



**SUSTAINABILITY COMMISSION**  
**CITY OF PALM SPRINGS, CALIFORNIA**  
[www.palmsprings-ca.gov](http://www.palmsprings-ca.gov)    [www.yoursustainablecity.com](http://www.yoursustainablecity.com)

<b>December 17, 2019</b> <b>5:00 PM</b>	<b>REGULAR</b> <b>MEETING AGENDA</b>	<b>Palm Springs City Hall</b> <b>Large Conference Room</b> 3200 E Tahquitz Canyon Way Palm Springs, CA 92262
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<b>COMMISSIONERS</b>		
<b>Roy Clark, Chair</b>	<b>David Freedman</b>	<b>Greg Gauthier</b>
<b>Robert McCann, Vice Chair</b>	<b>Jennifer Futterman</b>	<b>John Goins</b>
<b>Carl Baker</b>	<b>Sandra Garratt</b>	<b>Lani Miller</b>
<b>Jim Flanagan</b>		

**Staff representatives:** Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

~~City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.~~

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

**CALL TO ORDER**

**ROLL CALL**

**ACCEPTANCE OF AGENDA**

**CITY MANAGER / STAFF COMMENTS**

**(15 MINUTES)**

1. December 4<sup>th</sup>, 5<sup>th</sup>, and 19<sup>th</sup> City Council Meetings Update
2. Airport Turf Replacement
3. Bike Share RFP Results

**PUBLIC COMMENTS:** This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

**A. WELCOME AND INTRODUCTIONS**

**(5 MINUTES)**

**B. PRESENTATIONS**

**(30 MINUTES)**

1. Desert Community Energy (DCE), Katie Barrows
2. Resident Mark Rock regarding Leaf Blowers

**C. MEETING MINUTES**

**(5 MINUTES)**

November 19, 2019 Regular Meeting Minutes

**D. RECYCLING REPORT - Gary Calhoun**

**(5 MINUTES)**

**E. OLD BUSINESS**

**(30 MINUTES)**

1. Single-use Plastics Ordinance
2. Community Garden Naming Ceremony and Tree Planting
3. Climate Action Plan Roadmap
4. Leaf Blower Ban Enforcement Enhancements

**F. NEW BUSINESS**

**(30 MINUTES)**

1. Pedestrian and Safe Routes to School Master Plan
2. EV Charging Locations
3. Sustainable Film Series. "MOTION: The Sustainability Commission approves sponsorship of the 2020 Sustainable Film Series at the Palm Springs Cultural Center in the amount of \$2,000."
4. Discussion of next steps with "flushable" wipes

**G. SUBCOMMITTEE AND COMMISSIONER REPORTS**

**(45 MINUTES)**

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Flanagan
  - a. Building code update
  - b. Solar Zoning Ordinance
  - c. Potential GHG Reduction Measures
  - d. Street coatings to reduce heat island effects
2. Standing Subcommittee on Waste Reduction – Manager Tallarico, Vice Chair McCann, Chair Clark, Commissioner Miller
  - a. Signage update
  - b. Cultural Center project
3. Standing Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Santora, Garratt
4. Ad Hoc Subcommittee on Earth Day – Commissioner Baker
5. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Gauthier, Futterman
  - a. Tree Inventory
6. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – Commissioners Flanagan, Goins; Christine Hammond
  - a. Ramon Crosswalk Proposal
7. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan
8. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann and Commissioner Flanagan
9. Big Horn Sheep Habitat Protection – Commissioner Flanagan, Manager Tallarico
  - a. Signage replacements
10. Water Conservation – Commissioners Freedman
11. Wellness – Commissioner Baker
  - a. 3-4-50 Campaign
12. Desert Community Energy, Community Advisory Committee – Commissioners Baker, Freedman, Miller

**H. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT**

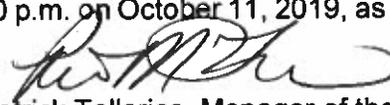
**(5 MINUTES)**

- I. **ADJOURNMENT** - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, November 19, 2019, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website [www.palmspringsca.gov](http://www.palmspringsca.gov). If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8214.

AFFIDAVIT OF POSTING: I, Patrick Tallarico, Manager of the Office of Sustainability of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on October 11, 2019, as required by established policies and procedures.



Patrick Tallarico, Manager of the Office of Sustainability



## SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES

Tuesday, November 19, 2019 Palm Springs City Hall, Large Conference Room

**CALL TO ORDER:** Chair Clark called the meeting to order at **5:00** p.m.

Chair Clark announced Commissioner Santora submitted his resignation to the Commission.

**ROLL CALL:** A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

**AGENDA APPROVAL:** The agenda was presented by Chair Clark. A motion to approve was posted by Commissioner Baker and seconded by Commissioner Flanagan and unanimously carried by an open vote.

		Present	FY 2019/2020	FY 2019/2020
	This Meeting	to Date	Excused Absences	Unexcused Absences
Roy Clark, Chair	X	39		
Robert McCann, Vice Chair	X	37		
David Freedman	X	49		
Jennifer Futterman	X	35	1	
Greg Gauthier	X	29	1	
John Goins	X	25	1	
Carl Baker	X	17		
Jim Flanagan	X	8	1	
Lani Miller	X	8		
Sandra Garratt	X	4		

X = Present

E = Excused (notified Chair and Staff of absence)

L = Late

U = did not notify of absence

**CITY STAFF PRESENT:** Patrick Tallarico, Manager, Office of Sustainability;  
Daniel DeGarmo, Program Coordinator  
Gary Calhoun, Recycling Coordinator

**CITY MANAGER / STAFF COMMENTS** – Manager Tallarico reported on the following:

- At the October 23, 2019 Council meeting, Manager Tallarico provided a brief presentation of the SB1383 to provide Council with insights into the regulation under development. There was a second reading of the “No Dogs Allowed on Trails” ordinance that passed, and there was a request for the City to identify or create a trail in the City for dogs, which is being investigated.
- At the November 6, 2019 Council meeting, the Solar Zoning Ordinance was adopted. The only request was for the City to work on some guidelines for discretionary reviews. The Office of Sustainability is working with Planning to develop guidelines.
- At the upcoming December 4, 2019 Council meeting there may be some discussion of the Tribal Arena. Manager Tallarico stated that the Tribal Arena report was issued and posted on the City’s website, and the City still has not received the appendices to that report, which included the Greenhouse Gas Emissions Inventory and the detailed Water Report. The Tribal Arena report essentially says that there is no environmental impact despite the large building being developed, and all of the traffic that will incur. Manager Tallarico encouraged members to participate in the special Council meeting on December 5<sup>th</sup> that would be focused exclusively on the Tribal Arena.
- Manager Tallarico also reported that the DCE launch will be in April of 2020. The City is moving forward with offering the 100% carbon-free power option as its default rate option. Residents will have the ability to opt down or opt out.

**PUBLIC COMMENTS** – None.

**A. WELCOME AND INTRODUCTIONS**

## B. MEETING MINUTES

October 15, 2019 Regular Meeting minutes approval: Motion by Commissioner Baker, second by Commissioner Miller. Motion passed 9-0-1 with Commissioner Futterman abstaining.

## C. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported on the following:

- The City held it's shredding and e-waste event on October 18, 2019 in conjunction with the Palm Springs Disposal fall cleanup. There were 262 vehicles that came through the event.
- Desert Arc picked up two loads of e-waste from the the Public Works yard that had been accumulating over the summer. They now have enough staff to make regular monthly pickups.
- Mr. Calhoun reported he and some members of staff and the Commission had made visits to 54 businesses that are not currently complying with recycling and organic waste requirements.
- Public Works have identified 5 vendors that have been putting left-over materials at the end of the day in the street trash cans rather than in the appropriate containers located at the rear of their buildings. This has resulted in a Public Works employee getting injured and was off of work for a week. This will continue to be monitored.
- There were no numbers from SA Recycling or Desert Recycling this month.
- Commissioner Miller inquired if the non-compliant businesses have green waste. Mr. Calhoun replied that a small portion of the businesses meet the organic waste requirements.
- Commissioner Freedman inquired if there is any possibility of citing noncompliant violations, and whether there has been any recent outreach to the Main Street group to let them know of the issues. Mr. Calhoun noted that we do not yet have a local ordinance that would allow for the City to issue citations. This will change with SB1383. Main Street had been informed that the non-compliance visits were happening, and Manager Tallarico stated that he had reached out to Joy Meredith at the Main Street group in late summer offering to hold a waste and recycling brown bag.

## D. OLD BUSINESS

Commissioners discussed the following items.

### 1. Climate Action Plan Roadmap:

Manager Tallarico reviewed the draft roadmap memo, which included an acknowledgement of the climate crisis, some background on current goals, past activities, current efforts, and planned future efforts. Commissioner Freedman emphasized two of the future efforts, including the proposal presented at last month's Sustainability Commission meeting for all commercial buildings or certain categories of commercial buildings to use 100% renewable resources. He also noted that at the California Energy Commission's recent discussions about the 2022 Building Code, they have a goal of 80% reduction of GHG emissions below 1990 levels by 2045. This may result in requiring all new buildings to be carbon free.

Commissioner Miller mentioned that DWA is working with the state to get a per capita kind of metric that can be used in water consumption and suggested that something like this could be done for greenhouse gas emissions.

Vice Chair McCann stated that another source of greenhouse gas emissions from the City's GHG inventory was the wastewater treatment plant (WWTP). Since 2010, they have their own solar farm, which should be helping quite a bit. Manager Tallarico noted that these emissions are from the processes not from the energy usage. WWTP emissions are on the list of potential future issues to address include in the Climate Action Roadmap.

Commissioner Goins inquired about the scope of the greenhouse gas inventory. Manager Tallarico stated that the greenhouse gas emissions inventory includes all GHG emissions within the City limits including residential, the City operations, and business operations. The new inventory that is done will include everything, as well as the calculations for all the waste that is sent off-site.

Commissioner Gauthier inquired about including a pie chart to have an overall idea of where items fall such as jet fuel for Palm Springs airport, truck stop within the City limits, and windmill farms also

within the City limits. Manager Tallarico responded that he was unsure why those types of items may not have been included.

Commissioner Goins suggested including references to implementation of new organics requirements in the Climate Action Roadmap if it was not already included.

2. Potential Changes to the Plastic Ordinance:

Manager Tallarico reported on two presentations he had made on the draft ordinance. One was at the CVAG Technical Working Group meeting and the other was to the Energy & Environment Committee of CVAG. Although other cities were interested in the ordinance, they did not plan to implement on themselves.

Manager Tallarico also presented that the initial results of the restaurant surveys indicated that about two thirds already use reusable food service ware for on-site use. About a third still use polystyrene.

Manager Tallarico also presented some proposed changes to the ordinance for feedback from the Commission. These changes included a suggestion to adopt a phased approach which requires reusable products for on-site use, unless not possible; reduces disposables through on request only food service ware accessories, and prohibiting polystyrene in the first phase. The second phase would be focused on acceptable alternatives to plastics and other forms of plastics. The group

Commissioner Goins suggested clarifying the reuse on site requirement to ensure that there is some sort of mechanism to ensure that restaurants actually reuse the food ware on site if the ordinance specifically calls that out.

The Commission agreed that the City should move forward with developing the ordinance as presented noting the clarification mentioned.

3. Student Representative

Manager Tallarico reported that only one Commission is currently allowed to have a student representative. The new Council may take this up as an agenda item at a future Council meeting.

4. Fountain Grass

Manager Tallarico met with Maintenance staff, and they confirmed that the City does not plant fountain grass on City property. There may have been an exception for the median on Tahquitz based on input from the Tribe. The Commission discussed potential future removal and education efforts, but nothing specific was decided or recommended except to have a fact sheet at future tabling events. The Commission suggested potentially working with Master Gardeners or the Horticultural Society to identify resources for residents.

5. Community Garden Naming Plan and Plaque Text

Manager Tallarico reviewed the draft text for the plaque that will be unveiled at the naming event at the Demuth Community Center on December 19th, 2019, at 11:30 AM. There were no comments. Invitations will be sent through a variety of channels.

The group also discussed planting a tree. This would take place during the naming ceremony. Commissioner Garratt will provide suggestions for specific trees.

6. Leaf Blower Ban Enforcement Enhancements

Manager Tallarico presented three potential enhancements to the leaf blower enforcement ban. They included increasing citations to \$500 for a first offense, expanding enforcement to include fines for home owners that are knowledgeable about the use of gas-powered blowers on their property, and adding some sort of supplemental enforcement staff to help monitor, document, and report gas blower use. Commission members had questions about what constitutes knowledge on

the part of the home owner. Manager Tallarico agreed to look into clarifying that concept. He also mentioned that the State will be increasing incentives in the new year. The Commission unanimously expressed support for moving forward with these enhancements.

## **E. NEW BUSINESS**

### **1. Options for Interfacing with City Council**

The Commission discussed how they would like to enhance its interaction with City Council. There were two presented – creating a Sustainability Subcommittee of the Council or increasing the level of engagement with Council liaisons. If a Subcommittee was formed, it would not have requirements to meet on a regular basis, but it would be subject to notice requirements. A majority of the members (seven) supported the idea of forming a formal Council Subcommittee.

### **2. Process for Acting on New Requests**

The Commission discussed how to handle suggestions for new topics that may emerge from City Council or members of the public. The group discussed the process for addressing topics and supported the idea of bringing ideas to the Commission and determining whether a topic should be assigned to an existing Subcommittee, form an ad hoc committee to explore, and identify an advocate if someone wants to take on the issue to better understand it and provide more information back to the Commission to determine any next steps. The group then discussed the following substantive topics:

- Street Coatings, black versus gray – This is a topic that will be researched further by the Solar and Green Building Subcommittee as a potential approach for reducing heat island effect. This topic could be moved to the Walkability Subcommittee if it the Solar and Green Building Subcommittee is unable to take it on.
- Fireworks – Commissioner Freedman noted that fireworks are prohibited by code except for City or community events. The Commission decided not to advocate for expanding any fireworks prohibitions at this time largely because of the limited use and limited impacts on the environment. The group also noted that it would likely be difficult to get broader support for such a ban.
- Helium – Commisioner Miller suggested that this be removed from consideration as it did not rise to the level of priority as other topics that the Commission is currently working on.
- Banning wood burning fireplaces – The Commission agreed that this topic was not a priority given the City's climate and the limited number of wood burning fireplaces that may be in use in the City. Wood burning fireplaces are not permitted under new building codes. It also poses an enforcement challenge.
- Ban Sulfur Hexafluoride (SF6) – The Commission discussed the fact that the chemical does present hazards but appears to be in limited use or poses little exposure risk. In addition, there would need to be a substitute if there was a ban. The Commission agreed to not take this topic on at this time.
- Tree Inventory – There was an inventory done several years ago. Commisioner Freedman suggested that the Commission prioritize an update to the Tree Inventory and include that effort in its GHG reduction measures. The Commission decided to assign this to the Walkability Subcommittee for further action as the topic may come up as part of the Walkability Master Plan.
- 3-4-50 Campaign – The Commission assigned this to Commisioner Baker to explore under the Wellness topic.

## **F. COMMITTEE AND COMMISSIONER REPORTS**

1. Standing Subcommittee on Solar and Green Building – Commissioner Freedman reported that the energy code training was held on November 6<sup>th</sup>. Forty people attended, and it was well received. The Solar Zoning Ordinance was passed unanimously at the November 6<sup>th</sup> Council meeting. The Building codes will be before Council on December 18<sup>th</sup> and Manager Tallarico will be working with Commissioner Freedman on describing the solar requirements in the new code in response to some of the previous questions raised by Council.

2. Standing Subcommittee on Waste Reduction. Manager Tallarico reported that the website has been updated to help make information about recycling clearer. Downtown Trash Cans will be installed in December as the Subcommittee continues to work on signage.
3. Standing Subcommittee on World Environment Day – No report. The first meeting will be on December 2<sup>nd</sup>.
4. Standing Subcommittee on Water Conservation – The group is discussing potential turf conversion efforts on City property and exploring the elimination of weed barrier on these projects. At the DWA Board meeting, they approved a new water agreement to define water access to the Colorado River. There was an 11.5% water reduction in October from the 2013 baseline, with 19.4% cumulative savings for the year and 17.4% since June 2016 when targets were established.
5. Ad Hoc Subcommittee on Earth Day – Commissioner Baker reported that he and Manager Tallarico have been reaching out to schools to determine what they may already be doing.
6. Ad Hoc Subcommittee on Walkability & Pedestrian Planning – Manager Tallarico announced that interviews were conducted to select the Consultant that will develop the plan. There was agreement on a selection, and SCAG will follow up and finalize that selection process.
7. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – The project request for Ramon Road was received by the City and is being evaluated. The Subcommittee will focus on this project and then determine how to move forward. City staff provided information about the process that the City uses to evaluate projects. The Ramon project could also be integrated into the Walkability study when that is underway. Commissioner Flannagan also noted that “push to walk” buttons present a safety issue and they should be eliminated. Manager Tallarico indicated that this is the kind of thing that would be addressed in the Walkability Master Plan.
8. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan noted that most of the necessary content was already included on the brochure. It just needs to be improved in terms of its presentation.
9. Ad Hoc Subcommittee on Night Sky – Manager Tallarico suggested that the Commissioners research the current City night sky ordinance.
10. Big Horn Sheep Habitat Protection – Manager Tallarico will follow up on replacement of the missing “no dogs allowed signs.” He will also coordinate with the Convention and Visitor’s Bureau on the placement of trail directional signs. Commissioner Flannagan also suggested that the Araby Wash would be a good place to have a dog trail. This may be a liability issue related to hiking in an area that could be flooded quickly.
11. Wellness – No report.
12. Desert Community Energy, Community Advisory Committee – DCE will launch in April. The Community Advisory Committee will meet on Thursday November 21. CAC members identified a list of potential organizations that could be contacted to support outreach related to the CARE/FERA program.

#### **G. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT –**

- Commissioner Miller requested that the Commission should include the topic of “flushable wipes” to its next meeting. She also noted that the Palm Springs Surf Club project was approved without any environmental review. She suggested that this project and other major projects be brought to the attention of Sustainability and DWA in the future.
- Commissioner McCann provided an update on progress to raise funds for Oswit Canyon.
- Commissioner Goins suggested that the Commission continue to get updates on the Co-gen plant.
- Commissioner Garratt updated the group on her efforts to collect alternatives to plastic food ware.

**H. ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at 7:31 PM by a motion from Commissioner McCann and seconded by Commissioner Baker and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, December 17, 2019, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission’s regular meeting schedule is at 5:00 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.XX TO TITLE 5 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING REUSABLE FOOD SERVICE WARE AND PLASTIC WASTE REDUCTION**

**WHEREAS**, The City has a goal of diverting over 90% of its solid waste from landfills.

**WHEREAS**, The production and disposal of single-use disposable food and beverage packaging has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, greenhouse gas emissions, and the increased clean-up and end of life management costs; and

**WHEREAS**, Food and beverage packaging comprises approximately one quarter of California's disposed waste stream annually,<sup>1</sup> accounts for 14 of the top 20 marine plastic items,<sup>2</sup> and an estimated 70% of street litter<sup>3</sup>; and

**WHEREAS**, Plastics released to land, waterways, and oceans break down into smaller pieces that are not biodegradable and can be easily consumed by animals and people; and

**WHEREAS**, Plastics contribute to greenhouse gas emissions because they are derived from petroleum products and because they release methane emissions when they degrade; and

**WHEREAS**, Polystyrene foam food and beverage service ware is a distinctive litter concern because it is lightweight, easily blown into streets and waterways, and floats in water; and

**WHEREAS**, Polystyrene foam food and beverage service ware breaks apart easily into small pieces, is difficult to collect, and is often mistaken as food by birds, fish, and wildlife; and

**WHEREAS**, Styrene used to manufacture polystyrene products is identified by the State of California as a carcinogen under Proposition 65 chemicals, the state advises that individuals limit consumption of hot food and beverages from polystyrene containers, and containers made from alternative materials that are reusable, recyclable, or compostable are readily available.<sup>4</sup>

**WHEREAS**, The market for alternative forms of disposable food and beverage packaging and food service ware continues to evolve, and there is no ideal replacement for all current plastic disposable food ware.

**WHEREAS**, Reusable food ware, packaging, and products are more environmentally sound alternatives to disposables and saves businesses money.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:**

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<sup>1</sup> CalRecycle Packaging Reform Workshop Background Document (2017) citing CalRecycle waste characterization study entitled "2014 Disposal Facility-Based Characterization of Solid Waste in California."

<https://www2.calrecycle.ca.gov/PublicNotices/Documents/8345>

<sup>2</sup> Better Alternatives Now, List 2.0. UPSTREAM. <https://www.upstreamolutions.org/reports>

<sup>3</sup> Clean Water Fund (2012), Taking out the Trash: Identifying Sources of Trash in the Bay Area- <http://www.rethinkdisposable.org/resources>

<sup>4</sup> <https://www.p65warnings.ca.gov/fact-sheets/styrene>

**SECTION 1. Incorporation of Recitals.** The above recitals are true and correct and are incorporated herein by this reference as material findings in support of this Ordinance.

**SECTION 2.** Chapter 5.XX is hereby added to Title 5 of the Palm Springs Municipal Code to read as follows:

**5.XX.001 Definitions**

For the provisions of this Chapter, the following definitions shall apply:

“City” means the City of Palm Springs, California.

“City-sponsored event” includes any event, activity or meeting organized or sponsored, in whole or in part by the City or any department of the City.

“Compostable” means any product that meets the standards of ASTM D6400 or ASTM D6868 for compostability, as adopted or subsequently amended by the American Society for Testing and Materials (ASTM) and is certified by the Biodegradable Products Institute or a different third party as specified by the City.

"Non-reusable" means products that do not meet the definition of “Reusable” as defined in this section.

“Non-reusable cup” is a beverage cup that does not meet the definition of “Reusable” that is used to serve beverages, such as water, cold drinks, hot drinks, alcoholic beverages, and other drinks.

“Fluorinated Chemicals” means perfluoroalkyl and polyfluoroalkyl substances or fluorinated chemicals, which for the purposes of food packaging are a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Food Service Ware” means all containers, bowls, plates, trays, cups, lids, and other like items that are used for consuming prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by prepared food vendors.

“Food Service Ware Accessory” means all types of single-use items usually provided alongside Prepared Food in single-use plates, containers, bowls, or cups, including but not limited to utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use for Prepared Foods.

“Packing Material” means material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

“Person” means any individual, trust, firm, joint stock company, corporation including a government corporation, partnership or association.

“Plastic” means a synthetic material made from fossil fuel based polymers such as polyethylene, polystyrene, polypropylene, and polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to rigid polystyrene and expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a resin code.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of expanded polystyrene insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion blow molding (extruded foam polystyrene). Polystyrene foam is commonly made into disposable food service ware products. Polystyrene foam does not include clear or solid polystyrene (oriented polystyrene).

“Prepared Food” means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, poured, or otherwise prepared (collectively “prepared”) for individual customers or consumers. Prepared Food does not include raw eggs; raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance; or food that is prepared and packaged on site such as breads, baked goods, and deli items that are not intended for immediate consumption.

"Prepared Food Vendor" means any person or place that provides or sells Prepared Food within the City to the general public to be consumed on the premises or for take-away consumption. Prepared Food Vendor includes but is not limited to: a grocery store, supermarket, restaurant, fast-food restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers market, convenience store, or similar place where prepared food is available for sale on the premises or for takeaway consumption, and (2) any mobile store, food vendor, caterer, food truck, or similar mobile outlet. This includes Food Vendors at City facilities and City contractors and lessees acting pursuant to a City contract, lease, or permit at a City Facility.

“Prepackaged” means food or beverages that are properly labeled and arrive at the premises of the food seller, vendor, or server in a container or wrapper in which the food or beverage is wholly encased, enclosed, contained or packaged and is not removed from such container or wrapper (other than an outer container or wrapper that encloses multiple units of food) before its sale or provision at the premises. Prepackaged food and beverages may be sold, vended, or served in the same container (e.g., ramen noodles in a foam cup).

“Reusable” means products designed and manufactured to maintain its shape and structure and be materially durable to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing by mechanical and/or manual ware washing methods that meet the requirements of the California Retail Food Safety Code for cleaning and sanitizing of equipment and utensils.

“Reuse System” means a closed loop service or program provided by a third party to a Food Vendor that includes the provision of Reusable Food Ware and the collection, cleaning, and redistribution of the Reusable Food Ware to said Food Vendor or other Food Vendors. Any operative third party Reuse System provider in the City of Palm Springs shall meet regulatory requirements that the City of Palm Springs may set forth in guidelines or regulations with a public hearing.

"Takeout food" means Prepared Food requiring no further preparation which is purchased to be consumed off a Prepared Food Vendor's premises. Takeout Food includes Prepared Food delivered by a Prepared Food Vendor or by a third-party delivery service.

#### **5.XX.002 On-Site Food and Beverage Consumption**

- a) Prepared Food Vendors shall use Reusable Food Service Ware and Food Service Ware Accessories for Prepared Food served for on-site food and beverage consumption, unless the Food Vendor qualifies for a waiver as described in Section 5.XX.008. This requirement does not prohibit a Food Vendor from providing leftover Prepared Food in Non-reusable Food Service Ware and Non-reusable Food Service Ware Accessories that are compliant with this Chapter when requested by a customer.
- b) Non-reusable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; and paper tray and plate-liners shall be allowed for on-site food consumption. Vendors that use foil wrappers shall have recycling receptacles on site that will accommodate the used foil.
- c) All Prepared Food Vendors offering condiments must offer those items in either bulk dispensers or individual paper packaging for on-site food and beverage consumption. Individual plastic condiment packages are prohibited for on-site use.
- d) Although Reusable options are preferred, Prepared Food Vendors may use for on-site food consumption the following Non-reusable Food Service Ware Accessories that are free of added Fluorinated Chemicals and either Compostable or made of natural fibers: straws, stirrers, splash sticks, cocktail sticks, chopsticks, and toothpicks. Any Non-reusable Food Ware Accessories shall be made available only upon request.

#### **5.XX.003 Food Service Ware for Off-site Food and Beverage Consumption**

- a) No Prepared Food Vendor may use any **Non-reusable Food Service Ware or Food Service Ware Accessories** made in whole or in part from **Polystyrene or Polystyrene Foam**.

- b) The following Non-reusable Food Service Ware Accessories must be either Compostable or made of natural fibers: straws, stirrers, splash sticks, cocktail sticks, chopsticks, and toothpicks.
- c) Any Non-reusable Food Service Ware and Food Service Ware Accessories that are Compostable shall be free of added Fluorinated Chemicals as certified by the Biodegradable Products Institute or another independent organization authorized by the City.
- d) Prepared Food Vendors shall provide, sell, or otherwise distribute only those Food Service Accessories that comply with this Chapter 5.XX.004, and only (1) upon a customer's specific request for such items, (2) in a self-service area or dispenser – except for Non-reusable straws, which shall be made available by request only, or (3) when Prepared Food is assembled for delivery, to accommodate for safety and to prevent spills.
- e) Food prepared for off-site consumption or leftovers of partially consumed food on premises shall not be packaged for customers in single-use plastic bags.
- f) All Prepared Food Vendors must allow for the use of customer-supplied Reusable Food Service Ware consistent with California Food Retail Code.
- g) Prepared Food Vendors and Takeout Food delivery services must provide options for customers to affirmatively request Food Service Ware Accessories separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person.

**5.XX.004 Food Service Ware for Retail Sale**

- a) No Person may sell, offer for sale, or otherwise distribute for compensation within the City any Non-reusable Food Service Ware or Food Service Ware Accessories made in whole or in part from Polystyrene or Polystyrene Foam.

**5. XX.005 Promoting the Use of Reusable Beverage Cups and Food Containers**

- a) No Food Vendor shall provide a Non-reusable Beverage Cup to a customer who is paying for a beverage, unless the Food Vendor charges the customer a Non-reusable Cup Charge of at least \$0.25 per cup. A Food Vendor shall provide notice of this charge to each customer prior to completing the customer's order. Within one year of a determination by the City that economically and geographically feasible Reusable Cup Return Systems are available to Food Vendors, Food Vendors will provide Reusable Cups to customers with a return system in place at a cost no greater than \$0.10.
- b) Beginning January 1, 2022, No Food Vendor shall provide a Non-reusable Food Container to a customer paying for Prepared Food unless the Food Vendor charges the customer a Non-reusable Food Container Charge of at least \$0.25 per Non-reusable Food Container, with the maximum charge per order not to exceed \$0.50. A Food Vendor shall provide notice of this charge to each customer prior completing the customer's order. Within one year of a determination by the City that economically and geographically feasible Reusable Food Container Return Systems are available to Food Vendors, Food Vendors will provide Reusable Food Containers to customers with a return system in place at a cost no greater than \$0.10.

- c) The \$0.25 Non-reusable Cup and Non-reusable Food Container charges and Reusable Cup and Reusable Food Container charges imposed under subsections (a) and/or (b) of this Section shall be retained by the Food Vendor. Third-party food delivery services that process and/or deliver orders on behalf of Food Vendors and collect payment on behalf of Food Vendors shall remit the \$0.25 charge to the Food Vendor.
- d) Controller's Report. No earlier than 18 months, and no later than 24 months, after implementation each of subsections (a) and/or (b) of this Section 6, the Controller shall perform a separate assessment and review of the economic impact on Food Vendors, both large and small, of the Non-reusable Cup Charge and/or the Non-Reusable Food Container Charge. Based on such assessment and review, the Office of Sustainability shall submit an analysis to the City Council of each charge type. Each analysis shall be based on criteria deemed relevant by the Office of Sustainability, but shall include a survey of whether and how the charge specifically has impacted Food Vendors' profits and losses.
- e) The amount(s) charged pursuant to subsections (a) and (b) shall each be separately stated on any receipt provided to the customer at the time of sale and shall be identified respectively as the Non-Reusable Cup Charge and/or the Non-Reusable Food Container Charge.

#### **5.XX.006 Restrictions on City Food Ware and Plastic Purchases**

- a) City offices shall use Reusable Food Service Ware and Food Service Ware Accessories for on-site food consumption in pantries and kitchens consistent with Section 5.XX.002.
- b) The City shall only purchase Non-reusable Food Service Ware and Food Service Ware Accessories for off-site food consumption or events that is consistent with 5.XX.003.
- c) The City shall only hold meetings at off-site locations that provide Food Service Ware consistent with this Chapter.
- d) The City shall not purchase plastic coffee or beverage pods or machines that require them. The City shall discontinue use of these products within one year of passage of this ordinance.
- e) The City shall not purchase give-away items that are made in whole or in part from polystyrene foam that is not fully enclosed or encased within a more durable material.

#### **5.XX.007 Restrictions on Personal Care Products in Small Plastic Bottles Provided at Lodging Establishments**

- a) Consistent with State Law AB 1162, the City is prohibiting lodging establishments, as defined in AB 1162, from providing any small plastic bottle containing a personal care product to a person staying in a sleeping room accommodation, in any space within the sleeping room accommodation, or within a bathroom shared by the public or guests. These restrictions shall apply commencing January 1, 2022, for all lodging establishments.

#### **5.XX.008 Waivers and Exemptions**

- a) Section 5.XX.005 Subsections (a) and (b) do not apply to Food Vendors when they are providing Prepared Food to a customer who receives state assistance as part of

the Special Supplemental Food Program for Women, Infants, and Children (CITE THE STATE CODE – for example, Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code), or the (California Department of Social Services) Food Stamp Program, or MediCal.

- b) The City Manager may waive the provisions of this Chapter if:
1. The applicant demonstrates a feasibility based hardship. The person seeking the waiver must demonstrate to the City Manager’s satisfaction that no reasonably feasible alternative exists to a specific non-compliant product.
  2. The applicant demonstrates compliance is unreasonably financially prohibitive. The person seeking the exemption must demonstrate to the City Manager’s satisfaction that with respect to each specific non-compliant product, there is no suitable and reasonably affordable alternative product available, including, but not limited to, good faith efforts to obtain a substantially similar complaint item at a non-prohibitive price.
  3. Strict application of the specific requirement would create an undue hardship, or practical difficulty, not generally applicable to other persons in similar circumstances, and good cause is shown.
- c) An applicant seeking a waiver under subsection a must submit a written application on a form approved by the City Manager or designee. The City Manager or designee may require the applicant to submit additional information or documentation to make a determination regarding the waiver requested. The City Manager or designee shall review requests for waivers on a case-by-case basis, and may grant the waiver in whole or in part, with or without conditions, for a period of up to twelve (12) months. An applicant for renewal of a waiver must apply for a new waiver period no later than sixty (60) days prior to the expiration of the then-current period to preserve a continuous waiver status. The City Manager or designee shall review each application anew and base his or her determination on the most current information available. In no case shall a waiver be retroactive or continue past January 1, 2021.
- d) Nothing in this chapter shall restrict the availability of single-use plastic straws, cups, or containers to individuals who may require and request them due to disability or other medical or physical conditions or circumstances. Prepared Food Vendors that customarily offer plastic straws, cups, or containers may maintain a small supply of such products to accommodate such requests.

### **5.XX.010 Violation**

- a) Any Person, firm or corporation violating any provision of this chapter shall be guilty of an infraction for such violation and shall be subject to penalties as provided in **Section 1.01.155.**

**SECTION 3. CEQA.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The

City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. IT also finds the Ordinance is exempt from the requirements of CEQA pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

**SECTION 4. Severability.** If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 5. Effective Date.** This Ordinance shall become effective thirty (30) days following its adoption.

**SECTION 6. Publication.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary of the same to be published in the official newspaper of the City of Palm Springs within fifteen (15) days following its adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of XXXXXX, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
MAYOR ROBERT MOON

ATTEST:

\_\_\_\_\_  
Anthony J. Mejia, MMC  
City Clerk

APPROVED AS TO FORM:

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Jeff Ballinger, City Attorney

DRAFT

**CERTIFICATION**

**STATE OF CALIFORNIA** )  
**COUNTY OF RIVERSIDE** ) ss  
**CITY OF PALM SPRINGS** )

I, Anthony Mejia, City Clerk, hereby certify that the attached is a true copy of Ordinance No. \_\_\_\_\_, introduced by the City Council of the City of Palm Springs, California, at a City Council meeting held the \_\_\_ day of **XXXXXX**, 2019. Ordinance No. \_\_\_\_\_ was passed, approved and adopted at a regular City Council meeting held at the \_\_\_ day of **XXXXXX**, 2019.

WITNESS my hand and official seal of the City of Palm Springs this \_\_\_ day of **XXXXXX**, 2019.

\_\_\_\_\_  
Anthony J. Mejia, MMC  
City Clerk

DRAFT

# DRAFT Disposable Food Ware and Plastic Waste Reduction Plan

## City of Palm Springs, California

Phase 1: Plastic Bag Ban (2014)	
Ban	Require or Allow
<p>Single-use plastic bags from</p> <ul style="list-style-type: none"> <li>• No Store shall provide to any customer a Single-Use Carryout <b>Plastic Bag</b>.                             <ul style="list-style-type: none"> <li>○</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A Store shall make Recycled Paper Bags available to Customers for a minimum charge of ten cents (\$.10) per <b>bag</b>. The sale of each <b>bag</b> shall be separately itemized on the sale receipt.</li> <li>• Stores must keep records of the total number of Recycled Paper Bags provided; the total amount of monies collected for providing Recycled Paper Bags, and a summary of any efforts a Store has undertaken to promote the use of reusable bags by customers in the prior calendar year. Such records must be made available for the City Manager to review at any time. These records may be kept at the retailer’s corporate office.</li> <li>• Allows use for prepared take-out foods and liquids intended for consumption away from the food provider’s premises</li> <li>• Allows for produce bags</li> </ul>
Phase 2: Reusable Food Ware and Plastic Waste Reduction (2020/2021?)	
Ban	Require or Allow
<ul style="list-style-type: none"> <li>• Non-reusable food service ware for on-site food consumption</li> <li>• Polystyrene or polystyrene foam food service ware and accessories</li> <li>• Single-use plastic bags for takeout or leftovers</li> <li>• Retail sale of food service ware made of polystyrene or polystyrene foam</li> <li>• Personal care products in small plastic bottles provided at lodging establishments (2022)</li> </ul>	<ul style="list-style-type: none"> <li>• Food vendors must use reusable food service ware for on-site food consumption</li> <li>• Paper and foil wrappers, paper tray liners, sleeves and paper bags are allowed.</li> <li>• Compostable or fiber-based straws, stirrers, splash sticks, cocktail sticks, chopsticks, and toothpicks that are free of fluorinated chemicals are allowed upon request.</li> <li>• Bulk dispensers for condiments.</li> <li>• Food vendors may use Non-reusable Food Service Ware and Food Service Ware Accessories that are Compostable shall be free of added Fluorinated Chemicals as certified by the Biodegradable Products Institute or</li> </ul>

	<p>another independent organization authorized by the City.</p> <ul style="list-style-type: none"> <li>• Must allow for customer use of reusable food service ware.</li> <li>• Affirmative selection of accessories.</li> <li>• A food vendor that offers disposable cups for takeout orders shall charge twenty five cents (\$.25) per cup. Food Vendors shall provide notice of this charge to each customer prior to completing the customer’s order.</li> <li>• Within one year of a determination by the City that economically and geographically feasible Reusable Cup Return Systems are available to Food Vendors, Food Vendors will provide- Reusable Cups to customers with a return system in place at a cost no greater than \$0.10.</li> </ul>
<b>Phase 3: Acceptable Alternatives and Additional Single-use Plastics Restrictions (2023)</b>	
<b>Ban</b>	<b>Require or Allow</b>
<ul style="list-style-type: none"> <li>• Single-use produce bags</li> <li>• Polystyrene peanuts, coolers, ice chests, meat trays, and pool beach toys</li> <li>• Incidental plastics used at dry cleaning facilities (e.g., collar stays)</li> </ul>	<ul style="list-style-type: none"> <li>• Define allowable non-reusable food service ware (for example, restrict to compostable) consistent with state law and based on recycling and composting infrastructure changes.</li> <li>• All dry cleaners must offer reusable clothing bags at little or no cost.</li> </ul>
<b>Phase 4: Single-use Takeout Ware (2025)</b>	
<b>Ban</b>	<b>Require or Allow</b>
<ul style="list-style-type: none"> <li>• Non-reusable takeout ware</li> </ul>	<ul style="list-style-type: none"> <li>• Reusable food ware for takeout</li> </ul>



# City of Palm Springs

## Office of Sustainability

**TO:** Sustainability Commission

**FROM:** Patrick Tallarico, Manager

**SUBJECT:** Action on Flushable Wipes

**DATE:** December 12, 2019

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The Office of Sustainability has received the following request from the [National Stewardship Action Council](#) (NSAC). The attached letter further describes the effort to pass AB 1672.

*THE ASK: We need funding to help CASA pass AB 1672 on Flushable Wipes and make it even stronger (I would like to ensure there is money to reimburse agencies for the clogs they cause). There are many ways that local governments, sanitation and water agencies can help fund us to co-sponsor the bill and pass it, first, by simply becoming a [funder of NSAC](#). The annual dues to NSAC are based on the population of a government agency district or for corporate they can choose a funding level and benefits \$1,000 for up to 100K people. Becoming a member allows an organization to participate in the strategy calls, be added to our flushable wipes information listserv, and receive the other benefits of being a NSAC funder – below. You'd also be included on any public education materials we develop for this!*

Benefits:

- *Access to information listservs (flushable wipes, pharmaceuticals and sharps, tobacco, cannabis, carpet, gas cylinders, textiles, packaging)*
- *FREE webinar registrations! (5-6 per year)*
- *Subscription to quarterly newsletters*
- *Logo on website (optional)*
- *Free national calls (twice per year)*
- *Qualify to have a representative apply to sit on the Board or Advisory Board*

*If an agency cannot afford that, or for other reasons need to fund a "project" or just make a simple donation, that is fine too. We need sponsorships for our awards and webinars, and we will be doing a webinar on flushable wipes likely in February.*

At the December 17<sup>th</sup> meeting, the City will provide additional information as to whether or not a financial contribution is feasible. The Commission should consider whether it would like to do more to support this effort.



November 15, 2019

Heidi Sanborn  
Executive Director  
National Stewardship Action Council  
1822 21st Street, Suite 200  
Sacramento, CA 95811

Subject: Request for Co-sponsorship of AB 1672 (Bloom): Wet Wipe Labeling

Dear Heidi,

Thank you for your continued collaborative partnership on many issues with the California Association of Sanitation Agencies (CASA). As you know, our organizations are aligned on many pertinent and important public policy initiatives, including source control of contaminants in the waste stream, producer responsibility and product stewardship. In light of these shared goals we are proposing that National Stewardship Action Council partner with CASA to elevate and effectuate legislative action to provide clear and consistent consumer information about a product that is wreaking havoc on public infrastructure and the environment: flushable and non-flushable wet wipes.

The vast majority of wet wipes available to consumers are single-use plastics that are very frequently flushed down toilets due to a lack of consistent consumer misinformation. Many wet wipes products have no clear information about proper disposal included on their packaging, and some packages are intentionally misleading. Exacerbating the problem is the rising popularity of wet wipes being promoted as “flushable,” which often don’t break down in public systems. The so-called “flushable” wipes are nearly identical in look and feel to the plastic based non-flushable wipes, and also contain synthesized natural fibers like lyocell and rayon. It is clear that consumer misinformation regarding proper disposal is driving this problem and we are proposing legislative action to promote clear and consistent consumer messaging. Furthermore, we believe it is time to hold manufacturers of these products accountable for the damage being inflicted on the environment and our public investments by requiring them to demonstrate that their “flushable” products actually break up and pose no harm to our water systems.

Based on your organization’s unique and credible voice on consumer protection issues, and in recognition of your shared interest in protecting the environment from harmful products, we think that your involvement would be instrumental in moving the legislative effort forward.

Thank you for your consideration and we look forward to our continued partnership on this any other important policy issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica Gauger".

Jessica Gauger  
Director of Legislative Advocacy

CC: Andrew Aldama, Office of Assembly Member Richard Bloom



# COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 12/17/19

SUBMITTED BY: David Freedman

COMMITTEE NAME: Standing Committee on Solar and Green Building

SUBMITTED DATE: 12/10/19

COMMITTEE MEETING DATE: 12/03/19

NEXT COMMITTEE MEETING DATE: 01/07/20, 10 am

### Committee Meeting Goals:

- Council Meeting agenda Items
  - Palm Springs Solar Zoning Ordinance and Administrative Regulations
  - New Building Codes, including 2019 Energy Code
  - Palm Springs Arena Project Report
- Climate Action Plan implementation
  - Urban heat island reduction
  - Commercial building GHG-free energy requirements
- Home energy audit program
- EV charger update

### Summary:

Commissioners Freedman noted that the Solar Zoning Ordinance approved by the Commission at its September meeting was on the Council agenda for final adoption the following evening. Manager Tallarico and Glenn Mlaker of the Planning Services Department are working on Administrative Regulations requested by Council when they approved the Solar Zoning Ordinance on first reading. Concerns raised by a resident on glare from solar panels installed on hillside houses will be addressed via the Building & Safety Department information bulletin for solar PV installation.

At its December 19 meeting, Council will consider an ordinance adopting the 2019 state Building Standards Codes, effective January 1, 2020. The code package includes the 2019 Energy Code, which, among other things, will require solar energy systems on all new residential development three stories and under. Commissioner Freedman will prepare a public comment supporting the ordinance and noting that the Sustainability Commission is continuing to work on renewable energy and greenhouse gas reduction measures.

Manager Tallarico noted that Council was holding a special meeting on December 5 to discuss the Tribe's Project Report for its downtown arena. The staff report includes Manager Tallarico's recommendations on environmental mitigation on energy and water consumption, lighting, GHG emissions and solid waste, which reflects input from Commissioner Freedman. Commissioner Freedman made a public comment at the meeting supporting these environmental mitigation measures, which Council adopted.

Commissioner Flanagan provided background on using reflective street paving as an urban heat island reduction measure. While research from Lawrence Berkeley National Laboratory suggested that this paving reduced heat from streets, Tucson reported that it caused glare for pedestrians. Further research on this measure will be suspended, pending additional research studies on its effectiveness.

Commissioner Flanagan also suggested an updated tree inventory, as shade tree planting is another urban heat island reduction measure. The City's Tree Inventory on the Office of Sustainability landing page dates from 2015-16, and many trees were lost since then in the drought. Program Coordinator DeGarmo noted that the dead trees identified in the inventory had been removed, with two trees planted for every tree removed. Manager Tallarico said he would prepare an RFP for an updated tree inventory.

Manager Tallarico reported that the Building & Safety Department does not have available statistics on the size of buildings in the City, which would assist in determining which size commercial buildings would be subject to the requirement to procure 100 percent carbon-free or renewable electricity. However, this information may be available from the City's GIS expert. Commissioner Freedman has drafted an ordinance with placeholders for the building sizes, which the Committee will review at its January 7 meeting. Presentation of the ordinance to the full Commission will occur at its January 21 meeting, following the January 13 meeting of the Board of Desert Community Energy (DCE), when the Board will set DCE's 2020 rates in advance of its April 2020 launch. This information is necessary to provide an estimate of the additional cost of DCE's carbon-free option above Southern California Edison (SCE) base rates for commercial buildings.

Manager Tallarico is continuing to work on the EV charger and home energy efficiency label rebate pilot programs. Discussions with SCE on EV charger locations are continuing. Manager Tallarico will consider issuing an RFP for a third party to manage the chargers. As an alternative, the City could contract directly with ChargePoint, which participates in a municipal cooperative buying program. Program Coordinator DeGarmo noted that ChargePoint is available in Canada and has charging stations along Interstate 5, so visitors from Canada and the Pacific Northwest may already have ChargePoint accounts for their EVs. Pending further discussion with SCE, Manager Tallarico will proceed with the installation of a Level 3 charging station at City Hall, which is covered by a grant from the South Coast Air Quality Management District.

**Recommendation/Request:**

Continuing working on energy-related GHG reduction measures to further goals in Climate Action Plan.

<b>ACTION ITEMS REQUEST TO COMMISSION</b>	Approve draft ordinance setting GHG-free energy requirements for commercial buildings once a proposal is ready.
<b>ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY</b>	Work with Planning Services Department on Solar Zoning Ordinance Administrative Regulations. Work with CVAG on launch of DCE in April 2020. Implement EV charger and home energy efficiency label rebate pilot programs.
<b>POTENTIAL FISCAL IMPACT/REQUEST IF ANY:</b>	The cost to the City for the EV charger program will be approximately \$200,000, in addition to the \$80,000 that will be covered by grants.



# Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: December 17, 2019	SUBMITTED BY: Patrick Tallarico
SUBCOMMITTEE NAME: Standing SubCommittee on Waste Reduction (SSCoWR)	SUBMITTED DATE: December 12, 2019
LAST SUBCOMMITTEE MEETING DATE: December 5, 2019	NEXT SUBCOMMITTEE MEETING DATE: January 9, 2019

**Subcommittee Goal:**

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

**Summary:**

1. Reducing Single-use Plastic Food Ware and Plastic Straws by Food Service Establishments.

- Manager Tallarico continued to work with a consultant from UPSTREAM to refine the draft ordinance based on other cities and a model ordinance. Manager Tallarico presented the latest draft that reflected input from the Commission in November at the Subcommittee meeting on December 5<sup>th</sup>. He also presented a phased approach to implementation of additional restrictions for and beyond food ware. The group agreed on the following:
  - Do not include the reference to the specific number of times a reusable product could be washed.
  - Confirmed the addition of a reference to using only either compostable or fiber-based accessories for off-site food consumption.
  - 5.XX.003 (e) should be revised to read “Food prepared for off-site consumption or leftovers of partially consumed food on premises shall not be **placed in** single-use plastic bags.” There was some discussion about including an exception for liquid food. Participants mentioned Panera uses paper bags, even for soup, so this exception was not added. This will require a change to the current bag ordinance.
  - Change the deadline for lodging establishments to comply with the state-required “personal care products in small bottles requirement” to January 1, 2022, instead of January 1, 2023, (for more than 50 rooms) and January 1, 2024 (for 50 rooms or less). Many hotels are already converting and alternatives are readily available that will save businesses money.
  - Retain the requirements for restricting retail sale of polystyrene and polystyrene foams.
  - Keep the non-food ware restrictions, including things like dry cleaning bags and polystyrene foam coolers, in a future phase. In particular, Manager Tallarico suggested that the City should focus on outreach campaigns to generate change in other types of practices before issuing the next ordinance.
  - Retain the takeout food container charge with a future implementation date.
- Manager Tallarico visited a few retail stores to assess the potential impact on a polystyrene ban. He observed that stores such as the .99¢ Store and Smart & Final have significant stock of polystyrene and polystyrene foam. Ralphs did not offer the same proportion of polystyrene food ware and accessories.
- The group discussed the need to offer technical consulting support and other support (e.g., signage, rebates, etc.) to businesses to help them figure out how best to comply.
- Manager Tallarico continued to coordinate with consultants at UPSTREAM. They suggested adding an exception for use of plastic straws by people with disabilities.
- Food vendor surveys are continuing and will be completed in the next month.

- The revised ordinance will be presented to the Commission for further consideration at the December 17<sup>th</sup> meeting and additional outreach will be conducted with the business community in January.
- Commissioner Clark also mentioned the need to address management of odd plastic items such as CDs. This could be addressed through additional information on the City's website.

## 2. Battery Recycling Project

- Staff continue to collect used batteries from the various locations around the city. To date, we have recycled 580 pounds of various types of batteries.
- Additional shipping containers should arrive in late December.

## 3. Toward a Public Spaces Recycling Program for the City of Palm Springs.

- Manager Tallarico reported that the downtown trash and recycling containers will be delivered in December.
- The group reviewed an updated version of the signage graphics. In particular, the group focused on the signage for downtown containers. Manager Tallarico stated at the December SSCOVR meeting that he would be preparing a staff report for the December 19<sup>th</sup> Council meeting to get their support for the signs based on a suggestion from Maintenance staff. He prepared a draft staff report, but this item was later pulled. It was decided that Manager Tallarico will simply do a presentation to Council noting that the new signage would be going up along with the new containers. The signs for downtown will be finalized and ordered in December. The group will focus on stickers for the containers after they are received to determine the best approach for on-container labeling. The group agreed to the following: make the Spanish and English lettering the same and keep them all on the sign if possible, make the lettering overall as large as possible so it is easy to read.
- Manager Tallarico was not able to meet with airport staff to discuss their containers but will do so in December.
- Chris Cunningham mentioned that Palm Springs Disposal is ordering new lids for temporary recycling containers. The group agreed that the imaging should be consistent with the signage. Manager Tallarico will be working with Palm Springs Disposal to coordinate the labeling efforts on the temporary containers.
- Commissioner McCann met with the students at Desert Learning Academy to discuss their recycling research. He will be helping them move on to the next phase of the project, which is to establish recycling containers.

## 4. Outreach

- The press release for America Recycles Day was issued on November 15<sup>th</sup>.
- The Recycling portion of the website was updated based on the feedback provided by the Subcommittee.
- Manager Tallarico will reach out to communications firms to start to explore outreach mechanisms for the spring.

## 5. Non-compliance with Commercial Recycling and Organics Requirements

- No updates were provided this month. PSDS continues to follow up with those businesses that are not in compliance.

## 6. Cultural Center Pilot

- Manager Tallarico reported that he conducted additional research to support the efforts of the cultural center to move to more sustainable food service ware. In particular, he found potential alternatives to on-site disposable glasses that would only require about 12-16 washings to pay for themselves. Commissioner Garratt also was able to solicit a variety of samples for more eco-friendly food ware that could be explored for takeout and in-theater use.
- Manager Tallarico and Commissioner Clark met with Cultural Center staff on December 5<sup>th</sup> to discuss results of this initial research and how to move forward with the purchase of a water bottle filler that would be

reimbursed by the City and DWA. The Center will be purchasing branded reusable cups to promote the launch of that filler. Commissioner Clark and Manager Tallarico will meet with Cultural Center staff again on December 16<sup>th</sup> to continue to explore and implement changes.

7. Wastewater Treatment Plant

- Commissioner Miller participated in a tour of the wastewater treatment plant (WWTP). She shared her investigation on wastewater treatment plants and on Palm Springs WWTP specifically, to the SSCoWR meeting on Dec. 5th. The waste stream was discussed and three sources of greenhouse gas emissions at the WWTP were pinpointed. She shared information on a municipal campaign which could be integrated with waste reduction/ recycling to address one of the three as stated above. In addition, she discussed and requested that the City staff investigate potential financial support for the California Association of Sanitation Agencies (CASA) efforts to pass legislation addressing the mislabeling of so-called "flushable wipes" which mislead the consumer and constitute a major portion of waste, both materially and financially, in the wastewater stream. Manager Tallarico will follow up with the City Attorney. Commissioner Miller will continue WWTP investigation and work with Manager Tallarico to identify other potential actionable items for the Commission.

**Recommendation/Request**

Subcommittee members will continue to conduct research and refine products to improving recycling rates and report on progress at future Commission meetings.

<b>ACTION ITEMS REQUEST TO COMMISSION</b>	Review and comment on next iteration of draft ordinance text or summary of proposed changes.
<b>ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY</b>	Check with City Attorney about support for CASA effort. Continue to support Cultural Center project. Update single-use plastic ordinance and meet with affected businesses. Begin staff report.
<b>POTENTIAL FISCAL IMPACT/REQUEST IF ANY:</b>	N/A