



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR
October 29, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rashi Kesarwani, Kate Harrison, and Mayor Arreguin
Subject: Budget Referral: Funding Illegal Dumping Component of “Clean & Livable Commons Initiative”

RECOMMENDATION

Refer to the November budget process consideration for providing \$200,000 to fund a key component of the “Clean & Livable Commons Initiative” unanimously passed by the City Council on February 28, 2019 to:

- Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping; and
- Explore increasing the penalties for illegal dumping.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and costs associated with acquiring and installing additional lighting, security cameras, and signage to discourage illegal dumping in strategic locations throughout Berkeley. We note that the security cameras would not have any facial recognition or biometric analytic capabilities.

CURRENT SITUATION AND ITS EFFECTS

Funding the illegal dumping component of the Clean & Livable Commons Initiative is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

At a Special Council Meeting on February 28, 2019, the City Manager presented the “Clean and Livable Commons Initiative” to do the following:

- Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping.
- Create a Livable Commons Action Team, made up of new staff in the Public Works, Parks, HHCS and City Manager’s office to increase the City’s ability to quickly address debris and other negative impacts related to homeless encampments.
- Add portable toilets and a second homeless locker program near encampments.

- Create a citizen awareness campaign to publicize these efforts and educate the public regarding illegal dumping and the best practices or ways to provide donations to homeless encampments.
- Explore increasing the penalties for illegal dumping.
- Refer to the City Manager and the budget process to expand the streets clean up employment program.
- Explore short-term pump-out options.

The City Manager's report noted that many of these initiatives could be funded through one-time Homeless Emergency Aid Program (HEAP) state funding as follows:

The remaining HEAP funds (\$1,099,894) would cover many of the actions outlined in this report:

- Partially fund two years of encampment servicing/trash removal: \$730,000;
- Fund two years (FY2020 and 2021) of portable toilet and handwashing stations at existing and expanded locations: \$270,000;
- Capital and services costs for one year (FY2020) of the pilot homeless locker program expansion to a second site: \$100,000.

However, because of rules related to the use of HEAP funds, it is unlikely that they would be available for the City Manager's proposed actions to discourage illegal dumping, which necessitates this budget referral for the November budget allocation process. This referral requests the purchase of security cameras without the use of any facial recognition or biometric analytic capabilities.

The City Manager's report from February 28, 2019 included the following additional information about illegal dumping:

In calendar year 2018, reports of illegal dumping represented 33% of all code enforcement complaints. Thousands of complaints related to illegal dumping are currently received through the City's 311 system and forwarded to the Public Works Department, which removes dumped items from the public right-of-way. If more than three complaints are received related to an accumulation of debris related to private property, the City's Code Enforcement Unit is contacted to begin enforcement procedures. Property owners are responsible for the condition of their property, up to and including the sidewalk, landscaping strip and/or street. If a vehicle has been videoed or photographed in the act of illegal dumping, city staff refer the incident to the Berkeley Police Department (BPD) for enforcement. BMC violations are penalized through the issuance of an administrative citation. Penalties are \$100 per violation/per day for a first citation, \$200 per violation/per day for a second violation (within 1 year of previous issuance) and \$500 per violation/per day for third and subsequent violations.

There is a spike in complaints related to illegal dumping in May and June, which corresponds to the period when UC Berkeley students move out of their apartments. City staff currently partner with staff at UC Berkeley as part of the Move Out program. Illegal dumping, especially of construction debris, is particularly problematic near the I-80 corridor in West Berkeley where there is easy on/off access and lighting is poor. City staff are currently working to encourage owners of private property to install additional lighting and share surveillance camera footage with the Berkeley Police Department.

The City can develop signs to warn potential violators about the consequences of illegal dumping. These signs could be placed throughout Berkeley at a nominal cost. The main hurdle to deterring illegal dumping, however, is enforcement.

Cameras could also be used as a deterrent and potential mechanism for tracking down illegal dumpers. The City's current surveillance policy was adopted on March 27, 2018 when City Council added BMC Chapter 2.99, the "Surveillance Technology Use and Community Safety Ordinance". This ordinance contains requirements regarding the procurement and use of Surveillance Technology that "carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members". City Council could consider, as it did in San Pablo Park following a shooting last year, adding additional locations where cameras could be installed to act as a deterrent to illegal dumping. Reviewing camera footage to catch illegal dumping would require additional staff time not currently available in the Berkeley Police Department. The cost of additional cameras and staffing to review footage may be outweighed, however, by the success rate at prosecuting violators. The City may want to consider additional dedicated patrol resources or a sting operation to make a dent in illegal dumping.

The City Manager's report from February 28, 2019 included the following additional information about improved lighting:

As part of existing capital replacement cycle, the City of Berkeley could upgrade existing lights or add installation of new lights in areas where there are reports of illegal dumping. Public Work staff was recently deployed to four locations on 2nd Street near the Pathways STAIR center to take light level readings and determine what the impact of increased wattage would be in these areas. There are several streets in this area of West Berkeley where additional lighting may help thwart illegal dumping. Additional lighting would require a range of actions, including evaluating whether additional low-voltage wiring would need to be installed in some locations. The cost of this work, until further defined, is unknown.

ENVIRONMENTAL SUSTAINABILITY

Reducing the amount of bulky debris that litters our public spaces and encouraging proper disposal of bulky waste at the transfer station promotes our goal to be an environmentally sustainable community.

RATIONALE FOR RECOMMENDATION

The City Council unanimously voted to provide direction to the City Manager in February 2019 to

CONTACT PERSON

Rashi Kesarwani, City Council Member District 1
510-981-7110

Attachment: Clean and Livable Commons Initiative



Office of the City Manager

ACTION CALENDAR

February 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Clean and Livable Commons Initiative

RECOMMENDATION

Provide guidance on actions the City Manager should take to enhance livability in Berkeley.

SUMMARY

The City of Berkeley has, over the past few decades, invested significant resources for a city its size in homeless services designed to help people obtain permanent housing. Despite many homeless people being housed through these efforts, there are still a lot of people living unsheltered in Berkeley. A variety of community impacts have been attributed to the large number of unsheltered Berkeley residents. These impacts include accumulations of living structures and other items which sometimes spill into the public right-of-way and large amounts of garbage and human waste, creating health and safety problems.

The City Manager proposes the following actions to address this issue:

- Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping;
- Create a Livable Commons Action Team, made up of new staff in the Public Works, Parks, HHCS and City Manager's office to increase the City's ability to quickly address debris and other negative impacts related to homeless encampments;
- Add portable toilets and a second homeless locker program near encampments; and
- Create a citizen awareness campaign to publicize these efforts and educate the public regarding illegal dumping and the best practices or ways to provide donations to homeless encampments.

City staff recommend that Council utilize a significant portion of new Homeless Emergency Aid Program (HEAP) funding to fund the actions listed above. HEAP is a flexible but time-limited and one-time source of funding from the State of California to address the homelessness crisis. Additional resources will be necessary, however, to create a more proactive response to the crisis. Berkeley voters passed Measure P in November 2018 which is expected to generate \$6 to \$8 million annually in revenues for homeless related services. A portion of these resources will be needed to sustain any of the efforts listed above.

FISCAL IMPACTS OF RECOMMENDATION

City staff will be bringing an item for Council consideration on the March 12, 2019 agenda, requesting approval of a contract with the Alameda County Housing & Community Development Department for \$4,032,711 in State HEAP funds. The item proposes funding key city priorities and minimizes risk of underspending by utilizing \$2,832,000 for the Pathways and Dorothy Day House shelters and \$100,818 for administration (2.5% - the maximum allowable). The remaining HEAP funds (\$1,099,894) would cover many of the actions outlined in this report:

- Partially fund two years of encampment servicing/trash removal: \$730,000;
- Fund two years (FY2020 and 2021) of portable toilet and handwashing stations at existing and expanded locations: \$270,000;
- Capital and services costs for one year (FY2020) of the pilot homeless locker program expansion to a second site: \$100,000.

Because HEAP funds must be spent by June 2021, additional resources will be required to continue these expenditures beyond June 2021 and fund other aspects of the recommendations included in this report.

CURRENT SITUATION AND ITS EFFECTS

The prevalence of unhoused people living on streets, sidewalks, parks and other open space has been increasing all over the Bay Area for many years. Despite the fact that many jurisdictions have made significant progress towards housing people, the number of people becoming homeless and living outside of shelters is higher than the rate at which communities are able to house them. There are significant community impacts related to large numbers of unhoused people who lack sufficient infrastructure to be able to survive unsheltered without also sometimes creating impacts to the surrounding community. These impacts are increasingly being felt in Berkeley.

The latest reliable data related to the number of homeless people living in Berkeley is from the 2017 Homeless Point-In-Time Count, undertaken by Alameda County with the help of local Berkeley volunteers (a new count was done in January 2019, but data will not be ready for several months). In January 2017, approximately 664 people were living unsheltered on Berkeley streets, sidewalks, in cars or RVs, and encampments.

This far exceeds to number of shelter beds – currently 286 -- that are available on any given night. As reported in a prior council report, over the course of a year, nearly 2000 people experience homelessness of some duration in Berkeley. This number has been steadily growing at an average rate of 10% every 2 years. In December 2018, Berkeley Police staff counted 193 RVs, campers, converted busses, and vehicles that have been set up and/or designed for human habitation within the City's borders.

The City of Berkeley has over the past few decades invested significant resources for a city its size in homeless services designed to help people obtain permanent housing. In addition, in just the past three years, the City more than doubled homeless resources by funding:

1. The Pathways STAIR center, a 45-bed, 24/7, service-rich shelter housed in a series of modular trailer buildings on 2nd Street between Cedar and Virginia Streets in West Berkeley has successfully housed 53 people¹ since it opened in late June 2018. The STAIR center also includes two outreach workers to specifically offer shelter and other services to people living in encampments;
2. Expanded homeless outreach, creating a four-person HOTT team using a combination of state Mental Health Services Act funding and City General Fund;
3. Expanded shelter for the street homeless population by allocating \$400,000 to and contracting with Dorothy Day House to open a shelter for 52 individuals in the basement of 1931 Center Street;
4. A Coordinated Entry System which focuses resources on people who have been on the streets for one year or more²;

In addition to investing more local funds in homeless efforts, the Berkeley Housing Authority applied for and received additional Section 8 housing vouchers, 30 of which will be dedicated to homeless people prioritized through the Coordinated Entry System. The City was also recently awarded \$1.5 million in federal Department of Housing and Urban Development funding for an expansion of an existing Shelter Plus Care program, which will provide supportive services and permanent housing vouchers for approximately 45 people beginning in January 2020.

Despite these efforts, there continue to be a significant number of people living on the streets and the impact to the surrounding community is high. The City Manager is committed to having a cleaner and more humane city that is enjoyable for everyone.

¹ For more details, see report and presentation from the October 19, 2018 Council worksession, located here: https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/City_Council_10-09-2018_-_Special_Meeting_Agenda.aspx

² For more information on the City's Coordinated Entry System, see https://www.cityofberkeley.info/Clerk/City_Council/2017/03_Mar/City_Council_03-28-2017_-_Special_Meeting_Agenda.aspx

Therefore we have identified a variety of efforts to help mitigate the negative impacts that are often associated with encampments and have several recommendations for City Council to consider.

1. Illegal Dumping

In calendar year 2018, reports of illegal dumping represented 33% of all code enforcement complaints. Thousands of complaints related to illegal dumping are currently received through the City's 311 system and forwarded to the Public Works Department, which removes dumped items from the public right-of-way. If more than three complaints are received related to an accumulation of debris related to private property, the City's Code Enforcement Unit is contacted to begin enforcement procedures. Property owners are responsible for the condition of their property, up to and including the sidewalk, landscaping strip and/or street. If a vehicle has been videoed or photographed in the act of illegal dumping, city staff refer the incident to the Berkeley Police Department (BPD) for enforcement. BMC violations are penalized through the issuance of an administrative citation. Penalties are \$100 per violation/per day for a first citation, \$200 per violation/per day for a second violation (within 1 year of previous issuance) and \$500 per violation/per day for third and subsequent violations.

There is a spike in complaints related to illegal dumping in May and June, which corresponds to the period when UC Berkeley students move out of their apartments. City staff currently partner with staff at UC Berkeley as part of the Move Out program³. Illegal dumping, especially of construction debris, is particularly problematic near the I-80 corridor in West Berkeley where there is easy on/off access and lighting is poor. City staff are currently working to encourage owners of private property to install additional lighting and share surveillance camera footage with the Berkeley Police Department.

The City can develop signs to warn potential violators about the consequences of illegal dumping. These signs could be placed throughout Berkeley at a nominal cost. The main hurdle to deterring illegal dumping, however, is enforcement.

Cameras could also be used as a deterrent and potential mechanism for tracking down illegal dumpers. The City's current surveillance policy was adopted on March 27, 2018 when City Council added BMC Chapter 2.99, the "Surveillance Technology Use and Community Safety Ordinance". This ordinance contains requirements regarding the procurement and use of Surveillance Technology that "carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members". City Council could consider, as it did in San Pablo Park following a shooting last year, adding additional locations where cameras could be installed to act as a deterrent to illegal dumping. Reviewing camera footage to catch

³ More information on this program can be found here:
https://www.cityofberkeley.info/Clerk/City_Council/2018/09_Sep/Documents/2018-09-25_Item_36_Referral_Response_Move_Out_Initiatives.aspx

illegal dumping would require additional staff time not currently available in the Berkeley Police Department. The cost of additional cameras and staffing to review footage may be outweighed, however, by the success rate at prosecuting violators. The City may want to consider additional dedicated patrol resources or a sting operation to make a dent in illegal dumping.

2. Improved Lighting

As part of existing capital replacement cycle, the City of Berkeley could upgrade existing lights or add installation of new lights in areas where there are reports of illegal dumping. Public Work staff was recently deployed to four locations on 2nd Street near the Pathways STAIR center to take light level readings and determine what the impact of increased wattage would be in these areas. There are several streets in this area of West Berkeley where additional lighting may help thwart illegal dumping. Additional lighting would require a range of actions, including evaluating whether additional low-voltage wiring would need to be installed in some locations. The cost of this work, until further defined, is unknown.

3. Livable Commons Action Team

When the City takes steps to enforce laws regarding camping in the public right-of-way, it is driven by concerns about a) accessibility issues related to path of travel on sidewalks and other access points, b) health and safety (including the risks of camping on street medians on busy arterial streets), c) persistent complaints from neighbors and businesses about illegal activities, or d) special events requiring that an area be temporarily made available for a specific purpose. In 2018 City staff picked up garbage at and required that 11 encampments be disbanded. From July to December 2018, 95 tons (190,000 pounds) of debris were collected.

City of Berkeley Public Works Department and Parks, Recreation and Waterfront departments spend significant amounts of time and money on intermittent homeless debris removal throughout the City. This effort displaces time and funding for maintenance of our existing infrastructure. City Council authorized \$400,000 in 2018 to fund garbage removal related to encampments. Additional resources will be needed, however, to increase the rate at which negative conditions near encampments can be abated. We are recommending \$1,000,000 per year, with \$370,000 of this coming from HEAP in FY 20 and 21, and the remaining portion from Measure P., for a Livable Commons Action Team. This funds:

- 1 FTE staff from Code Enforcement, 2 FTE staff from Public Works, and 1 FTE HHCS outreach staff to provide full-time, year-round encampment response;
- Costs for regular trash and debris removal service at encampments, storage, safe disposal, and protective equipment;

- Costs to cover contract(s) with outside agencies to assist with additional debris removal at encampments or encampment-impacted locations.

4. Facility Improvements

Staff have been working to implement Councilmember Davila and Droste's effort to bring a portable shower service, to Berkeley for a 6- to 8-week pilot. The mobile shower entity Lava Mae will operate two days per week for 6-8 weeks at a location or locations to be determined. Showers will be operational from 9 a.m. to 2:30 p.m. The City currently funds two shower programs, one at Willard School (2701 Telegraph) and one at the MASC (1931 Center Street basement). The Willard Shower Program is open Monday through Friday from 7:30 – 8:30 p.m. and Saturdays and Sundays from 9 – 10 a.m. The MASC shower program is open Monday through Sunday from 8 a.m. to 11:30 a.m. It is expected that the Lava Mae pilot will improve hygiene by bringing it closer to areas where there are larger numbers of people camping. Should the Lava Mae pilot prove successful, an extension may be possible depending on Lava Mae's continued capacity.

City staff expect to continue the provision of additional portable toilets and handwashing stations at various location throughout the City. This is an annual cost of approximately \$65,000. In addition, the City could add five additional portable toilets at \$6,500 per year for a total additional cost of \$32,500. This grand total amount (\$270,000) is expected to be covered by HEAP funds until June 30, 2021. Funding for this effort thereafter would need to be borne by the General Fund.

The City is expecting to continue piloting a homeless locker program, expanding the existing program, located in the basement of 1931 Center Street providing 60 lockers, to a second site for a one-time cost of \$50,000 and annual cost of \$50,000. The provision of lockers enables homeless residents a safe and secure space to store belongings. The lockers are integral to keeping city sidewalks, parks, and other public spaces more free of objects.

5. Citizen Awareness

City staff involved in encampment clean ups report that sometimes well-meaning residents donate their unwanted household items and food to encampment dwellers. This has the unintended impact of contributing to the overflow of items in encampments and uneaten food which lures vermin, exacerbating health and safety issues. The City Manager's office will develop a "good neighbor" campaign to publicize the efforts listed above and to urge Berkeley citizens to help mitigate environmental impacts by not leaving unwanted items out for people living in encampments. Staff will present the community with other ways to better support our unhoused community members, such as donating to nonprofits.

BACKGROUND

The City of Berkeley currently directs millions of dollars in federal, state and local funds into a comprehensive constellation of services to help homeless people lead better lives. This includes direct services such as transitional and permanent housing, shelter, meals, mental health care and indirect services such as parks clean-up and 311 calls to name just a few. These programs are operated by City staff, nonprofit agencies, faith institutions, businesses and others, often in partnership. Despite the coordinated efforts and funds put towards reducing homelessness and helping people experiencing homelessness, there continue to be significant numbers of people living on the streets of Berkeley. This fact belies the significant efforts made to serve them.

In FY2019 the City allocated \$3.8 million across 16 agencies to address homelessness. These funds support 286 emergency shelter beds, 3 daytime drop-in centers, a shower program, three meal programs, 38 transitional housing beds, and other services including drug and alcohol treatment, domestic violence services, money management, benefits advocacy, employment services, and county-wide homeless coordination. The City also administers over \$4.5 million in federal HUD funding for the Shelter Plus Care program, keeping approximately 260 formerly homeless people in housing.

Despite these efforts, on any given night in Berkeley, there are nearly 1,000 people experiencing homelessness and, for the past several years, homelessness has nonetheless steadily increased. The City of Berkeley has declared a homeless state of emergency in January 2016 and again in October 2017. The City of Berkeley has also approved sending a letter to Governor Newsom urging a statewide declaration of homeless emergency.

ENVIRONMENTAL SUSTAINABILITY

Adopting this resolution will add \$729,847 to the budget for encampment trash and debris removal, which will positively impact the environment by removing many tons of debris, including hazardous and human waste, from encampments. This reduces the likelihood such waste will wind up in the city's creeks, wetlands, or other environmentally sensitive areas.

RATIONALE FOR RECOMMENDATION

The obvious solution to homelessness is affordable housing. While we continue our efforts to create more housing opportunities in Berkeley, the City needs to invest more resources in improving conditions on our streets and sidewalks. To that end, we recommend that Council set aside additional resources for these recommended service augmentations described above.

ALTERNATIVE ACTIONS CONSIDERED

Redirect staff from providing other city services to focus on debris abatement and a more livable commons.

CONTACT PERSON

Kristen Lee, Temporary Assistant to the City Manager, City Manager's Office, 981-5427