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**COUNCIL COMMUNICATION**

**Date:** April 6, 2010

**To:** Honorable Mayor and City Council

**From:** Tim O'Donnell, City Manager

**Subject: STREET SWEEPING RESOLUTION ENFORCEMENT SIX MONTH REVIEW**

**RECOMMENDATION**

Receive and file.

**BACKGROUND AND DISCUSSION**

In July 2009, the City Council took a significant step to improve the success of our street sweeping program by adopting a resolution to allow for the issuance of citations to parked vehicles interfering with sweeping operations during designated street sweeping times. The restricted times are currently from 8:00 am to 2:00 pm on the assigned day of the week for a particular street. The police department continues with the council-directed "spirit of the law" approach to enforcement and only issues citations to vehicles that block the street sweeper. Confirmation of a violation is based on the water trails of the sweepers, officer observations and/or two-way communication between the sweeper driver and the Parking Control Officer. The officers do not issue citations ahead of the street sweeper and efforts are made to maintain consistent arrival times in Brea neighborhoods. During the initial stages of the program, citations were voided when it was determined the sweeping schedule had impacted school pick-up by parents or street construction had displaced parking for some residents.

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### SUMMARY

The street sweeping enforcement program has now been in effect for six months with the issuance of citations commencing on Monday, October 5<sup>th</sup>, 2009. Prior to any enforcement, a three week grace period was in effect with 1500 warning notices issued. To date **4748** citations have been issued. Here are the citation totals broken down by month:

• October 2009	1103
• November 2009	962
• December 2009	705
• January 2010	745
• February 2010	646
• March 2010 (as of 3/23)	587

During this time period, the Maintenance Services Department received a total of 236 calls. The prevailing calls were questions consisting of: “where do I park my car?”; “what are the sweeping days for my street?”; “do you sweep in the rain?”; “what is the holiday schedule?” and “what time does the sweeper come by my house?” Since the start of the program on September 14, 2009 through March 2010, (or 111 sweeping days), the 236 calls to Maintenance Services are broken down as follows:

200 Questions = 2.8 calls per day

29 Complaints = 0.3 calls per day

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2 Exemptions = 0.02 calls per day

5 Thank you = 0.05 calls per day

The Traffic Unit of the Police Department handles the review hearings of those contesting citations. Since the program's inception, there have been **358** requests for reviews, or 8% of all street sweeping citations issued. As a comparison for the same time period there were 409 requests for reviews (9%) of all other parking citations.

Here are the numbers of contested citation reviews broken down by month;

- November 117
- December 94
- January 54
- February 51
- March (1<sup>st</sup> half) 42

The prevailing reasons for requesting a citation review were lack of awareness of the restrictions, perceived lack of signage and lack of available parking. Of those 358 contested citations 116 were dismissed at either the first level review or second level hearing. Our hearing officer from the Traffic Unit strives to keep the council-directed "spirit of the law" in mind as the citations are reviewed.

Temporary requests for an exemption are handled primarily through the watch commander of the police department or through Maintenance Services. Any variance given is based on the reasonableness of the request, the specific circumstances and common sense. For example; late arrival overnight guests, maintenance workers,

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medical emergencies or unscheduled deliveries. Since November 2009 the Police Department has issued 34 temporary variances in circumstances where the watch commander was notified at least one day in advance. The watch commanders also average 2 requests per week for same-day variances where the parking control officers are already out in the field. Extended variances are also given for long term construction projects. To best accommodate residents during the past holiday season, enforcement was suspended from Wednesday, December 23 through Monday, January 4, 2010.

With the start of any new program, some assumptions must be made to form the basis for projecting citation production. As such, our initial sampling of parked vehicles, coupled with the best information available to us at that time, projected an approximate compliance rate of 60%. This resulted in a projection of 4,000 citations per month. In turn, this caused an overestimation of revenue generation due to the anticipated low compliance. So far, our residents are finding ways to allow the sweeper to sweep unobstructed. One would surmise that our residents are truly interested in having clean streets. The good people of Brea have embraced this program by finding ways to comply, ultimately reducing the revenue expectations. That's a good thing. Streets are being swept, and the community is better for it. In fact, Maintenance Services reports that the streets of Brea are being swept more effectively and the debris collected has increased from 1.5 to about 2 cubic yards per week since the start of the program.

Based on implementing the clear direction we received from the City Council, our "spirit

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of the law” approach has been very effective resulting in a 93% compliance rate. This exceeds the rates enjoyed by other North Orange County cities, thereby accomplishing the program objectives.

Respectfully submitted,

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Tim O'Donnell, City Manager

Prepared by:

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Concurrence:

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