

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 6/18/07		Item Number: <u>A-4</u>	
AGENDA ITEM: Discuss Options to Enhance the City's Graffiti Abatement Program, including Options to Bring the Program In-House, and Provide Further Direction to Staff.			
Contact Persons/Dept.: Charles D. Herbertson, Public Works Eric Mirzaian, Public Works		Phone Number: (310) 253-5630 (310) 253-6410	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List (06/14/07)			
Department Approval: Charles D. Herbertson 4/24/07		City Attorney Approval: Carol Schwab (by H. Iker) (06/13/07)	
City Controller Approval: Marlee Chang (06/14/07)		City Manager Approval:	
<u>RECOMMENDATION:</u> Staff recommends the City Council discuss options to address the City's provision of graffiti removal services and direct staff as deemed appropriate. <u>BACKGROUND:</u> Graffiti abatement has been and continues to be an important issue for Culver City. It is generally accepted that the rapid removal of graffiti is a deterrent to additional graffiti. Since 1993 the City's Public Works Department has utilized the services of Graffiti Control Systems ("GCS") to remove graffiti on buildings and walls throughout the City. The contract with GCS is set to expire on June 30, 2007, but the City does have an option to extend the contract for an additional two years at the discretion of the Public Works Director/City Engineer. Additionally, the City's Public Works crews remove graffiti from street light poles, utility boxes, trees, sidewalks and curbs, and traffic signs on an on-going basis. The Parks, Recreation & Community Services Department also provides graffiti abatement within the City's parks and utilizes the services of GCS on an on-call basis. Currently, graffiti is generally removed five days per week (Monday through Friday) by GCS and City crews. Last year GCS responded to approximately 7,000 graffiti incidents, which averages approximately 27 per work day throughout the year. One "incident" may involve several pieces of graffiti in the same general area. On a typical day, the City receives twelve to fifteen graffiti complaints on the graffiti hotline. Complaints of and requests for graffiti removal are received from various sources including the graffiti hotline, (310) 253-			

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6449, direct phone referrals to the Public Works Department, the City's on-line pothole and graffiti reporting system, and emails.

At the August 22, 2005 City Council meeting the Council discussed issues related to the Graffiti Abatement Program, including the removal of graffiti, potential public education options, enforcement tools and possible penalties for offenders, and directed staff to continue to review enhancements to the Program and report back on the following issues:

1. Review the existing provisions of the Culver City Municipal Code ("CCMC") related to graffiti for any needed modifications, including authority for restitution for damages to City property or reimbursement of City incurred costs of graffiti removal. Also, review the process for working cooperatively with the District Attorney's Office to track graffiti cases and restitution payments.
2. Determine if suspension or delay of driving privileges (CCMC § 9.04.270) is a viable penalty.
3. Determine if offender could be required to wear special items of clothing identifying them as graffiti offenders during periods of community service.
4. Review the implementation of a public education and outreach program using signage and mailings.
5. Implementation of an incentive program for employees and the public who report graffiti.
6. Survey graffiti abatement programs of other cities.
7. Develop protocols for photographing and documenting graffiti before it is removed and ensuring that the information is stored and easily accessible to Public Works, Police and City Attorney staff.

DISCUSSION:

City's Current Practice for Graffiti Removal:

Each morning of the work week (Monday through Friday), Public Works staff makes a list from the complaints and requests received from various sources, the graffiti hotline and the City's web based reporting system. This list is given to GCS who adds this information to its own list it makes each morning by driving throughout the City. This combined list then constitutes that day's graffiti removal effort by GCS.

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Occasionally, when Public Works is informed of a priority graffiti removal need, it contacts GCS by cell phone during the day and adds additional items to the list.

GCS provides one person for graffiti removal. The most appropriate method of removal is determined by GCS. When paint is used, GCS is required to employ a spectrophotometer computer color match system to match existing colors as closely as possible. The cost for removal is based on the square footage of area painted or chemically treated. The targeted average response time from receipt of the graffiti complaint to removal of the graffiti is 48 hours. GCS removes graffiti from both public and private properties, and is required to obtain private property owner approval prior to removing graffiti. GCS spends approximately 5 to 6 hours per work day in the City locating and removing graffiti.

Weekend Coverage:

Currently there is no regularly scheduled weekend removal of graffiti by Public Works staff or GCS. In the event the City Council chooses to remain with contract services, staff has discussed the option with GCS to provide occasional weekend service, on an as-needed basis, at the same price per square foot of graffiti removal as regular weekday service. The cost for occasional weekend call-outs may be absorbed in the current budget, depending on the frequency of weekend occurrence, and/or overall removal demand. If there is an increase in the need for GCS to provide weekend coverage, or it becomes on-going, then an additional appropriation and budget amendment of approximately \$85,000 annually may be required to pay for year-round weekend coverage.

In the meantime, occasional emergency weekend graffiti removal can continue to be accomplished by contacting Heustace Lewis, Maintenance Operations Manager or Charles Herbertson, Public Works Director, by cell phone, and GCS will be called out. This option is not available to the general public. GCS has indicated that it will take them approximately four hours to mobilize and arrive on scene to abate the graffiti when called out on a weekend.

In-House Program Option:

Over the past year Public Works staff has met with GCS's management and staff to discuss concerns regarding removal techniques, documentation and locating unreported graffiti. The Public Works Department has received some complaints about the speed and quality of workmanship of the removal services provided by GCS. Public Works staff has also been more closely monitoring the graffiti removal process and, as a result, it has become apparent that the timeliness and quality of the removal efforts are in need of improvement. This is especially evident on the

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western portion of the City. Public Works has concluded that these issues may be more effectively resolved if the removal work was performed entirely by City staff.

Options for 7-days/Week Graffiti Abatement Program

The expansion of the removal program could be accomplished through two different options depending on the desired goal. Both options would expand service to 7-days a week service. The following is a discussion of each option's staffing costs based on the current program's operating budget of \$192,112. Each option will require Civil Service Commission action before being implemented, as the addition of graffiti removal duties in-house will require the revision, reinstatement or creation of certain class specifications. As a result, if the City Council were to direct staff to move forward with any of these options, it would not be implemented for several months.

Option 1 – Expand Services to 7-days/Week with Contractual Graffiti Removal Services:

Reclassify one (1) existing Maintenance Painter position to a Sr. Maintenance Painter position to provide for oversight of the graffiti abatement contract. In addition, the Sr. Maintenance Painter will oversee City crews assigned to perform occasional graffiti removal to supplement the work done through the abatement contract. Staff believes that it would increase the timeliness and quality of the graffiti removal and help reduce the average response time for removing graffiti to 48 hours or less.

Annual Costs

City Staff Costs

Salary upgrade (w/ benefits) to Sr. Maintenance Painter:	\$5,551
Equipment/Materials (paints, brushes, misc. equipment):	\$10,000
*Annual vehicle maintenance and fuel costs:	\$2,000

<i>SUB-TOTAL:</i>	<i>\$17,551</i>
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Graffiti Contract Cost

(FY 06/07 budgeted cost \$192,112 + \$85,000 est. increase)	\$277,112
<i>SUB-TOTAL:</i>	<i>\$277,112</i>

TOTAL	\$294,663
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*Use of existing vehicle

The anticipated annual cost of \$294,663, for this option would increase the current budget of \$192,112 by an additional \$102,551.

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Option 2 – Expand Service to 7-Days/Week with Internal Graffiti Removal Crew:

Reclassify one (1) existing Maintenance Painter position to a Sr. Maintenance Painter position in addition to adding three (3) new full-time Maintenance Worker I positions with staggered schedules to provide 7-days per week coverage for graffiti abatement. This option would allow the Sr. Maintenance Painter to serve as Graffiti Removal Crew Leader, and would eliminate the need for a graffiti abatement contract. The Graffiti removal crew would work during normal City business hours, unless called out on an emergency. Staff believes that expanding graffiti removal to 7-days a week with an internal crew will not only improve timeliness and quality, but will also allow for more proactive graffiti removal and help to further reduce the average response time for removing graffiti to between 24 to 36 hours of reporting or locating.

Annual Costs

Salary upgrade (w/ benefits) to Sr. Maintenance Painter:	\$5,551
Salary (with benefits) for 3 Maintenance Worker I (at B step):	\$194,646
Equipment/Materials (paints, brushes, misc. equipment):	\$10,000
Annual vehicle maintenance and fuel costs:	\$2,000
Annual vehicle amortization costs	\$3,365

<i>TOTAL</i>	<i>\$215,562</i>
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Start-up Costs

Vehicle (pick-up truck with standard body and hydraulic lift gate):	\$30,000
Facility Equipment (color match analyzer, paint mixing machine):	\$30,000

<i>TOTAL:</i>	<i>\$60,000</i>
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The anticipated annual cost of \$215,562, this option would increase the current budget of \$192,112 by an additional \$23,450.

Based on the two proposed options, Option 2 will have a lower annual operating cost, even after payment of the Start-up Costs of \$60,000. Staff believes the proposed in-house program provides more effective graffiti abatement.

Issues from August 2005 City Council Meeting:

The following is a discussion of the issues on which the City Council requested additional information at its August 22, 2005 meeting:

1. CCMC Regulations and Restitution Recovery.

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Regulations. The City's regulations related to graffiti are set forth in CCMC §§ 9.04.200 *et seq.* (Attachment 2), and are briefly summarized herein. The application of graffiti to any public or privately owned structure is prohibited. It is also unlawful for a property owner to allow graffiti to remain upon their property for more than 48 hours. The CCMC authorizes a graffiti removal program, under which the City can remove graffiti from private property if the property owner has not removed the graffiti within 48 hours of being notified of its existence. Under certain circumstances, the City may recover its removal costs from the private property owner (i.e. more than four requests for removal per year; where the removal has been mandated by the City through a notice to abate). Generally, in cases where the graffiti offender is able to be identified, they are prosecuted for vandalism by the Los Angeles County District Attorney's Office under Penal Code § 594. The Penal Code and CCMC give the Police Department ample authority to enforce vandalism violations when officers or other witnesses are able to catch offenders in the act. However, this is quite difficult because vandalism often occurs late at night and often times off of the main roadway in a parking lot or alleyway. Where graffiti is discovered after the fact, and there is no suspect to arrest, the City is not able to seek criminal prosecution.

Restitution. Restitution may be recovered if the perpetrator is prosecuted criminally. In the past, the City has not recovered a significant amount of restitution. One factor that may contribute to this result is the small number of graffiti related prosecutions. As discussed above, a prosecution for graffiti usually cannot occur unless the perpetrator is caught in the act. However, the nature of graffiti is such that the violator usually does not apply the graffiti during times where there is a public presence (i.e. late at night or early in the morning) and, therefore, it is rare to find witnesses to these acts. Without witnesses willing to testify against the graffiti violators, prosecutions for graffiti cannot readily occur. When prosecutions do occur, the District Attorney will seek restitution on behalf of the City. Usually, the District Attorney's Office contacts the City Attorney's Office and requests documentation evidencing the City's damage, which the City Attorney's Office obtains from the Public Works Department and forwards to the District Attorney. The City Attorney's Office and the Police Department continue to work with the District Attorney to encourage the prosecution of graffiti violators and ensure that the recovery of restitution is pursued.

2. Suspension or Delay of Driving Privileges.

In accordance with Vehicle Code § 13202.6, in addition to other penalties provided for convictions under Penal Code § 594, the court may suspend the driving privilege of any offender (13 years of age or older) for one year for a first

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offense. For each successive offense, the court may suspend the offender's driving privilege for an additional year. CCMC § 9.04.270 also authorizes the City to petition a sentencing court to suspend existing or delay the issuance of driving privileges for individuals convicted of violating the State or City laws pertaining to graffiti.

3. Offenders Wearing Identifying Clothing During Periods of Community Service.

The City can petition the court that anyone convicted of a graffiti violation be ordered to wear identifying clothing during their periods of community service. However, these types of orders are usually overturned on appeal, as unconstitutional. As such, the City Attorney's Office would not recommend that such an option be considered.

4. Public Education and Outreach Program.

The City includes discussion of graffiti issues during some Police Department (PD) community programs, but does not have any formalized anti-graffiti education and outreach programs. Currently, PD addresses graffiti issues at local Neighborhood Watch meetings, and as a part of vandalism discussion in the Juvenile Diversion Program. Some participants in the Diversion Program have been arrested for vandalism of one form or another.

Public Works staff has been advised of a private anti-graffiti education program being used by the County of Los Angeles. The program, "Totally Against Graffiti" (TAG) is offered for a charge by KCBS Marketing. Through the County's TAG program, KCBS Marketing and various County departments work to educate students (primarily directed at 4th, 5th and 6th grades) on how they can make a difference in reducing graffiti in their schools and neighborhoods. However, the TAG program can be customized to meet the needs of the City and costs would be dependent on what elements are included in the local TAG program. If the City Council is interested, staff will continue to explore this option and report back to City Council.

5. Implementation of an Incentive Program for Employees and the Public Who Report Graffiti.

Staff also explored the feasibility of instituting a reward program for the public and City staff who report graffiti. As discussed in more detail below, staff surveyed twelve neighboring jurisdictions regarding their graffiti abatement programs. None of the jurisdictions surveyed have a reward program for only reporting the location of graffiti. There are programs that allow for rewards to be paid only if the information provided leads to the successful prosecution of

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vandals. Typically these types of rewards are approximately \$1,000. CCMC § 9.04.250, allows for the City Council, by resolution, to offer and pay a reward for information leading to the apprehension and conviction of graffiti vandal(s). If the Council desires to institute a similar reward program, staff will continue to explore this option and report back to Council on the cost and available funding for such a program.

In terms of the implementation of a reward program for the reporting of the location of graffiti, staff considered how such a program could be operated. We believe that even a relatively simple program such as the award of \$10 to \$25 gift cards would divert City funds and resources necessary for the graffiti removal process and other Public Works functions. Based on the average number of graffiti hotline reports, such an award program could cost \$120 to \$375 per day, or \$2,500 to \$6,250 per year, not including administrative staff time. If the Council authorizes bringing the removal function entirely in-house, as proposed above, staff believes the City's ability to proactively locate and remove unreported graffiti would be enhanced and would be a better expenditure of the City's resources.

6. Survey of Other Cities' Graffiti Abatement Programs.

Public Works staff surveyed the graffiti abatement programs of the Cities of Beverly Hills, El Segundo, Hawthorne, Hermosa Beach, Inglewood, Los Angeles, Manhattan Beach, Redondo Beach, Santa Monica, Torrance and West Hollywood, and the County of Los Angeles.

Six of the cities surveyed use City staff for graffiti removal. Three of these cities have staff dedicated to removal activities and the others include removal as part of staff's other duties. The City of Los Angeles uses volunteers and individuals with community service requirements through the City's Operation Clean Sweep program. The remaining four cities and the County use contract services for graffiti removal.

Most of these agencies remove graffiti during the work week, except in the case of emergencies based on the graffiti content. One of the cities surveyed only removes graffiti during a 3-day period between Tuesday and Thursday. All agencies surveyed, except one, target removal to within 24 to 48 hours of reporting.

Other than rewards programs for the successful prosecution of vandals, none of the agencies offer rewards for the reporting of graffiti.

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Other than the County, no other cities surveyed seemed to have formalized public outreach or education programs beyond what the City is currently doing.

7. Documenting and Accessing Graffiti Information.

The City currently receives monthly reports listing the location of all the sites where graffiti has been removed by GCS over the preceding month. The reports are broken down by area, providing the address where the graffiti was located and the method used to remove the graffiti. GCS has also been providing CD's with the photos of the graffiti before removal. Public Works forwards copies of the monthly reports without the CD's, to the Police Department on a regular bases. The CD's are kept on file in the Public Works Department and are available to the Police Department if the need arises.

The City Attorney's Office and Police Department have discussed the utility of the report information in pursuing prosecution of vandals and have reservations about its utility. Typically these types of prosecutions are the result of vandals being caught in the act of applying graffiti by law enforcement officers or witnesses willing to testify to the event. The utilization of past incidents, through photos, without having any witnesses, would require specially trained experts who are able to interpret the graffiti and provide testimony that each incident was committed by the same individual. Tracking by plotting the location of incidents would provide information on concentrations, but without the expert interpretation of the graffiti, the benefit to assist in the prosecution of a particular individual is questionable. The plotting of approximately 7,000+ incidents per year will increase the demand on City resources.

The Public Works Department has been informed of a company that may be able to provide these types of specialized services. This company is employed by some of the cities in the eastern and southeastern part of Los Angeles County. If the City Council is interested, Staff will attempt to obtain additional information about the services and report back to the City Council.

It is recommended that the City Council further discuss these issues and provide direction, as it deems appropriate.

FISCAL ANALYSIS:

The current fiscal year budget includes \$192,112 for the City's Graffiti Abatement Program. Of this amount, \$146,500 is being provided by the Redevelopment Agency since the services are provided in a redevelopment project area and \$45,612 is paid from the general fund. In fiscal year 2005/2006 approximately

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\$210,000 was spent on graffiti abatement. Approximately \$175,700 has been spent on graffiti abatement in fiscal year 2006/2007 (through April 23, 2007).

As stated above, if the City Council directs the implementation of a 7-days/Week removal program, it could be accomplished through the two different options described above depending on the desired goal. Both options would require additional funding in addition to the current level of funding for the graffiti abatement contract. Each option would also require Civil Service Commission action before it is implemented; it would not be implemented for several months following approval.

It should be noted that the in-house personnel costs are calculated at step B and the COLA and future step increases will increase this cost by approximately 10% for the next three years. Potentially, in-house costs could increase faster than outside contract service.

ATTACHMENTS:

1. Culver City Municipal Code §§ 9.04.200, *et seq.*

MOTION:

That the City Council:

Consider the subject of graffiti removal and direct staff as deemed appropriate.