



# COUNTY OF HUMBOLDT

For the meeting of: 7/14/2020

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File #: 20-854

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Bid Award Authorization for Dinsmore Property Nuisance Abatement Project to Hudspeth and Associates

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Receive the bid proposal for the Dinsmore Property Nuisance Abatement project located at 46280 State Highway 36, Bridgeville, CA 95526 (Assessor's Parcel Number 208-341-024);
2. Award the Dinsmore Property Nuisance Abatement Project to Hudspeth and Associates for the total amount of \$307,576.99; and
3. Authorize the Director of the Planning and Building Department to execute the attached Professional Services Agreement with Hudspeth and Associates upon submittal of the appropriate bonds and insurance;

**SOURCE OF FUNDING:**

Code Enforcement budget unit - Professional Services 1100268-2118

**DISCUSSION:**

On January 28, 2020 the Board of Supervisors authorized the Planning and Building Department to release a Request for Proposal (RFP) for abatement of a junk yard located at 46280 State Hwy 36, Dinsmore, CA. The property is owned by Mr. Bobby Marks and Mrs. Virginia Marks. The site is an illegal junk yard that poses a danger to the public and to the environment due to the presence of over 200 junk vehicles, many vehicle parts including tires, over 200 appliances (including refrigerators, washers and dryers), scrap metal, and many containers of oil and other hazardous waste. The RFP was posted on February 10, 2020 and closed on February 28, 2020.

The case history began in November of 2018 when the County received several complaints about the site being a danger to the public and environment due to hazardous materials being located in the floodplain of the Van Duzen River. In December 2018, Planning & Building coordinated a site visit to the property with Environmental Health, California Department of Fish and Wildlife (CDFW) and California Regional Water Board staff to inspect the property.



The inspection was performed with permission and in the presence of Mr. Marks. The 6.25 acre property contains over 200 junk vehicles, recreational vehicles, travel trailers and boats. The property is also riddled with solid waste, appliances, car parts, and scrap metal. Hazardous materials were also found on-site. Mr. Marks stated he has owned the property since the 1970s. He also stated he had a permit to operate a junkyard and believed he was in compliance with that permit. Mr. Marks has been operating a junkyard on the property since the 1980s.

Records show a previous code compliance case had been opened by the Humboldt County Planning & Building Department in 2001 for Maintaining a Junkyard and a \$9,400 penalty was imposed. In 2003, Mr. Marks applied for a Conditional Use Permit (CUP) for the expansion of an existing auto towing, repair, salvaging and sales business. The permit was approved by the Humboldt County Planning Commission on December 5, 2006. The Use Permit was approved for a period of five years with the condition that all operations cease effective December 5, 2011 and site restoration commence at that time. These activities continued after the 2011 expiration date with no modification to the CUP. No business license was ever obtained, and no hazardous materials plan was ever filed with Humboldt County Department of Health & Human Services Division of Environmental Health ("DEH").

On April 2, 2019, a Notice to Abate Nuisance and a Notice of Violation and Proposed Administrative Civil Penalty was posted on the property for violation of HCC 371-2 Maintaining a Junkyard. A Daily Administrative Civil Penalty of \$10,000 per day was imposed. Mr. Marks contacted Code Enforcement within the 10-day period to discuss the violation. He was instructed to submit a clean-up plan within two weeks. Mr. Marks did not request an appeal hearing and the cleanup plan was never received.

Since the time to abate the public nuisance as set forth in the Notice to Abate Nuisance has expired and that no Code Enforcement Appeal Hearing was requested, the county has jurisdiction to correct or abate the conditions causing the nuisance pursuant to Humboldt County Code section 351-13.

In April 2019, staff received an email from Investigator Lee Myers from California Department of Toxic Substances Control (DTSC) in Sacramento. Investigator Myers had received a complaint regarding this property and wanted to discuss a site visit. A site visit was arranged on April 30, 2019, and was attended by DEH, Code Enforcement investigators and scientists from DTSC and CDFW. Mr. Marks gave consent to inspect and conduct hazardous materials testing. Four soil samples were taken and all four tested positive for the presence of hazardous materials. During the time period from April 2019 to the present, Code Enforcement staff have spoken to Mr. Marks three times and he indicated he was attempting to abate the vehicles but, as of September 2019, aerial imagery indicates no substantial change in the condition of the property.

This is a situation that poses a hazard to public health and safety and can also have



detrimental impacts to water quality and sensitive species in and along the Van Duzen River. It is fairly apparent that Mr. Marks has created a public nuisance that he is unable to address, and intentional actions are needed to remedy this situation and to prevent further environmental harm. Unfortunately, this is a situation where if the County does not conduct the remediation the site is not likely to get cleaned up.

In response to the RFP issued on February 10, 2020, the Planning and Building Department received a bid from Hudspeth, an ASRC Industrial Services Company. Staff evaluated the bid based on the criteria in the RFP and determined the proposal meets the qualifications and experience to perform the work. Hudspeth demonstrated that the company itself, as well as the individuals to be responsible for this public nuisance abatement, have previous similar experience and capacity to perform the scope of work. The cost and timeline described in the bid is reasonable and achievable. Staff believes awarding the bid for the Dinsmore property clean-up to Hudspeth will result in a thorough and timely abatement of the public nuisance.

Hudspeth's bid describes a plan to address the removal of all hazardous materials, junk vehicles, appliances, tires, scrap metal, marine vessels, motorcycles and other equipment from the property and transport the materials to a permitted waste or recycling facilities.

A second phase of the cleanup will be undertaken at a later date to remediate contaminated soils and is not part of Hudspeth's proposal.

Due to the cost to abate the public nuisance, your Board is requested to approve the bid and award the project to Hudspeth to abate the public nuisance that currently exists on the Dinsmore property.

FINANCIAL IMPACT:

For work performed in the 2020-2021 fiscal year, \$307,576.99 of the funds budgeted in the Code Enforcement budget, 1100-269, will be used to pay the selected contractor. This money was set aside in the budget from fines and penalties collected as part of prior code enforcement actions anticipating there would be at least one large site clean-up that would be necessary. Upon completion of the abatement, staff will seek recovery of all abatement costs incurred.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to award the bid. This is not recommended because it will delay the abatement of the public nuisance that exists at the Dinsmore property, allowing the negative impact on the environment and on the health and well-being of area residents to continue.



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**ATTACHMENTS:**

Hudspeth bid proposal

Professional Services Agreement with Hudspeth

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-18

Meeting of: January 28, 2020

File No.: 19-1560