

## **Hot Spots**

Creeks and MUDs have been identified by PW and Code Enforcement (CE) staff as major illegal dumping hot spots. Creeks are a convenient place for illegal dumping and encampments due to low visibility. PW staff are already addressing creek illegal dumping hot spots by:

1. Installing fences (e.g., Kennedy Plaza);
2. Hosting annual volunteer clean-up events;
3. Cleaning City-owned creek properties annually; and
4. Sending enforcement letters to property owners requiring them to abate dumping on their section of the creek.

Staff believe that MUDs are an illegal dumping hot spot due to renter turnover and/or inadequate solid waste service. The City's response to illegal dumping at MUDs has been to pick it up. In 2019, approximately 360 tons of illegal dumping were removed from MUDs, resulting in a huge strain on PW resources.

Unlike enforcement of illegal dumping in creeks (sending 30-day Notice to Abate letters to property owners), enforcing illegal dumping at MUDs is more complicated for the following reasons:

1. Thirty days is too long for illegal dumping to remain in the public right-of-way as they are more visible than in the creek and tend to encourage others to dump creating an even larger pile.
2. Leaving items on the sidewalk can create an American with Disabilities Act (ADA) issue.
3. Property owners are unaware that they are responsible for maintaining the sidewalk in most situations (San Pablo Municipal Code (SPMC) Section 12.04.015).

After discussing alternative enforcement options for MUDs with the City Attorney, PW, and CE, staff recommend using SPMC Section 8.20 which allows a 10-Day Notice to Abate process. However, if the items are blocking the sidewalk, SPMC Section 8.02.040 Summary Abatement procedures, which give the property owner no more than 72 hours to abate, may be authorized by the City Manager since maintaining access under the ADA (Americans with Disabilities Act) may require more immediate action.

## **Pilot Implementation**

### Outreach

If the pilot enforcement program is approved by the City Council, staff will conduct an outreach program this fall which will include:

1. Targeted Outreach - mailers to MUDs to:
  - a. Notify MUDs that the City will begin enforcing;
  - b. Offer staff assistance in “right sizing” their solid waste service;
  - b. Provide brochure about the disposal services available to tenants; and
  - c. Offer a one-day dumpster day event at their property.
2. General Outreach - via the City’s social media platforms.

### Enforcement

Starting winter of 2021-22, staff will begin enforcement at MUDs as follows:

1. When illegal dumping is reported at MUDs, CE staff will issue a 10-day Notice to Abate and notify PW not to pick up the items. However, if the items are blocking the sidewalk, then the Summary Abatement process will be followed.
2. If the violation is not corrected in 10 days, CE will notify PW to clear the violation.
3. PW will provide costs of cleanup to Finance who will bill the property owner.
4. If the invoice is not paid in 30 days, staff will request City Council authorization to place the bill on the property tax roll/lien to be collected by the County Tax Collector with other property taxes. Staff will bring a list of properties for Council consideration quarterly.

### Program Evaluation

After the 6-month pilot program, staff will meet to evaluate the effectiveness of the program and recommend refinements, if necessary. Success will be evaluated by:

1. Compliance rate as a percentage of violations issued;
2. Comparison of tons of illegal dumping from MUDs before and after the program; and
3. Cost recovery for PW staff to pick up illegal dumping that the property owner has refused to handle.

## **Costs**

Staffing: CE and PW have committed existing staff hours for the enforcement and administration of the pilot program. However, for picking up the illegally dumped items as part of the pilot program and throughout the City, staff recommends hiring two part-time PW staff for 6 months (estimated at \$50,000). If the pilot is extended past the 6 months or expanded Citywide, staffing needs will be evaluated. The Task Force recommended at least 2 FTEs (1 PW, 1 CE) for ongoing implementation of litter and illegal dumping activities.

Dumpsters: The dumpsters, which staff will offer MUDs, will be paid for by the CalRecycle Illegal Disposal Site Abatement Grant Program the City received in May of 2020. One of the grant tasks is to provide up to 20 dumpsters for one-day clean-up events to MUDs with an approximate cost of \$23,000. The grant also covers approximately \$60,000 to augment existing PW staff hours to manage the events and provide outreach to the property managers, owners, and tenants.

Outreach: Staff estimates \$10,000 will be required for developing and mailing brochures, and other outreach costs.

## Equipment Needs

In order to more effectively pick up illegal dumping, the following equipment/vehicle are needed for an estimated cost of \$240,000:

1. Tink claw 720 bucket for the City's John Deere 444 loader.
2. Electric Vehicle (EV) F-650 truck.

If approved by the City Council, staff will apply for the Hybrid and Zero Emission Vehicle Incentive Program, administered by the California Air Resources Board, for the EV truck. The next cycle for the rebate opens this fall and if the City is successful in receiving the rebate, it will reduce the cost of the truck. Staff will seek City Council approval to purchase the equipment/vehicle once the costs are finalized and the procurement processes are completed.

**STANDING COMMITTEE REVIEW**

On July 14, 2021, staff presented the MUD pilot enforcement program to the Public Safety Standing Committee (Cruz; Xavier). The Standing Committee recommended the pilot program and the appropriation of \$300,000 from the General Fund Designated Reserves be forwarded to the City Council for review and approval. Since the meeting, PW staff discussed the need for the tink claw and additional part-time staff, which is included in this report and is still within the \$300,000 cost discussed at the Standing Committee meeting.

**FISCAL IMPACT**

The fiscal impact of this item is to appropriate \$300,000 from General Fund Designated Reserves as follows:

<b>ACTION</b>	<b>FROM: Fund / Account Code</b>	<b>AMOUNT</b>	<b>TO: Fund / Account Code</b>	<b>AMOUNT</b>
Appropriate	General Fund Designated Reserves 100-0000-00000	\$240,000	Property Maintenance Vehicle Replacement 100-3410-46300	\$240,000
Appropriate	General Fund Designated Reserves 100-0000-00000	\$50,000	Street Maintenance 200-3710-41000	\$50,000
Appropriate	General Fund Designated Reserves 100-0000-00000	\$10,000	Environmental Services (NPDES) 255-3510-43500	\$10,000
<b>Total Appropriated:</b>				<b>\$300,000</b>