

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

05-1853

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division
www.cityclerk.lacity.org

July 9, 2007

SEIU Local 721
1015 Wilshire Blvd.
Los Angeles, CA 90017

All Councilmembers
Board of Public Works
Office of the Mayor
City Administrative Officer
City Attorney (w/blue sheet)
Bureau of Street Services

Department of Neighborhood Empowerment
Department of Building and Safety
Chief Legislative Analyst
Community Development Department

RE: TO IMPLEMENTING A POINT-OF-SALE PLAN FOR REPAIRING CITY SIDEWALKS

At the meeting of the Council held June 26, 2007, the following action was taken:

- Attached report adopted X
Attached motion (-) adopted
Attached resolution adopted
FORTHWITH X
Mayor concurred
To the Mayor FORTHWITH
Motion adopted to approve communication recommendation(s)
Motion adopted to approve committee report recommendation(s)
Ordinance adopted
Ordinance number
Publication date
Effective date
Mayor approved

Handwritten signature of Frank T. Martinez

City Clerk
kc



31

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your **PUBLIC WORKS AND BUDGET AND FINANCE COMMITTEE**

reports as follows:

PUBLIC WORKS AND BUDGET AND FINANCE COMMITTEE REPORT relative to implementing a point-of-sale plan for repairing City sidewalks.

Recommendations for Council:

1. **AFFIRM and SUPPORT** the concept of a point-of-sale program for repairing City sidewalks as a viable policy for the City of Los Angeles.
2. **INSTRUCT** the Bureau of Street Services (BOSS) to conduct orientation meetings with all sub-committee participants within 30 days of Council's approval of the recommendations as detailed in Recommendation Nos. 1, 3 and 4.
3. **INSTRUCT** the Chief Legislative Analyst (CLA), City Administrative Officer (CAO), Department of Building and Safety, Community Development Department, Department of Neighborhood Empowerment and **REQUEST** the City Attorney to appoint their most knowledgeable Manager(s) to participate in the applicable sub-committees with the BOSS and representatives of the Mayor's Office, City Council Offices, real estate/escrow industry, chambers of commerce, neighborhood councils and Service Employees International Union (SEIU) Local 721 as detailed in the June 1, 2007 BOSS report and attached to the Committee report.
4. **INSTRUCT** the BOSS to present status reports to the Public Works Committee on a quarterly basis.

Fiscal Impact Statement: None submitted by the BOSS. Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst (CLA) has completed a financial analysis of this report.

SUMMARY

On November 4, 2005, the Public Works Committee considered a Motion (Parks - Smith) relative to a point-of-sale plan for fixing the City's sidewalks whereby the property sellers would be assessed the cost of fixing the sidewalks in front of their properties. Additionally, the Motion calls for the BOSS, with the assistance of the CAO and City Attorney and in consultation with the affected stake-holders such as realtors associations, apartment associations, homeowner groups and others, to report with recommendations in regard to said point-of-sale plan.

According to the Motion, the City is experiencing a backlog of sidewalk repair needs. While many and varied approaches are helping, miles and miles of sidewalks heave and buckle. The BOSS is budgeted to replace 52 miles of the 6500 miles of sidewalks this year. A customer calling in for sidewalk service today can expect the work to be done in 83 years. The City's budget for Fiscal Year (FY) 2005-06 did expand the successful pilot 50/50 Sidewalk Repair Program (Council file Nos. 04-0973 and 05-0183) but this still leaves 98% of the sidewalks in need of repair yet unfixed.

Urban planners have long advocated a point-of-sale plan to what is being done to ensure the safety

of water heaters and the water efficiency of toilets. This approach acknowledges that it is the property owner who is responsible for the repair of their sidewalk and it offers a simple and efficient way of getting sidewalks fixed: before real estate is sold, the City inspects the sidewalk fronting the property. If the sidewalk is in good condition, the owner is not required to do anything. If the sidewalk is damaged, the owner is required to repair it before the property is sold. City workers will fix sidewalks and homeowners can pay for these repairs when they sell their homes. After further consideration and having provided an opportunity for public comment, the Committee moved to continue this matter pending the BOSS reporting back to the Committee in response to the above Motion.

Subsequently, on January 13, 2006, the Committee once again considered the above Motion. After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter pending the BOSS' creation of a working group comprised of representatives from the affected stake-holders to include realtors associations, apartment associations, homeowner groups and others to consider a point-of-sale plan.

On March 7, 2007, the Committee again considered the above Motion. After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter pending the BOSS reporting back to Committee with specific recommendations for implementing a point-of-sale plan.

Subsequently, on May 16, 2007, the Committee considered a May 4, 2007 report in response to the above Motion. In its report, the BOSS provided a background overview on the issues surrounding sidewalk repair in the City and then detailed several alternative policies. After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter pending the BOSS reporting back to the Committee with proposals for a specific point-of-sale plan and the creation of subcommittees that would be composed of various City agencies and other stakeholders.

On June 6, 2007, the Committee considered a June 1, 2007 BOSS report relative to a proposed point-of-sale sidewalk repair program. According to the BOSS, the State of California Improvement Act of 1911 provides cities with the authority to require property owners to effect repairs to sidewalks abutting their property (California Streets and Highways Code). Should the property owner fail to effect such repairs, City forces are authorized to make the repairs and the property owner is assessed for the cost. This was the policy of the City for over 50 years, from 1911 to 1973.

In 1973, Federal funds became available to make sidewalk repairs at no cost to the property owner. In order to make use of these funds, the Council rescinded its authorization to require sidewalk repair by the adjacent property owners granted under the 1911 act (Ordinance No. 146,040; effective date July 3, 1974). By 1976, these funds were exhausted and the City found itself without a sidewalk repair program. From 1976 through 1979, no funds were provided for City sidewalk repair. In 1980, the City initiated a pilot program to reinstate the 1911 Act sidewalk repair policy. The program was subsequently halted because of a flood of protests from property owners having to pay for a perceived City service.

In 1998, Council placed Proposition JJ on the ballot which would have provided \$550 million over 20 years for construction of ADA mandated curb ramps as well as the repair of City sidewalks. The ballot measure was defeated by the voters and it was not until Fiscal Year (FY) 1999-2000 that

the Mayor and Council allocated the first funding for permanent sidewalk repairs in nearly 25 years. City funding has been provided to the BOSS in each of the past Fiscal Years providing for sidewalk repair ranging from 26 to 98 miles per year.

It is estimated that there are approximately 10,750 miles of sidewalks in the City and that as many as 4,600 miles of these sidewalks require some repair. Because of the hazards posed by these broken sidewalks, the City pays out approximately \$2 to \$4 million per year in injury settlements. The BOSS has experimented with less costly sidewalk rehabilitation methods to help mitigate the problem such as grinding and sawcutting, ramping, meandering and narrowing around tree roots. Despite these efforts and having a sidewalk repair program in place over the past several years, the magnitude of the problem has not been reduced.

The BOSS then stated that as part of implementing a point-of-sale program, it envisions the formation of four sub-committees to work out the details and various issues facing such a program to include workforce development/training, legal issues/Ordinance changes, program structure and community/business outreach. These sub-committee members will be comprised of individuals from the Mayor's Office, SEIU Local 721, CAO, CLA, Department of Neighborhood Empowerment, Department of Building and Safety, Community Development Department, Council Districts, real estate/escrow industry, neighborhood councils and chambers of commerce.

After further consideration and having provided an opportunity for public comment, the Committee moved to recommend approving the recommendations as contained in the June 1, 2007 BOSS report and detailed above in Recommendation Nos. 1-4.

On June 19, 2007, the Budget and Finance Committee also considered the June 1, 2007 BOSS report. After consideration and having provided an opportunity for public comment, the Committee move to concur with the Public Works Committee. This matter is now submitted to Council for its consideration.

Respectfully submitted,

PUBLIC WORKS COMMITTEE

BUDGET AND FINANCE COMMITTEE

MEMBER
ROSENDAHL: YES
LABONGE: YES
SMITH: ABSENT

MEMBER
PARKS: YES
GREUEL: YES
SMITH: YES
HUIZAR: YES
ROSENDAHL: ABSENT

Report
ADOPTED

JUN 26 2007

**LOS ANGELES CITY COUNCIL
FORTHWITH**

ARL
6/19/07
#051853.wpd

ATTACHMENT