
COUNCIL COMMUNICATION

Date: March 15, 2011

To: Honorable Mayor and City Council

From: City Manager

Subject: STREET SWEEPING OPTIONS REVIEW

RECOMMENDATION

It is recommended that the City Council review the information provided by staff, and, if modifications are desired to the existing program, provide appropriate staff direction.

BACKGROUND

In September- October, 2009; at the direction of the City Council, a "Spirit of the Law" street sweeping parking enforcement program was initiated for the residential areas of Brea. This program was a shift away from the previous practice of not enforcing parking restrictions in support of street sweeping activities. This program is intended to facilitate more efficient and thorough sweeping of the streets as one of numerous Best Management Practices (BMP) exercised to improve the conditions of local bodies of water receiving urban run-off. These bodies of water include various local creeks as well as the Pacific Ocean. As a result of the new program, the streets are generally clear of vehicles during sweeper operations. The program has resulted in both positive and negative feedback from the community. A number of residents have expressed support for and appreciation of the opportunity to have their curb line more thoroughly cleaned which results from the elimination of vehicles obstructing sweeping operations

STREET SWEEPING OPTIONS REVIEW

in front of their residence. On the other hand, we have also heard from residents who believe the program is unreasonable and creates a hardship for them on sweeping days.

In reviewing Brea's current program, there are a number of defining criteria to consider. Based on the observations of the sweeper operators, the streets/curb lines are generally clear on sweeping days and, compared to pre-parking restriction days, additional debris is collected. The costs of the street sweeping operations have historically been funded through a charge on the water bill. Brea's cost for sweeping operations in FY 2010/2011 is about \$219,000 which equates to \$11.10 per curb mile. Neighboring cities rates range from \$14.58-\$22.75 per curb mile.

Sweeping schedules vary by municipality; of the 34 Orange County cities, we found that 15 cities sweep weekly, 12 cities sweep twice a month and 7 cities didn't have information readily available. Eighteen of the cities have parking enforcement programs.

Police Department costs for enforcement activities include \$60,000 for two part time PCO's and \$5,000 for vehicle maintenance. The estimated gross revenue from street sweeping citations for FY 2010/2011 is \$225,000, resulting in net revenue of \$160,000. Through the Spirit of the Law program, staff has sought to implement the sweeping program in a manner that strikes a balance between enforcement to facilitate effective sweeping operations and the recognition that unusual circumstances may require alternative action. For example, in the month of January, the police department's Parking Control Officers (PCO) wrote 557 street sweeping violation citations, but also

STREET SWEEPING OPTIONS REVIEW

issued 174 written or verbal warnings to violators during the same time period. The police department is also responsible for reviewing appeals from individuals who were issued citations for violation of the ordinance. In January the department received 36 appeals of which nine were dismissed by the hearing officer.

Based on concerns expressed by residents, the City Council last year directed staff to implement a process to consider requests for exemptions from the street sweeping parking restrictions. To date, the Public Works Department has received two requests for exemptions and has issued one exemption.

DISCUSSION

At the request of the Council, staff has developed a number of options to consider in light of both the positive and negative feedback from the community. These options are listed below for City Council discussion.

1) Continue the current “Spirit of the Law” program

No change from current practice of assigning a Parking Control Officer (PCO) to provide direct support/enforcement in conjunction with sweeping operations. Encourages PCO’s to exercise judgment in applying the spirit of the law regarding issuance of a citation or a warning.

Pro: Retains maximum sweeping benefit. Requires no additional commitment of resources for equipment, staffing or signage.

Con: Residents expressing dissatisfaction with the requirement to move their vehicles on a weekly basis will continue to be impacted.

2) Initiate an Education Only program

STREET SWEEPING OPTIONS REVIEW

This program would suspend enforcement activity while retaining the posting of current parking restriction signs. This plan provides a visible reminder to the community of the designated sweeping days/hours.

Pro: Provides encouragement to residents to refrain from parking during sweeping operations. Requires no additional commitment of resources to equipment, staffing or signage.

Con: Without enforcement, additional vehicles may be parked on the street during sweeping operations reducing the effectiveness of the program. Parked cars may impact residents who themselves are complying with the parking restrictions. May foster a perception of confusion/lack of commitment to sweeping operations as long-term non-compliance is ignored.

3) Develop an Odd/Even weekly program

This program would establish a sweeping schedule that divides streets in a manner to allow approximately fifty percent of the street to be available for parking while the remainder is swept.

Pro: Provides relief for residents who maintain they are unable to comply with the current parking restrictions. Would maintain the same sweeping effectiveness as the current program.

Con: Would require the acquisition of additional equipment and staff. To sweep all residential streets on a weekly basis, Public Works would bring-on an additional sweeper and operator. The estimated cost for the sweeper is \$275,000, operational cost (fuel, maintenance), is \$59,000 and staffing costs would be \$73,000. Total

STREET SWEEPING OPTIONS REVIEW

additional costs are \$407,000 the first year and \$132,000 annually thereafter.

An alternative to purchasing an additional sweeper is to increase the time frame within which residential streets are swept; this would still result in additional staffing and operational costs. This option would double the miles a sweeper is on the streets creating additional emissions and creating additional fuel and operational costs.

4) Develop an Odd/Even bi-weekly program

To avoid some of the significant additional costs of Option 3, this alternative would modify the sweeping schedule such that fifty percent of each street is swept on a weekly basis. As an example, the 1st and 3rd Tuesdays would be sweeping days for one-half of a street and the 2nd and 4th Tuesdays the other side of the street would be swept.

Pro: Provides relief for residents who maintain they are unable to comply with the current parking restrictions. Does not require the acquisition of an additional sweeper and operator.

Con: Would reduce the effectiveness of sweeper services provided to residents and allow additional pollutant discharge to the storm drain system.

(For Programs 3 and 4 it would be appropriate to install additional signage defining which side of a street is restricted on a given week. Section 22507.6 of the Vehicle Code establishes the requirements for posting street sweeping signs at the entrance to a street intersecting another street with no or different parking restrictions. While this section may support posting the odd/even restrictions only at the entrance of a tract, it would not provide clear direction regarding parking restrictions on a given street. The

STREET SWEEPING OPTIONS REVIEW

initial tract-level signage cost approximately \$10,000 so the cost of the additional signs would be in the tens of thousands of dollars.)

5) Initiate a Reactive Enforcement program

This program would result in street sweeping parking enforcement activities being undertaken only in response to a complaint received from a resident of the community. This program would not require modifications to existing signs or acquisition of additional equipment. It would result in significantly different deployment of PCO resources.

Pro: Would provide relief to residents who maintain they are unable to comply with current restrictions.

Con: Reactive Enforcement would require Police personnel to dedicate staff to verify the validity of the complaint by observing violations occurring on a posted street sweeping day. This would require assigning PCO staff away from other duties or assigning a patrol officer to verify the violation. Given the contentious nature often associated with neighbor disputes, this could result in dedication of significant resources to confirm the violation.

When a sweeping complaint is received, the PCO would likely ticket all vehicles found in violation on that street/tract at the time the enforcement action occurs. This may well result in many residents being confused/angry about getting a ticket for something they have been doing for a long period of time (because of non-enforcement). It would be difficult to justify issuing one ticket in light of observing multiple violations.

A complaint may also come from a resident not directly impacted by a vehicle parked in

STREET SWEEPING OPTIONS REVIEW

front of their property. The City Attorney has indicated that the City cannot enact a code requirement (no parking at street sweeping time) which controls certain behavior, with a contingency that that behavior does not violate the code unless reported by a particular person based on where a violation occurs. Reporting criteria cannot constitute elements of a crime (code violation).

While selective enforcement is not unusual for law enforcement activities requiring situation specific judgment (moving violations, individual/crowd behavior, noise complaints), it is confusing and frustrating to the public when posted restrictions are not enforced. This may result in a perception that Brea PD is not committed to carrying out their assigned duties. Lack of regular enforcement may also encourage chronic violators which will undermine the effectiveness of posted regulations.

6) Revert to a No Enforcement program

This program would include removal of the currently posted parking notification signs and suspension of street sweeping related parking enforcement activities. The Police Department would still enforce the 72-hour street parking restrictions as appropriate.

Pro: Would provide relief for residents who maintain they are unable to comply with current restrictions.

Con: The concerns with a no enforcement program would be the same as outlined above for Program 2; without enforcement additional vehicles will be parked on the street during sweeping operations reducing the effectiveness of the program. Parked cars may impact residents who themselves are complying with the parking restrictions.

STREET SWEEPING OPTIONS REVIEW

May foster a perception of confusion/lack of commitment to sweeping operations as long term non-compliance is ignored.

7) Develop a 2 Hour “Spirit of the Law” program

This program would reduce the parking restriction for sweeping operations down from the current maximum limit to a limit of two hours per tract or designated area. PCO’s would continue to provide direct support and enforcement as described in Option 1.

Pro: Would provide some relief to those residents who maintain they cannot comply with the current parking restrictions. Would continue to insure the most effective sweeping operations.

Con: Residents who maintain they cannot comply with current restrictions at all may continue to have difficulty with a two hour restriction. There would be approximately \$10,000 in costs to replace existing tract entrance signs with the new signs.

8) Investigate Sweeper Camera Enforcement Program

There are specific guidelines in the Vehicle Code that allow the City to purchase cameras and mount them on the sweepers to facilitate an automated ticketing system. The costs and administrative details of this option would require additional research by Police Department and Public Works Department staff.

Pro: Could provide an automated method to insure the highest level of compliance with street sweeping parking restrictions. Would eliminate the costs and environmental effects associated with the PCO trailing the street sweeping vehicle for enforcement.

STREET SWEEPING OPTIONS REVIEW

Con: As an automated system, this program could result in stricter enforcement than currently practiced under the Spirit of the Law program where warnings, not citations, are issued about 30% of the time. Administrative costs to review citation appeals would impact the overall cost of enforcement.

SUMMARY

These options are offered as the basis of a discussion by the City Council should there be a desire to revise the existing program. Representatives from the Police Department and Public Works Department will be available to address specific questions regarding the various options at the study session.

Respectfully submitted,

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