January 18, 2011

I was hoping that tonight might be the night during which campaign promises are fulfilled. But no, we'll all keep waiting for the street sweeping issue to be raised. The city Manager continues to imply this is just a Starkey problem, but I assure you that's not the case.

The City Manager continues to imply that the NPDES requires Brea's drastic streeet-sweeping policy. Could the City Manager please produce written evidence that mandates sweeping residential streets on a weekly basis? What I've found from the NPDES is "It is recommended that schedules include minimum street sweeping frequencies of at least once a year." More frequent sweeping should target the following:

- those roadways with contributing land uses (high level of imperviousness, high level of industrial activity) that would be expected to show high pollutant concentrations and

- those roadways that have consistently accumulated proportionately greater amounts of materials (pounds per mile swept) between currently scheduled sweeps"

In other words, the frequency should be increased if there is high traffic or if debris builds up. It seems the street-sweeping frequency schedule should be based on DATA, but that's not how Brea does it. Also, could the City Manager please provide documentation for ANY requirement that streets must be free of cars during sweeping? According to the NPDES, a city can "Institute a parking policy to restrict parking in problematic areas during periods of street sweeping." Could the City Manager please explain to us how it was determined that the ENTIRE CITY of Brea was a "problematic area"? Most of the cities surrounding Brea sweep residential streets only twice a month. Can the city council please tell us all why Brea is not doing that? We need some real leadership on this issue.

The City Manager also continues to insist that the street-sweeping signage is adequate. In the 2004 case of Homes on Wheels v. City of Santa Barbara, the appellate court ruled against that city and determined that their no parking signs were inadequate. The ruling reads, "Therefore a motorist, unaware of the restrictions, could enter the City,

park on a non-posted street and be cited. That is the classic trap for the unwary that the Legislature wanted to prevent. The signs do not state that the restrictions apply citywide. A motorist could therefore read the sign and believe it applied only to the street where it had been posted." Could the City Attorney please explain why this ruling does not apply to Brea's signs, since not only are they nearly impossible to find, but NONE of them say "no parking this tract"?

Of course Brea residents, and even the Starkeys, are not against street sweeping! We know that it helps keep the streets looking nice and that it can prevent trash from entering the watershed. This is especially significant in the high-traffic, commercial streets in Brea. What we are against is an ordinance that gives residents and visitors to Brea no reasonable place to park on street sweeping day! I have a friend who literally sits around EVERY Monday morning with FOUR sets of keys in her pockets waiting for the sweeper to come down one side so she can scatter her family's cars throughout the neighborhood afterwards, one by one, to avoid ticketing – even in the rain. She is complying, but believe me she does not support this program. How can this burden be justified by this council? It is unconscionable that her only option for relief is to pay $80 EVERY YEAR for an exemption (on top of the $80 per year her family ALREADY pays to park overnight). That is extortion, and the way this ordinance continues to discriminate against families is inexcusable. We are also against an arbitrary ticketing policy that levies a tax on cars that are parked along curbs that are already clean. If there is no debris to be collected from the curb, then I am not preventing the street sweeper from doing its job, so what exactly is my crime?!

Re: Homes on Wheels v. City of Santa Barbara
http://caselaw.findlaw.com/ca-court-of-appeal/1010236.html