



## SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES

Tuesday, May 18, 2021

Pursuant to Executive Order N-29-20, by Governor Newsom, this meeting was conducted by teleconference and there was no in-person public access to the meeting location.

**CALL TO ORDER:** Chair Clark called the meeting to order at **5:33** p.m.

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

### WELCOME AND INTRODUCTIONS

	This Meeting	Present to Date	FY 2020/2021 Excused Absences	FY 2020/2021 Unexcused Absences
Roy Clark, Chair	X	52		
Robert McCann, Vice Chair	X	50		
David Freedman	X	62		
Jennifer Futterman	E	43	3	
Greg Gauthier	X	41	1	
Carl Baker	X	28		
Jim Flanagan	X	21		
Lani Miller	U	18	1	1
Sandra Garratt	X	16	1	
Alex Ocañas	X	2		
Jake Torrens	X	2		

X = Present

E = Excused (notified Chair and Staff of absence)

L = Late

U = Unexcused (did not notify of absence)

**REPORT OF POSTING OF AGENDA:** The Agenda was available for public access at the City Hall exterior bulletin board (west side of the Council Chambers) by 6:00 PM Thursday, May 13, 2021 and posted on the City's website as required by established policies and procedures.

**ACCEPTANCE OF THE AGENDA:** Chair Clark asked if there were any objections to the agenda for the May 18, 2021 meeting. There were no objections and the agenda was unanimously accepted.

**CITY STAFF PRESENT:** Patrick Tallarico, Manager, Office of Sustainability; Tracy Sheldon, Program Coordinator, Office of Sustainability

**GUESTS PRESENT:** Mark Talkington with Palm Springs Post and Deborah McGarrey with SoCalGas.

**STAFF COMMENTS –** Manager Tallarico reported

- Manager Tallarico inquired if there were any questions about the Staff Comment memo and there were none. There were no additional comments from Staff.

**PUBLIC COMMENTS –** None

**A. PRESENTATIONS –** None

### B. MEETING MINUTES

Chair Clark asked if there were any objections to the meeting minutes for the April 20, 2021 meeting. There were no objections and the meeting minutes were unanimously approved.

### C. OLD BUSINESS

1. Leaf Blower Ordinance Enhancement Discussion - Manager Tallarico reported

- Manager Tallarico reported an overview of the leaf blower enforcement issues and potential actions as outlined in the report.
  - Staff met to discuss the leaf blower enforcement process on May 13<sup>th</sup>. The group reviewed key challenges such as staffing shortages, difficulty reaching violators in a timely way, and lack of challenges in obtaining accurate violator contact information.
  - One key challenge is that many gardeners do not have business licenses.
    - Commissioner Freedman stated the Business License information is not easily accessible on the City's website.
    - Commissioner Freedman requested a list of licensed businesses be available on the City's website.
    - Commissioner Flanagan inquired why lawn mowers and other equipment were not included the ordinance.
  - The group discussed the idea of holding home owners accountable for compliance in addition to landscaper/gardener. Under the proposed system, a homeowner would receive a notice when a gardener receives a citation. If that gardener is cited again on their property, the homeowner would be issued a citation along with the gardener.
    - Commissioner Torrens recommended providing homeowners with an approved landscaper/gardener list.
    - Commissioner Freedman recommended communicating with Vacation Home Rental managers to explain the proposed changes to the Leaf Blower Ordinance.
    - Commissioner Freedman inquired if there was still an annual class requirement/certification for landscapers to attend through College of the Desert.
  - The group discussed the option of increasing fines for landscapers.
    - Commissioner Ocañas inquired if an incentive could be offered to landscapers who are in compliance with the ordinance.
  - Manager Tallarico stated there could be an increase in observing violations in real time by engaging the Citizens on Patrol, if the program is revived, or deputizing Sustainability staff, or hiring a part-time person solely for leaf blower enforcement. Code Enforcement is requesting additional staff primarily for Short Term Rentals and Cannabis.
  - Manager Tallarico shared another solution is to allow gardeners to start earlier in the summer months (7:00 am) so that they have less time in the extreme heat, which drains electric batteries.
    - Currently, landscaping can commence at 7:00 am for commercial properties and 8:00 am for residential properties.
  - Commissioner Ocañas expressed concerns that the fines were high.
  - Commissioner Gauthier commented here has been a lot of education since implementation of the ordinance and that it was time to move to increasing the fines.
  - VOTE: Motion by Commissioner Freedman, seconded by Commissioner Gauthier to approve resolution and ordinance.  
AYES: CLARK, McCANN, FLANAGAN, GARRATT, FREEDMAN, BAKER, GAUTHIER, OCAÑAS, TORRENS
2. Sustainability Scholarship & Home Energy Assessment Audit Status and Feedback - Manager Tallarico reported
- There were no questions or comments.
3. GHG Inventory Report, 2020 Look-ahead - Manager Tallarico reported
- Manager Tallarico shared an updated version of the 2020 memo that included updated electric vehicle adoption information within the City. These data further reduced the GHG emissions.
  - Manager Tallarico also shared that the Circulation Plan is in the process of being updated, and it could be used as a tool to help promote behaviors that limit GHG emissions from transportation sources.
4. Night Sky Follow-up – Vice Chair McCann reported
- Vice Chair McCann reported that City Council recently passed Ordinance 2042 which establishes a new oversight committee for new construction which includes lighting codes. It will mean more oversight over new construction, which includes the lighting code.
  - California Energy Codes are being upgraded in 2022 which will impact Palm Springs Municipal Code

Section 93.21.00 for nighttime lighting regulations.

- The combination of these two items impacts the timing and content of the proposed recommendation to City Council for Outdoor Lighting in the City of Palm Springs.
  - Commissioner Freedman shared concern that there are rules in the zoning code and another set of rules in the municipal code, and it was unclear how any conflicts are resolved.
  - Vice Chair McCann agreed to revisit this item and revise the recommendation. It will be presented at a future Commission meeting.
5. Food Ware Ordinance Update and Discussion
- Manager Tallarico reported City Council approved the Food Ware Ordinance with the exception of clarification of some items which are listed below;
  - **Clarify language related to what paper products are allowed in 5.87.002b, which states “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.”**
    - Manager Tallarico stated he is clarifying with the hauler on which materials would be acceptable in an organic waste collection (except aluminum).
    - Manager Tallarico suggested adding a statement at the end, “subject to approval by the City.”
  - **Clarify if we need to expand the fluorinated chemical limit to other food ware.**
    - Manager Tallarico stated the current language restricts that prohibition to compostable material, but it could be in any paper or fiber-based product.
    - Manager Tallarico suggested a revision to include any fiber based product and have the reference to fluorinated chemical be broader.
  - **Clarify if “by request only” is just a request by the customer or if a vendor can ask.**
    - Commissioner Torrens stated utensils and the plastic wrapping is the biggest issue.
    - Commissioner Gauthier stated that restaurants continue to provide disposable utensils even after requesting they not be provided.
    - Commissioner Flannagan inquired about using a reusable coffee cup. As a result of COVID-19, businesses stopped using reusable cups as a safety measure.
    - Chair Clark suggested this could be a training opportunity for business owners.
    - Commissioner Baker inquired how this would affect national chains.
    - Manager Tallarico shared that Starbucks is moving towards all fiber based food ware.
  - **Confirm the definition of plastic.**
    - Manager Tallarico stated the current definition focuses on petroleum-based products and that we could allow some compostable plastic.
    - Manager Tallarico shared our consultant indicated that Cal Recycle may be putting forward some restrictions on bio-plastics, so their use as compostable material may be short lived, although it may still be a less problematic option than petroleum-based material.
    - Manager Tallarico asked the Commission if they want to exclude ‘bio’ plastics or whether to only allow “bio” plastic straws.
    - Commissioner Ocañas supports removing plastic from the ordinance in reference to straws.
  - **Potentially add a condition that disposables must be recyclable or compostable.**
    - Manager Tallarico stated that Burrtec will not be composting most of the compostable items and prefers to list items as “fiber based” which are more widely accepted since we do not have access to industrial composting.
    - Commissioner Baker inquired how fast food chains will be handled.
    - Manager Tallarico responded that other cities have these ordinances in place and fast food chains have been moving in this direction for compliance.
  - **Clarify the fee on disposable containers.**
    - Commissioner Baker has a concern for visitors and them not having reusable cups/containers with them. Manager Tallarico stated that part of the outreach to hotels is to encourage them to provide reusable materials to guests.
    - Commissioner Garratt stated to keep the process simple and to not make it overly complicated for front line workers.
    - Commissioner Baker stated this is a regressive tax which impacts lower income individuals more than high income individuals as lower income frequents to go/fast food options more

often.

- Commissioner Torrens inquired if this pertains to cups and containers. Manager Tallarico confirmed this could potentially include providing a restaurant with a reusable container for take away orders.
- **Clarify how the people on aid programs would get their fee waived.**
  - More specific language is available from other cities. Manager Tallarico stated he would research alternative language for this item.
  - There were no additional comments from the Commission.

#### **D. NEW BUSINESS**

1. FY 2021-2022 Sustainability Budget – Manager Tallarico reported
  - Manager Tallarico provided an overview of the annual budget and noted the Office of Sustainability does not receive funding from the General Fund. The Sustainability budget is a savings account and will get spent down because it does not receive funding from the General Fund.
  - Vice Chair McCann stated he would like to develop a program to retrofit outdoor lighting.
  - Commissioner Flannagan inquired if funding could be budgeted for a bicycle survey.
  - Commissioner Freedman inquired if the Home Energy Assessment program could be moved to next year's budget.
  - Commissioner Freedman requested staff inquire with DWA about turf conversion funding availability under the Governor's new programs.

#### **E. SUBCOMMITTEE AND COMMISSIONER REPORTS**

1. Standing Subcommittee on Solar and Green Building - Commissioner Freedman reported
  - Commissioner Freedman reported on the California Energy Commission (CEC) energy efficiency standards exceeding the Energy Code, known as reach codes which is detailed in the memo included in the meeting packet.
2. Standing Subcommittee on Waste Reduction – Manager Tallarico reported
  - Manager Tallarico reported the survey results are included in the packet. The results did reveal that there will be a need for education of organics and what is included in the organics collection bin.
3. Standing Subcommittee on World Environment Day – Commissioner Futterman reported
  - Commissioner Garratt reported the deadline for art submissions had been extended to May 24<sup>th</sup>.
4. Ad Hoc Subcommittee on Walkability & Pedestrian Planning – Manager Tallarico reported
  - Manager Tallarico reported the data collection phase is near completion and now moving into the analytical phase. Priorities and project ideas will be reviewed sometime in mid-June which will be followed by public meetings.
  - Chair Clark reported the next Community Advisory Committee meeting will be June 23<sup>rd</sup>.
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan reported
  - Commissioner Flanagan reported there was a meeting held with David Newell on May 13<sup>th</sup>. There is an interest in having a survey(s) to confirm the number of people biking in Palm Springs and would like to use templates from other cities in the data gathering process.
6. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann reported
  - No additional comments.
7. Ad Hoc Subcommittee on Strategic Planning and General Plan Update
  - No report.
8. Water Conservation – Commissioner Freedman reported
  - Commissioner Freedman reported DWA board met today and extended fee waivers until June 15<sup>th</sup>. DWA staff are pursuing grant opportunities for regional water conservation and DWA is working with other local water agencies on a Coachella Valley Urban Water Management Plan.
9. Wellness – Commissioner Baker reported
  - Commissioner Baker reported the Smoking Ordinance has been pushed to the June Human Rights Commission meeting.
10. Desert Community Energy, Community Advisory Committee – Commissioners Freedman reported
  - Commissioner Freedman reported the new Terra-Gen Wind project began operation on May 4<sup>th</sup>.
  - There was a recent article in the solar trade press about the solar PPA in the central valley.

- The annual True Up program ends this month and owners who generate more electricity than they consume will roll over credits less than \$100 and cash out credits over \$100.

**F. COMMISSIONER COMMENTS AND UPCOMING AGENDA**

- Commissioner Garratt shared that Walmart announced they will no longer sell bee killing pesticides.
- Commissioner Gauthier shared he would like to schedule a Commissioner retreat and review and make updates to the Sustainability Master Plan.

**G. ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at **7:11** p.m. by a motion from Commissioner Baker and seconded by Vice Chair McCann and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:30 p.m. on Tuesday, June 15, 2021, location to be determined. There is a possibility that the next meeting will be via telecommunication also. The Sustainability Commission's regular meeting schedule is at 5:30 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability