



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Angel Rios, Jr.
Kerrie Romanow

SUBJECT: ILLEGAL DUMPING AND
ANTI-GRAFFITI PROGRAMS

DATE: May 31, 2016

Approved

Date

5-31-16

BACKGROUND

This Manager's Budget Addendum addresses the recommendations included in the supplemental memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Magdalena Carrasco, Councilmember Johnny Khamis, and Councilmember Raul Peralez, and in the subsequent Council deliberations on items 5.1 and 7.1, 2014-2015 Annual Report on the Anti-Graffiti and Anti-Litter Programs and Illegal Dumping Initiative Update, respectively, at the May 3, 2016 City Council meeting.

ILLEGAL DUMPING

As part of a proactive approach to manage the City's illegal dumping situation, the Environmental Services Department (ESD) implemented an illegal dumping collection pilot program in 2015-2016, using two contracted haulers, GreenTeam of San José and Republic Services. Since implementation, the pilot program has completed collections two days per week and covered all pilot program areas. Staff is working with the haulers to investigate ways to maximize the efficiency of this service.

Staff worked to evaluate physical deterrents (such as road closure bollards or barricades) and cameras. Staff implemented a no-additional-cost single family dwelling large item collection service. As a result of this program change, single family dwelling collections increased 65 percent from the previous year. In addition, the City implemented an unlimited no-additional-cost multifamily dwelling (MFD) large item collection program, which resulted in a several-fold increase in usage of MFD large item collection service. The program was enhanced to allow tenants to request pick-up service directly from the hauler rather than going through their landlord or property manager. Staff also designed and implemented several targeted outreach campaigns to mitigate illegal dumping, as described later in this report.

Additionally, the Department of Transportation (DOT) deployed resources to eliminate the illegal dumping service request backlog.

These efforts resulted in the continuation of the Illegal Dumping Rapid Response Program proposal in 2016-2017 Proposed Operating Budget which, if approved, outlines a strategy for the revised program. The new initiative will realign existing funding and personnel from various departments in order to form a more concerted effort. DOT and ESD have been working closely to plan for this transition, should City Council approve it. Since DOT has most of the historical data and successful processes in place, they will maintain the role of picking up the highest priority illegal dumped materials, while ESD will focus more on the ongoing and more proactive activities. ESD will take responsibility for the pickup of all illegally dumped materials when not presenting an immediate safety concern in the public right of way and continue to leverage partnerships with contracted haulers and community groups for proactive pickup in specific areas.

ANTI-GRAFFITI

The Parks, Recreation and Neighborhood Services Department (PRNS) manages the Anti-Graffiti Program to support the quality and livability of San José. Since 2011, the City has contracted with Graffiti Protective Coatings (GPC) to abate graffiti throughout the City. Through GPC's San José Clean App, residents are able to easily submit graffiti work order requests and receive a follow-up email once the graffiti has been eradicated. The Anti-Graffiti Program has made great strides in eliminating graffiti-related blight across San José's neighborhoods and thoroughfares. Over the past year, the program has experienced three trends relevant to the questions asked by the City Council:

1. The Anti-Graffiti Program continues to abate over 2,000,000 square feet of graffiti. The program prioritizes graffiti work orders based on where and what type of graffiti is being reported. Gang and other offensive graffiti takes priority for removal.
2. The number of San José Clean App users continues to increase. The San José Clean App is the mobile enterprise system that is used by the City's Anti-Graffiti Program. The Clean App serves as both a reporting system that is used by the public and a work order system on the backend. This mobile application and work order system have been in use by the Anti-Graffiti Program since 2011, and over the past five years, this system has been used to coordinate the removal of approximately 8,000,000 square feet of graffiti. During 2014-2015 alone, the City managed over 50,000 work orders with the App, which led to the abatement of more than 2,000,000 square feet of graffiti. The City currently has more than 25,000 San José Clean App users who report graffiti via their mobile devices. The San José Clean App continues to be a very popular tool for reporting to the Anti-Graffiti Program by the public—of the 36,000 graffiti abatement service requests submitted by the public in 2014-2015, 30,000 were via the App. Over the past few years, residents have consistently provided high reviews on both the Clean App's ease of use and its ability to "close the loop" with residents after graffiti has been abated.

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3. Over the past few years, graffiti located on residential and business property has increased. While the property owner is responsible for removing this graffiti, the City does provide courtesy abatements when feasible. Overall, response times to address graffiti located on residential and business property can be lengthier due to the time needed to obtain consent from the property owners before abatement begins. Additionally, response times to have graffiti removed from non-City property owned by other governmental and large business entities (e.g., Santa Clara County, Valley Transportation Authority, Caltrans, Caltrain, Santa Clara Valley Water District (SCVWD), Pacific Gas and Electric Company, AT&T, and Union Pacific Railroad) are subject to additional coordination, requiring significant staff time to coordinate removal.

ANALYSIS

Following are responses to the recommendations in the supplemental memorandum to items 5.1 and 7.1 (May 3, 2016 City Council meeting) that were referred to the 2016-2017 budget process:

Determine whether Council can use Integrated Waste Management Fund or other sources for supplemental use in staffing and response to illegal dumping and litter issues, particularly for coordination of volunteer efforts, and offer cost estimates and options.

This item is largely completed. In coordination with the City Attorney's Office (CAO), several funding sources for the Illegal Dumping Rapid Response Program have been identified and evaluated. Funding sources include AB939 fees charged on waste disposed at the landfill, grants, ineligible construction and demolition deposits, and the General Fund. It should be noted that the proposal in the 2016-2017 Proposed Operating Budget includes as funding sources AB939 fees allocated for waste diversion (\$340,000) and household hazardous waste (\$300,000) and the General Fund (\$135,000). The Community Development Block Grant also provided funding in 2015-2016 for illegal dumping research and pilot mitigation efforts in low and moderate income project areas. Rate payer funds restricted by Proposition 218 are not a viable funding source. Proposition 218 limits property-related fees (such as fees for residential garbage and recycling or stormwater management services) to the specific services provided to the parcels charged, and prohibits charging property owners for general governmental services. Because cleanup of illegally dumped materials is not a service provided directly to the property owners, the cost of cleanup of illegally dumped materials cannot be paid from these utility rates.

ESD has also funded volunteer litter cleanups with grants from the U.S. Environmental Protection Agency and the SCVWD, which will respectively expire on, or be almost fully expended by, June 30, 2016. Other potential funding sources are explored on an ongoing basis, such as forthcoming mattress disposal reimbursement funds, which are part of the State of California's new mattress recycling program.

The City's litter abatement efforts are coordinated by both ESD and PRNS. ESD takes the lead to address litter located primarily in creeks, while PRNS works directly with neighborhoods to address the impact of blight-related litter. Current program budgets are as follows:

- The City's Anti-Litter Program, which is housed in PRNS, has an annual budget of \$270,000 and includes a staff of two: one Community Coordinator and one Community Activity Worker (CAW). The Anti-Litter Program specifically coordinates efforts within neighborhoods to address litter and trash related blight by educating the community about the impact of litter, coordinating individual and service group volunteers, and coordinating neighborhood cleanups with neighborhood associations and council offices, and coordinating three large litter events each year, including the Great American Litter Pick Up.
- Using approximately \$200,000 of the aforementioned grants, ESD has partnered with established community groups (Friends of Los Gatos Creek, a.k.a. South Bay Clean Creeks Coalition, and Keep Coyote Creek Beautiful), allowing those groups to lead the organization and implementation of volunteer creek clean-up events and to implement programs related to community engagement, such as education at schools, conferences, and art projects.

Options to address increasing demands include:

- During 2014-2015, the Anti-Litter Program had a significant increase in litter collected through volunteer and partnership efforts. However, in order to have a sustainable impact, the program would need additional resources to not only educate residents about the impact of litter, but also to respond to the demand for the Anti-Litter Program to coordinate neighborhood litter clean-up events. Additional General Fund funding of \$122,000 for PRNS could support two Community Activity Worker positions and provide non-personal/equipment funds, enabling the Anti-Litter Program to double the number of neighborhood litter clean-up events in 2016-2017, from the current forecast of 36 to a total of 72, and provide more education and outreach on the impact of litter.
- If approved, the Clean Creeks/Healthy Communities proposal in the 2016-2017 Proposed Operating Budget would continue the partnership between ESD and community groups.

Determine the cost and process for implementing the development of an anti-graffiti/anti-illegal dumping reward program that will pay up to \$1,000 for each tip that leads to arrests or fines levied against graffiti vandals and those caught dumping illegally within the City of San José.

This item is in process. As discussed in the Illegal Dumping Initiative Update report presented to City Council on May 3, 2016, staff is evaluating the components of a reward program pilot (e.g., resources needed, processes) and is planning to report back on this effort to the Transportation and Environment Committee in fall 2016. Motivating businesses and residents to take responsibility in their community by offering a financial reward can be an effective part of a

successful illegal dumping/anti-graffiti mitigation plan. There are significantly different approaches for implementing a rewards program, and some have been more successful than others. Over the last three months, staff has conducted research on illegal dumping rewards systems in Oakland, San Francisco, and Sacramento. Multi-department discussions with the CAO regarding an anti-illegal dumping/anti-graffiti reward system are in progress.

Explore alternatives for the time and day of the pro-active pick-ups in targeted illegal dumping focus areas.

This recommendation has been implemented and is ongoing. Routing for new illegal dumping services included in the 2016-2017 Proposed Operating Budget incorporate current and historical data on hotspots, as well as ensure timely responses to incoming reports. Historical data is continually evaluated to determine the timing and location of targeted illegal dumping focus areas. Information pertaining to past illegal dumping incidents obtained from DOT, community input, visual inspections performed by City staff and contractors, and the Visual On-land Trash Assessment protocol currently used by ESD to evaluate cleanliness of streets were all considerations when developing the routing for illegal dumping services for 2016-2017. Targeted pickups are already occurring in hotspot areas twice per week based on an evaluation of historical data. Ensuring effective routing that is flexible, timely, and proactive is an ongoing process and will be a key responsibility of the Illegal Dumping Rapid Response Program's proposed Supervising Environmental Services Specialist position, as included in the 2016-2017 Proposed Operating Budget.

Moving forward, staff will be exploring the potential use of a fully integrated technology-based routing system that would greatly assist the effectiveness of the focused collection of illegal dumping, including the ability for both City and contractor crews to route in one unified system. Such a system would integrate existing public reporting of issues in the field into one virtual interface, including the use of smartphone apps and the web. This system would enable centralized customer contact/reporting and case management, as well as provide a robust work order and routing system for City staff and contractors to address the reported issues in a timely fashion.

Identify costs and potential funding sources for a second compactor truck and for a driver to increase efficiencies with large scale illegal dumping clean ups.

Additional compactor capacity would increase the effectiveness of the illegal dumping, homeless encampment, and creek cleanup programs.

Staff is currently reviewing a draft lease agreement with SCVWD, which is expected to be executed by the end of this fiscal year, which provides a compactor truck for City use without any additional cost, excluding vehicle maintenance and fuel. The use of this truck was anticipated during the development of the 2016-2017 Proposed Operating Budget.

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The City's current compactor truck is 18 years old and experiences downtime. Fleet Management (Public Works Department) has determined a replacement is needed; however, this was not planned for 2016-2017 as it was determined that the truck to be leased from SCVWD would allow staff to perform the work as necessary for the new Illegal Dumping and Rapid Response Program model. A replacement compacting garbage truck costs approximately \$300,000; to fund the purchase of this truck, staff could use a portion of anticipated remaining funds from the final 2015-2016 close-out of the Environmental Innovation Center construction project in the Integrated Waste Management Fund, subject to review for fund eligibility. It is anticipated that staff will reserve these funds at the end of 2015-2016 for this purchase at a future date.

The additional compactor capacity would allow the two trucks to be used throughout the year to support illegal dumping, homeless encampment, and creek cleanups. The Illegal Dumping Rapid Response Program proposal in the 2016-2017 Proposed Operating Budget outlines a strategy for the new program, which includes realigning existing funding and personnel from various departments, including two Maintenance Worker II positions with commercial (Class A) driver's licenses that would be shifted from DOT to ESD. These positions would serve as drivers for the compactor trucks under the new program, as these trucks can be driven by City staff possessing a Class A driver's license. The trucks could also be used to support other citywide programs, subject to funding and driver availability.

Explore additional services to handle illegally dumped bio-waste as a resource available to all departments.

This recommendation is being implemented. An interdepartmental group (consisting of staff from Housing, DOT, ESD, PRNS, Public Works, Purchasing/Finance, and others as needed) is creating a Standard Operating Procedure (SOP) using a city-wide purchase order for 24-hour collection of illegally dumped bio-waste. The SOP will identify the appropriate resources to call depending on the incident, and will also outline the contractor engagement and payment process. Appropriate funding will need to be identified when the purchase order is used. This effort is expected to be completed by summer 2016.

Explore opportunities to work with external partners of the City Manager's Data Analytics Team and of the Mayor's Office of Strategic Partnerships and Innovation to leverage behavioral insights to reduce illegal dumping.

This recommendation has been partially implemented and is ongoing. The City Manager's Office Data Analytics Team (DAT) has been a partner in developing current illegal dumping efforts and methods to evaluate their effectiveness. DAT is also working with the Behavioral Insights Team, as part of the City's participation in Bloomberg Philanthropies' What Works Cities Initiative, to develop an outreach strategy for encouraging the use of no-additional-cost large item collection services for single family dwellings. This study is currently underway and runs from April through June 2016, with analysis and results anticipated to be completed by the end of August 2016. The results of this study will inform the content and design of future city-

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wide messaging for no-additional-cost large item collection services. Staff will continue to collaborate with DAT in other efforts as opportunities arise and will engage the Mayor's Office of Strategic Partnership on initiatives moving forward. An update on these efforts will be provided to the Transportation and Environment Committee (T&E) in fall 2016.

Assess and report progress through the development of metrics that specifically capture direct impact, and not merely work performed.

This recommendation is being implemented. Staff is developing the methodology to evaluate illegal dumping program performance in 2016-2017. The Visual On-land Trash Assessment protocol currently used by ESD to evaluate cleanliness of streets will be adapted to explicitly include illegally dumped materials. Staff will also work to incorporate illegal dumping response satisfaction questions in the City's annual survey to residents and businesses. Data will also be collected on the types of large items frequently dumped to aid in targeted outreach. For example, locations and quantity of dumped mattresses need to be reported monthly to the Mattress Recycling Council to claim reimbursement for illegally dumped mattresses through the State's new mattress recycling program, and this same data can be used as one of the program's quantifiable metrics.

Identify the short range solutions, look at the comparables between expanding the functionality of the service the City is currently contracting with and determine the cost of the data with regard to enhancing the "San José Clean" application and to make it more interactive by including self-reporting features for illegal dumping.

On October 27, 2015, the City Council accepted the report on Illegal Dumping Mitigation Efforts and recommended to build an interactive reporting tool for illegal dumping for the public. The strategy that was discussed at Council was incorporated into a Request for Proposals (RFP) that was subsequently released in November 2015 for a Customer Relationship Management (CRM) system that would integrate existing public reporting of issues in the field into one virtual interface, including the use of smartphone apps and the web. This system would enable centralized customer contact/reporting and case management, as well as provide a robust work order and routing system for City staff and contractors to address the reported issues. The additional benefits would include public outreach efforts, preventing data silos, and maximizing internal City resources. This procurement process is nearing completion, with a notice of intent to award sent to the successful proposer on May 24, 2016. The contract award is expected to go to the City Council by the end of June 2016. ESD, in coordination with the Information Technology Department, has concluded that the best strategy going forward is to enter into a priority contract and deploy the system by December 2016 with the newly identified CRM provider. Given this, it is more efficient to direct the limited resources on the deployment of the new system, rather than redirect efforts to launch an interim solution.

The public currently has the ability to report dumping and send pictures via email to Streets.Dispatch@SanJoseca.gov. This approach is consistent with the discussion and subsequent direction given to staff at the October 27, 2015 City Council meeting and the Illegal

Dumping Initiative Update provided to T&E on February 17, 2016. An interdepartmental working group has been mapping out a workflow strategy in preparation of the new CRM contract since these discussions took place.

Involve more residents and develop an educational campaign to inform residents about the need to reduce illegal dumping.

This recommendation is being implemented and an update will be provided at the December 2016 T&E meeting.

ESD staff engaged the public to reduce illegal dumping through a number of trilingual (English, Spanish, and Vietnamese) outreach methods. The large item collection pilot program aims to prevent illegal dumping by giving residents an easy way to dispose of unwanted items at no additional cost. Since October, staff has promoted the large item collection pilot program by dispersing trilingual flyers, cards, and advertisements at libraries and community centers, on bus shelters, and in laundromats and movie theaters. The pilot program was also promoted online through digital ads and on social media sites such as Nextdoor, Facebook, Twitter, and Instagram.

ESD has built strong partnerships with neighborhoods on illegal dumping mitigation efforts, including the Neighborhoods Commission, and proactively seeks additional collaboration opportunities with residents and businesses. Staff has and continues to partner with neighborhood leaders on making improvements to illegal dumping efforts and identifying additional outreach strategies to fit their respective communities. To further this effort, ESD is engaging CommUniverCity to go door-to-door in some neighborhoods with high incidence of illegal dumping. Students spoke in English, Spanish, or Vietnamese with residents about the large item pickup service. In addition, they made special efforts to talk to apartment residents about illegal dumping signage and stickers.

Determine whether the City Manager can execute a "shared data" agreement with Graffiti Protective Coatings (GPC) to enable reports of graffiti on businesses and private property to simultaneously flow to the tip submit line with SJPD and to Code Enforcement.

PRNS, the San José Police Department, and Planning, Building and Code Enforcement Department (PBCE) will coordinate to assess the feasibility of routing graffiti work order requests simultaneously to the tip submit line and to PBCE. The departments will determine if and when reports should be submitted for additional investigation and/or follow-up. PRNS will submit an interim report on this item to the PSFSS Committee in fall 2016, as part of the Annual Anti-Litter and Anti-Graffiti Programs Report.

Assess the cost of restoring the City's prior commitment to address graffiti complaints within 48 hours, and how that might affect the response metrics on page 9 of the Staff report.

In 2014-2015, the Anti-Graffiti Program modified its Performance Measures to include up to 72 hours for abating graffiti located in the Reactive Zones throughout the City, to acknowledge the challenge of abating graffiti within 48 hours if the graffiti was reported on a Friday or during GPC's non-business hours (over a weekend or holiday). Additionally, the increased timeline reflected the challenge of the increased number of service requests for graffiti abatement. Presently, the Anti-Graffiti Program abates 88% of graffiti within 48 hours. The remaining 12%, which equated to 6,125 work orders last fiscal year, was often located on private residential/business property or non-City property located within the City boundaries that required additional coordination prior to eradication.

Graffiti located on residential and business property has increased over the past two years, requiring staff to make over 1,200 site visits in 2014-2015 to address this graffiti. As graffiti located on residential/business property has increased, so has the cost to property owners to remove it. While the residential/business owner is ultimately responsible for removing this graffiti, the Anti-Graffiti Program will remove it, especially if it is considered offensive, as a courtesy to property owners. Staff has found that some owners may be challenged by the cost of removals and the damage that is caused. These courtesy abatements require dedicated staff time to contact the residential/business owner to coordinate removal, which is challenging given the program's limited staff resources.

Most of the private property graffiti being abated is offensive graffiti and is currently being absorbed within the current program budget (meant for graffiti located on public property). If the City were to remove all reported graffiti located on private property, the cost would be \$136,000 to fund one Community Activity Worker position and to increase the contract with GPC to cover additional square feet; this would also contribute to restoring a significant portion of the program's response time to 48 hours. This funding would provide courtesy abatements to residential and business owners, as well as enable education of property owners on how to prevent and address future incidents of graffiti and provide free paint and supplies. With additional resources to coordinate graffiti abatement on private property, the Anti-Graffiti Program could complete these service requests more quickly and move to restore overall graffiti response times to 48 hours.

Assess and report progress through the development of metrics that specifically capture direct impact, and not merely work performed.

PRNS is currently evaluating the best method and associated costs to capture additional direct impact metrics not currently being reported as part of the Annual Anti-Litter and Anti-Graffiti Programs Report. PRNS will submit an interim report on this item to PSFSS in fall 2016, as part of the Annual Anti-Litter and Anti-Graffiti Programs Report.

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EVALUATION AND FOLLOW-UP

Staff is anticipated to return to the Transportation and Environment and Public Safety, Finance and Strategic Support Council Committees meetings in fall 2016 with updates on current efforts and recommendations.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Office Data Analytics Team, the City Manager's Budget Office, and the Departments of Planning, Building Code Enforcement, Transportation, Housing, Information Technology, and Finance (Purchasing).

/s/
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