



# CITY COUNCIL AGENDA STATEMENT



April 16, 2019

File ID: ~~19-0119~~  
19-0233

## **TITLE**

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.60, LOST AND STOLEN PROPERTY, TO CHANGE THE TITLE, MINIMUM HOLDING PERIOD AND TO MAKE OTHER UPDATES (SECOND READING AND ADOPTION)

## **RECOMMENDED ACTION**

Council adopt the ordinance.

## **SUMMARY**

Staff is requesting to reduce the retention period for unclaimed personal property from six (6) months to three (3) months to conform to state law and to facilitate efficient use of the City's limited storage space, as well as a title change and other updates.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines, because it will not result in a physical change to the environment. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable

## **DISCUSSION**

The City's Park Rangers work with the Police Department's Homeless Outreach Team, County social service representatives and nonprofit stakeholders in the City's parks to offer unsheltered individuals resources and referrals.

Following weekly outreach activities and as part of regular care to keep the parks tidy and useable for all, Parks staff members clean the City's parks and rights of way. For instance, staff collects and discards obvious refuse, such as fast food containers, empty water bottles, syringes, cigarette butts, cardboard, feces, uneaten food, and broken items. Staff also works with a shopping cart retrieval service that collects empty carts.

Additionally, staff identifies unattended personal property on the grass, sidewalks, landscaping, play grounds, picnic areas and parking lots of the City's parks and rights of way. Examples of unattended personal property include backpacks, bags, clothing, tarps, bedding, bicycles, and shopping carts filled with these items. Staff posts the item with a written notice that it will be removed in 24 hours. The notice gives a phone number, location and hours of operation so the owner may claim the property, free of charge. Staff returns after 24 hours. In many instances, the item has been removed. If the item remains, however, staff photographs, tags, collects and stores it at 707 F Street, an unused City building.

A small portion of the stored property is claimed, with owners typically retrieving their property within a month of collection. The majority is never claimed. Staff stores the unclaimed items for at least six (6) months, as required by the City's municipal code, before periodic disposal. Staff estimates the current volume of unclaimed items fills a 5,000 to 6,000 square foot secure, enclosed space, including aisles to allow the property to be viewed and safely retrieved.

The building at 707 F Street is the City's only storage facility for unclaimed items from the parks and rights of way. It is slated for demolition in the spring of 2019 to make room for redevelopment at that site. Consequently, staff is exploring alternative sites for storage.

In this request, staff is recommending reducing the required retention period for unclaimed property from six (6) months to three (3) months. A shorter retention requirement is expected to eventually reduce the City's storage needs. A shorter retention period also would allow the City to use storage space more efficiently by moving out unclaimed items more quickly to accommodate incoming items. State law allows a city to establish its own retention period for unclaimed property, as long as the period is at least three (3) months. (Cal. Civil Code sections 2080.4 and 2080.6). In 1967, the City Council set a six (6)-month retention period. (Chula Vista Municipal Code Section 2.60.010.) A survey of other cities in San Diego county with ordinances addressing unclaimed property showed a three-month retention period; Chula Vista is the only jurisdiction identified with a longer retention period.

This request also recommends updates to the Chapter 2.60, such as changing the title from "lost and stolen" property to "unclaimed" property, for consistency with the state laws cited above. Also, for found items turned into the Police Department, which the finder would like to claim, the Department is required to publish notice in a newspaper of general circulation to give the owner a chance to recover the item. The value of the found item requiring newspaper notice is \$25 (CVMC Section 2.60.150). This update would increase the value to \$250, consistent with state law (Cal. Civil Code section 2080.3).

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code §87100 et seq.).

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Reducing the required retention period for unclaimed personal property supports Operational Excellence by increasing the efficient use of City resources. It also supports Strong and Secure Neighborhoods by facilitating staff's diligent work to reunite owners with property while keeping City parks clean and inviting for all to enjoy.

### **CURRENT-YEAR FISCAL IMPACT**

There will be no fiscal impact to the current fiscal year. Storage will be temporarily relocated from 707 F Street to Eucalyptus Park Maintenance Shed.

### **ONGOING FISCAL IMPACT**

The temporary storage location is limited in size and will not accommodate the current demand for space of the unclaimed personal property. A larger permanent facility will need to be identified for lease or purchase with an unknown cost associated with this space.

### **ATTACHMENTS**

1. Redline-strikeout of CVMC 2.60
2. Proposed amended ordinance

*Staff Contact: Tracy Lamb, Director of Community Services*