

Date: September 19, 2017

REC'D OCT 9 '17 AM 11:21  
FRESNO CITY CLERK

17-1273  
9/21/17

In care of Fresno City Council:

My name is Carla Perez. I reside with my husband and two young children in the area of Clinton & West at 1203 W. Brown Ave. When my father brought it to my attention that he was petitioning to have the recycling center, located on the SW corner of Shields and West, removed I was glad and relieved. Living in this area, far too often I have witnessed too many scary and unsafe situations occurring from the type of people who frequent the recycling center.

My husband and I do not put out our cans until late evening or night on Thursday or often early Friday morning for trash pickup, as people rummaging through our cans for recyclables make a mess and I've even witnessed one man trying to go through our mail to search for anything useful. We promptly purchased a paper shredder and we dispose of important mail that way, but it's annoying that we have to do that because of undesirable people trying to steal whatever they can.

It is upsetting to me that on a weekly basis as I am driving to my home I will witness very obvious drug deals right out in the open during the daytime in the surrounding neighborhoods. Quite often it is the same people I see lingering outside of the local businesses begging and collecting recyclables to go to the recycling center that are purchasing the drugs.

I have witnessed a man defecating out in the open right behind the Valero gas station located on Channing and Shields, as I was at the ATM at B of A with my then 5 year old son. It was disgusting and unhealthy to say the least. This same man paces around the parking lot begging for money and is always at the recycling center.

On another occasion, I had to stop by the ATM at 7:00 am to pull out money and I had a man approach me, he was quite obviously under the influence of drugs, asking me for money right as I was at the ATM and my son was in the car. I told him no and to back off and he continued to be persistent and tried to walk up to my car asking me for any cans or plastic bottles. At that point I was put in a horrible position of bracing myself to have to physically defend myself and my son if this guy did not back off. These are not things that anyone should have to be dealing with.

If it is something as simple as removing a recycling center which attracts a lot of drug users to an area where there are several schools and neighborhoods with families, I don't see why this should be an issue. Surely this recycling center alone is not generating a significant source of tax revenue for the city. It is not a permanent standing structure, it is quite mobile and can easily be moved. I frequent the areas of North Fresno quite a bit as I attend Fresno State and I'm on that side of town, and I can tell you that I

have never in all 32 years of my life seen a recycling center blemishing the beautiful streets and shopping centers of North Fresno. It is not asking too much for Central Fresno to ask for the removal of this center for the safety of the residents in the area.

Do I think it will solve this problem? Sadly, no. Drugs are a problem plaguing all of America, but it is a start in the right direction. At the very least it will discourage people from begging in the parking lots and rummaging through the cans and then going to the recycling center.

Thank you,

Carla Perez

A handwritten signature in blue ink, appearing to read "Carla Perez", with a stylized, cursive script.

I'm here in an attempt to save my neighborhood  
Once a healthy and inviting neighborhood  
where children used to play outside; since  
the opening of the recycling center it  
has become a war zone.

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Trash is everywhere, Garbage Cans  
and mail stolen. Break ins, robberies,  
stabbing, shootings, drugs, drug dealers,  
Defecation in public, prostitution are  
a few of the issues the neighborhood  
must endure. Neighbors are no longer  
safe in their own homes.

For over a year I've been asking  
for the closure of the business. I've  
been told by Esmeralda Sonia and her  
staff about the right for the business  
to operate. They claim that homelessness  
is a problem everywhere. This is not  
about homelessness. The recycling center  
provides an income for career criminals,  
drug addicts, and freshly released  
inmates. Even Fresno PD agrees that  
the business is a cancer to the  
neighborhood. Subsidized by the state,  
meaning tax payer's money is given to  
the business to operate, the business, like

a. Hurricane, continues its destruction path on my neighborhood. Elected officials simply did not care; had it not be for a letter to My President Donald J. Trump, we would not be here today.

Located within a  $\frac{1}{4}$  mile from Thomas Elementary, Our Lady of Victory, and Kiddie care <sup>schools</sup> the business jeopardizes the safety of innocent children.

Given the above information again, I have <sup>two</sup> questions to all elected officials.

What tragedy must occur before you close the business?  
Did you not take an oath to serve the people?



4:30pm #1

9/21/17

**The text amendment relating recycling centers should not be approved.**

- **The City Council is being fed inadequate information with which to make a decision.**
- **It appears that the City staff has not adequately addressed the issues associated with the California Environmental Quality Act, the City of Fresno General Plan regarding recycling and achieving zero waste, or measuring and discerning the potential impacts of the proposed text amendment on the poor, on the local economy, and on recycling efforts.**
- **The text amendment as is being presented to the City Council has not been referred to the Planning Commission as required by the Fresno Municipal Code.**

### **SPECIFICALLY:**

1. The environmental document is inadequate. Since the text amendment deals with recycling, and the General Plan policies seek total waste recovery, it is obvious that there is an inconsistency from an environmental standpoint. Therefore, the project is NOT statutorily exempt. Furthermore, the environmental document is the weak under belly of a project, and the City Council would be putting the city at risk of a lawsuit that would find difficult to defeat. Staff failed to provide any data showing how eliminating neighborhood recycling would have no impact on recycling efforts in the City.
2. The findings the City Council are required to make to approve a text amendment per the Fresno Municipal Code requires CONSISTENCY WITH THE GENERAL PLAN. In the resolution that staff created to approve the text amendment failed to include the finding for consistency with the General Plan. This oversight is hard to defend.

Bottom line: If the text amendment is approved, the amount of bottles and cans recycled would most likely be reduced.

3. The staff report indicated that a basis for approving the text amendment relates to the number of police calls associated with recycling centers.

- a. There is no indication in the record whether these calls were to one recycling center or 20 recycling centers; further,
  - b. If the number of police calls to a type of use is the basis for the text amendment, how many police calls are received from fast food restaurants, service stations, shopping centers, etc.; should these businesses also be terminated? This action appears to smack of social injustice.
  - c. Were all the police calls that were purportedly related to recycling centers in fact the case? There is no address associated with a recycling center other than the address for the commercial building on the same parcel as the recycling center, e.g., Von's Market. Since recycling centers do not have their own address, some of these calls, if measured by address, may not have been to a recycling center. Also, what type of calls were they? Serious? Spitting on the sidewalk?
  - d. If the police were devoting excessive amounts of time to deal with a few recycling center, why didn't they communicate with and work with the Planning Department to revoke the use permits of recycling centers that are problematic? **The current zoning regulations provide for this remedy, yet it was NEVER implemented.** In this way recycling centers operating without problems would not be penalized.
  - e. Were the police calls to recycling centers located in areas known to be high crime areas? The homeless may frequent those areas regardless of a recycling center in the vicinity.
  - f. If residents report that "homeless" individuals are causing problems, how do they know that they are all homeless? There are so many poor people in Fresno and many without jobs and they do not wear signs saying, "I'm not homeless, just poor."
4. Arguing for support of the text amendment, staff indicated that there is an over-concentration of recycling centers. However, this argument is meaningless because it only goes to prove that recycling centers are successful in their role in reducing solid waste going to landfills and recycling plastics and aluminum. There must be a demand for them.

5. There was no analysis and no data provided to indicate the amount of revenue that would be lost to the community as a result of approving the text amendment.
  - a. The notion that large markets would devote some of their precious space used for the sale and storage of goods to an interior recycling effort is ludicrous. The report does not reflect any contacts by staff with large stores where there was any agreement to take in CRV bottles and cans. The stores would likely prefer to pay the \$36,500 per year fine. Would store managers welcome individuals, including the homeless, to traipse through their stores to redeem their bottles and cans? Did staff contact the stores and regional offices to determine the policy of large stores redeeming bottles and cans? There is no indication in the record that they did.
  - b. When individuals redeem their beverage containers, that money that is given to them is put right back into the Fresno community and it amounts to millions of dollars. Where is the staff analysis on this matter? Perhaps the City could build a shelter for the homeless population with that money.
6. The proposed text amendment conflicts with the State law relating to recycling of bottles and cans. The State worked extensively with the bottlers, local governments, and retailers when crafting the Beverage Container Recycling and Litter Reduction Act. Under the provisions of this legislation beverage containers are redeemed at recycling centers rather than retail stores and deposits are handled through a state-mandated fund rather than by bottlers. The program removes bottlers from the responsibility of managing the system and significantly reduces the overall costs of the program by eliminating the need for retailers to sort containers by brand. The program garnered the support of environmentalists, private recyclers, local governments, and retailers.
7. Homeless is a serious societal problem not solved by closing recycling centers where many of our poor can augment what few resources they

have. The United States Environmental Protection Agency defines Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The text amendment will not result in reducing homelessness, especially if a source of revenue to Fresno's poor is taken from them.

8. It is not only the poor of Fresno who would be adversely affected by the text amendment. There are non-profit organizations, such as the American Legion, Cub Scouts, churches, etc., who benefit from redeeming bottles and cans because those funds go to support their programs.
9. The Fresno Municipal Code outlines the responsibilities of the City Council, which include: *15-4902 City Council The powers and duties of the City Council as the legislative body under this Code include, but are not limited to the following: A. Consider and adopt amendments to the General Plan, operative plans, the Zoning Map, and the text of this Code pursuant to the provisions of Article 58, Amendments to Development Code Text, Rezones, and Plan Amendments, following a public hearing and recommended action by the Planning Commission.* However, the Planning Commission never made recommendation on the latest Text Amendment, which is entirely different from what was considered by them originally. This newest text amendment should be first reviewed by the Planning Commission and ONLY after the staff provides adequate data by which to make a decision.
10. If the City Council determines that it is not necessary to refer the new text amendment back to the Planning Commission, the Council should at a minimum hold the hearing over to a future date in order that the staff has additional time to analyze pertinent data to the extent that an intelligent decision can be made.

SUBMITTED BY LEONARD LANG  
RECYCLING PROPONENT