



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: November 20, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager
Gabriel Elliott, Director of Community Development and Housing

Department: Community Development & Housing

Subject: **Award Professional Services Agreement to Environmental Kleanup, Inc. for Nuisance Abatement Services (All Wards)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve the award of a Professional Service Agreement with Environmental Kleanup for Nuisance Abatement Services, in a total amount not to exceed \$655,981.50.
2. Authorize the Director of Finance and Management Services to issue an annual Purchase Order to Environmental Kleanup Services, Inc. in total amount not to exceed \$655,981.50.

Executive Summary

The Professional Services Agreement (PSA) with Environmental Kleanup Services, Inc. is for abating public nuisances and public health hazards citywide. This will allow the Nuisance Abatement Program to address abandoned or burned buildings, accumulation of debris and overall blight throughout the City. The term of the agreement is for three years with two one-year options. A purchase order in the amount of \$655,981.50 is requested for the purchase order. Funding for the abatement services is included in the FY 24/25 Budget and funds will be recouped as the property owners are billed for services.

Background

On December 16, 2020, Mayor and the City Council of the City of San Bernardino, California, authorized the City Manager to establish a Nuisance Abatement Program and amend the FY 2020/21 operating budget to allocate \$1 million in one-time funding

to be set aside to support the program, with \$750,000 budgeted for abatement services and \$250,000 budgeted for outside legal services.

On August 16, 2023, the City Council of the City of San Bernardino, California, adopted Resolution No. 2023-135 approving the appropriation in the amount of \$500,000 in American Rescue Plan Act (ARPA) funds related to various nuisance and property abatement costs and assistance to displaced individuals.

The objective of the program is to proactively preserve and enhance the quality of life in our community. Some of the focus areas include, but are not limited to:

- Public nuisances that negatively impact neighborhoods, such as problem properties with ongoing crime, including but not limited to drug activity, alcohol use, prostitution, and graffiti.
- Abandoned and vacant buildings/structures that create a nuisance leading to an increase in criminal activity, deterioration, and instability in neighborhoods.
- General blight, including excess outside storage, accumulation of debris, and inoperable vehicles.
- Housing violations like substandard dwellings and unsafe living conditions.
- Building violations, including unsafe and dangerous structures, unpermitted construction, and perennial remodels.
- Zoning violations, such as unpermitted uses and illegal dwelling units.
- Fire Hazards

As part of the Program, Code Enforcement Officers would work in close coordination with the Police Department, Fire Department, and City Attorney's Office.

The general makeup of the program includes:

1. Outside Services - Abatement services that include board up and securing of buildings and properties, demolition of hazardous buildings, and the hauling and disposing of materials.
2. Staffing - Additional Code Enforcement Officers and support personnel.
3. Legal Services - Guidance on the abatement process (including when summary abatement is possible) and assistance with seeking abatement warrants from the courts. The City Attorney's Office has already provided the Code Enforcement Division with extensive guidance on the demolition process and, in late 2019, the City Council adopted amendments to Chapter 8.30 of the Municipal Code to streamline that process and to assist with summary abatement of nuisances (Ordinance No. MC-1521).

At the direction of the Mayor and City Council, the allocated funds for the program are to be carried over each fiscal year until the funds are completely expended. To date, a total of \$588,521.00 has been expended on professional nuisance abatement services

between the Nuisance Abatement Program and ARPA funds.

| Fund | Program | Expended to date |
|--------------|---|-------------------------|
| 001 | Nuisance Abatement Services Program | \$188,497.50 |
| 008 | ARPA Emergency Building Health & Safety Abatement | \$400,023.50 |
| Total | | \$588,521.00 |

Discussion

Annually, the Code Enforcement Division aggressively responds to over 4,000 Code Enforcement requests that include board-ups and nuisance abatements of numerous properties, both residential and commercial. Therefore, to maintain the City's ability to effectively abate nuisances, the Community Development and Housing Department is requesting approval to award one vendor, Environmental Kleanup, Inc. with a multi-year contract in the amount not to exceed \$655,981.50 that will remain in effect until the appropriated funds dedicated to nuisance abatement services are fully expended.

In addition to the Nuisance Abatement Program funds, the City is utilizing ARPA funds that Mayor and City Council adopted through Resolution No. 2023-135, in the amount of \$500,000. To date, the City has expended \$400,023.50 of the allocated ARPA Funds, with \$99,976.50 remaining. ARPA funds for the Emergency Nuisance and Building Health and Safety Abatement Costs will be expended first in order to fulfill the June 2025 projected timeline to complete the ARPA expenditures. Nuisance Abatement Services fund will be expended once the allocated ARPA funds are fully expended.

On May 21, 2024, Request for Proposal F-24-1005 (RFP F-24-1005) was published seeking bids to ensure compliance with the City's regulation for on-call board-up and abatement services. Two contractors responded to bid F-24-1005: Environmental Kleanup Services, Inc., and Eagle Eye Demolition, Inc. The bid packet, scope of work, and responses are attached hereto as Attachments 2 and Attachment 3 respectively.

Environmental Kleanup Services, Inc. and Eagle Eye Demolition, Inc. were the only responsive and responsible bidders. After evaluations of overall bid specifications, Environmental Kleanup Services, Inc. demonstrated high ratings in the following categories:

- Quality of work performed
- Quantity of services provided
- Clarity and conformance to the RFP
- Fee Proposal
- Experience and performance
- Delivery of services
- Certifications and licenses
- Lowest responsive bidder

If awarded by the Mayor and City Council, nuisance abatement services citywide are anticipated to begin December 2024. Community Development anticipates the remaining funding to be fully exhausted by June 2029.

Once the abatements are completed, the owner of the property will be invoiced for the total cost of the abatement. In the event that payment is not received, a lien will be recorded against the property to cover the cost of the cleanup, staff time, and related administrative expenses incurred by the City. In the future, when the property is sold, the abatement costs will be recovered by the City.

2021-2025 Strategic Targets and Goals

The nuisance abatement services contract aligns with Key Target No. 3: Improved Quality of Life. Specifically, 3d: Improve the City’s appearance, cleanliness, and attractiveness. Nuisance abatement services utilize City programs to reduce crime and ensure that neighborhoods and business areas are clean and safe.

Fiscal Impact

There is no fiscal impact associated with this action. Funding for this agreement is appropriated in the FY 2024/25 Budget. Costs associated with nuisance abatement cleanups is billed to the property owner. The program is designed to provide a revolving source of revenue that will off-set the cost of providing services going forward.

Funding sources for the PSA with Environmental Kleanup Services, Inc. for Nuisance Abatement Services are from the following funds:

| FUND | PROGRAM | AMOUNT |
|--------------|---|---------------------|
| 001 | Nuisance Abatement Services Program | \$556,005.00 |
| 008 | ARPA Emergency Building Health & Safety Abatement | \$99,976.05 |
| Total | | \$655,981.05 |

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve the award of a Professional Service Agreement with Environmental Kleanup Services, Inc. for Nuisance Abatement Services, in a total amount not to exceed \$655,981.50.
2. Authorize the Acting Finance Director to issue an annual Purchase Order to Environmental Kleanup Services, Inc. in total amount not to exceed \$655,981.50.

Attachments

- Attachment 1 Environmental Kleanup PSA – Nuisance Abatement
- Attachment 2 Environmental Kleanup Scope of Services RFP F-24-1005

Attachment 3 Eagle Eye Nuisance Abatement RFP 2024-cost file
Attachment 4 RFP F-24-1005 Nuisance Abatement PB

Ward:

All Wards

Synopsis of Previous Council Actions:

December 16, 2020, Mayor and the City Council of the City of San Bernardino, California, direct the City Manager to establish a Nuisance Abatement Program and amend the FY 2020/21 operating budget to allocate \$1 million in one-time funding to be set aside to support the program.