

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 08/22/05		Item Number: <u>A-5</u>	
AGENDA ITEM: Consideration of: 1) Increased Advertisement for the Graffiti Abatement Program; and 2) Adopting Guidelines for a Restitution Program for Graffiti Violators			
Contact Persons/Dept.: Charles D. Herbertson, Public Works; John Montanio, CCPD		Phone Number: (310) 253-5630	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List 8/17/05			
Department Approval: Charles D. Herbertson 8/11/05		CAO Approval: Jerry Fulwood 8/17/05	
City Controller Approval: Marlee Chang 8/17/05			
<u>RECOMMENDATION:</u> That the City Council direct staff to make additional public outreach efforts to inform Culver City residents about the options available to report graffiti and provide further direction as deemed appropriate regarding the graffiti abatement program and restitution by individuals (and/or their families) who are convicted of graffiti related crimes. <u>BACKGROUND:</u> Graffiti abatement is 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 Public Works Department has utilized the services of Graffiti Control Systems of North Hollywood on a contract basis to remove graffiti on building and walls throughout the City. 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 provides graffiti abatement within the City's parks and utilizes the services of the City's contractor on an on-call basis. Currently, graffiti is generally removed five days per week (Monday through Friday) by the City's contractor and City crews. Last year the City's contractor responded to a total of 6194 graffiti incidents which averages approximately 25 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.			

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DISCUSSION:

The City's current graffiti abatement program involves the combined efforts of the City's contractor, Public Works and Parks, Recreation & Community Services crews. Calls for graffiti removal are received from various sources including the graffiti hotline, (310) 253-6449, direct phone referrals to Public Works, the City's on-line pothole and graffiti reporting system (recently initiated), and emails.

The City's graffiti hotline is a recording available 24 hours per day, seven days per week. Each morning of the work week, Public Works staff makes a list from the calls received on the graffiti hotline and the web based reporting system. This list is given to the City's contractor who adds this information to his own list that he makes each morning by driving throughout the City. The combined list then constitutes that day's graffiti removal effort by the contractor. Occasionally, when Public Works is informed of a priority graffiti removal need, Public Works staff contacts the Contractor by cell phone during the day and adds additional items to the list.

The graffiti removal contractor provides one man for graffiti removal. The most appropriate method of removal is determined by the contractor. When paint is used, the contractor 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 for graffiti removal. (Please see attached excerpt from the contract for current graffiti removal rates.) The average response time from receipt of the graffiti complaint to removal of the graffiti is 48 hours. Graffiti is removed from both public and private properties by the contractor. The contractor is required to obtain private property owner approval prior to removing graffiti. Additionally, the contract requires the contractor to indemnify the City for injury to property or person arising out of its performance of the agreement and the contractor is required to maintain \$1,000,000 of general liability insurance.

Weekend Coverage:

Currently there is no regularly scheduled weekend removal of graffiti by Public Works staff or its contractor. However, staff has recently discussed this option with the City's contractor who has offered 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 could most likely be absorbed in the current budget, depending on the frequency of occurrence. If the need for weekend coverage is on-going then staff will need to negotiate a fee and contract amendment with the contractor. This option would require an additional appropriation and budget amendment of approximately \$60K to \$75K for a contract

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amendment. In addition, this option will require approximately two hours of overtime per week for City staff to come into the office each Sunday morning to retrieve information from the graffiti hotline and web reporting system and provide the information to the graffiti contractor. This would require an additional appropriation of \$2,750 to cover the overtime staff costs.

For now, occasional emergency weekend graffiti removal can be accomplished by contacting Heustace Lewis, Maintenance Operations Manager or Charles Herbertson, the Public Works Director by cell phone and the contractor will be called out. This option is not available to the general public. The contractor 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.

Additional Public Outreach:

Currently there is little advertisement of the City's graffiti control services. In order to assist residents in reporting graffiti staff recommends that a portion of the graffiti abatement budget be set aside each year for quarterly ads in local newspapers advertising the City's graffiti abatement services and providing the Hotline Telephone number and instructions for reporting graffiti on-line. Additionally, ads can be included in Culver City Living.

Restitution Program:

The Police Department reviewed the graffiti related incidents and arrests covering the period from June 1, 2004 through June 1, 2005. During this period there were 48 graffiti related reports. (It should be kept in mind that the Police Department is not notified of most graffiti incidents.) Nineteen of those reports were cleared by arrest with a total of 29 suspects arrested.

Detectives obtained criminal filings in 16 of the 19 cases with a total of 26 misdemeanor and three felony complaints filed with the Los Angeles County District Attorney's Office.

The majority of these cases resulted in guilty pleas by the defendants who were all placed on probation. Although the Police Department and District Attorney's Office routinely requests restitution be part of the sentence, the Police Department does not have access to court records to verify whether or not restitution was actually ordered as a condition of probation or if any ordered restitution was actually paid to the City. The City currently has no mechanism in place to track such monies even if the City had been reimbursed.

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The Police Department and City Attorney's Office recently joined together to review each graffiti arrest on a case-by-case basis in order to make a determination if the City Attorney should initiate civil proceedings against suspects and/or families. This approach is too new to evaluate the cost benefit results. The City Attorney has been successful in obtaining *Restitution Agreements* with some suspects and families especially if a juvenile offender was involved.

Approximately eight years ago, staff evaluated the issue of having suspects sentenced to *community service* to help with graffiti removal. It was determined at that time that this solution was not practical because of the potential liability the City could incur from injuries sustained while working and the additional workload to supervise and manage such a program.

FISCAL ANALYSIS:

The current fiscal year budget includes \$185,000 for Graffiti Abatement services. In fiscal year 2004/2005 approximately \$170,000 was spent on graffiti abatement. Of this amount approximately \$126,000 was paid for by the Redevelopment Agency since the service was provided in a redevelopment project area and approximately \$42,000 was paid from the general fund. The addition of weekend service on an on-going basis would require budget amendments of approximately \$60,000 to \$75,000 to cover additional contract costs for weekend work and a budget amendment of \$2,750 to cover additional staff overtime costs.

ATTACHMENTS:

- 1.) Excerpts from contract for Graffiti Abatement with Graffiti Control Systems.

MOTION:

That the City Council:

- 1a.) Direct staff to set aside a portion of the annual graffiti budget allocation for the purpose of advertisement of the City's graffiti abatement services and utilize on-call weekend graffiti removal services on an as needed basis;

OR

- 1b.) Direct staff to set aside a portion of the annual graffiti budget allocation for the purpose of advertisement of the City's graffiti abatement services, amend the budget by adding an additional \$75,000 for graffiti abatement

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services to provide for full weekend coverage and \$2,750 for additional staff overtime, and direct staff to negotiate a contract amendment with Graffiti Control Systems for the purpose of providing weekend graffiti abatement; (Item 1b would require a 4/5ths affirmative vote of the City Council)

OR

- 1c.) Direct staff to set aside a portion of the annual graffiti budget allocation for the purpose of advertisement of the City's graffiti abatement services and to issue a Request For Proposals for weekend graffiti abatement and return to the City Council for award of the contract and any necessary budget amendments;
- 2.) Provide direction to staff regarding the establishment of a restitution program for graffiti violators.