



**AGENDA**  
**NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION**  
TUESDAY, August 23, 2016  
7:00 p.m.  
AMEDEE O. "DICK" RICHARDS, JR. COUNCIL CHAMBERS  
1424 Mission Street, South Pasadena, CA 91030

Commissioners: Al Benzoni, Kay Findley, William Kelly, Scott Kuhn, Stephen Leider,  
Noah Puni, and Nancy Wilms  
City Council Liaison: Council Member Robert S. Joe  
Staff Liaison: Jennifer Shimmin

Roll Call

Approval of Minutes from Regular Meeting: July 26, 2016.

**PUBLIC COMMENTS AND SUGGESTIONS**

Time reserved for those in attendance who wish to address the Commission. All attendees should be aware that the Commission may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on a future agenda. Note: public input will also be taken during all agenda items.

**BUSINESS ITEMS**

- 1) **Polystyrene Ban (Shimmin)** – Update on the ban of polystyrene products, and review sample ordinance language. (30 minutes)
- 2) **Work Plan Review (Kelly)** - Review the status of items under the work plan adopted in 2015. (15 minutes)
- 3) **NREC 2015-16 Annual Report (Kelly)** - Approve the NREC FY 15/16 Annual Report. (10 minutes)
- 4) **Water Conservation Programs and Drought Actions (Shimmin)** - (15 minutes)

**INFORMATION ONLY** (No Discussion Required) (15 minutes)

- 5) **Urban Forest Update**
- 6) **Tree Care and Watering Article Update**
- 7) **Commissioner Training** - A recommended Commissioner training will take place on 8/24/16.
- 8) **Upcoming Events** - Household Hazardous Waste and E-Waste event August 27th, Clean Air Car Show & Green Living Expo September 10th; and the Descanso Days - Rain Barrel event September 18th.

**CHAIR COMMUNICATIONS**

**COMMISSIONER COMMUNICATIONS**

**STAFF LIAISON COMMUNICATIONS**

**COUNCIL LIAISON COMMUNICATIONS**

**ADJOURNMENT** – Next Regular Meeting – September 27, 2016

STATE OF CALIFORNIA     )  
CITY OF SOUTH PASADENA     )  
COUNTY OF LOS ANGELES     )

I declare under penalty of perjury, that I am an employee of the City of South Pasadena, and that I posted this Agenda on the bulletin board in the courtyard of the City Hall at 1414 Mission Street, South Pasadena on 8-18-16, as required by Law.

Date: August 18, 2016     Signature: [Handwritten Signature]

**South Pasadena Expanded Polystyrene Ordinance Sample Language**

Need to check definition usage and consistency

Needs to be written, please ignore these sections

*For possible consideration*

**Chapter 16.40 Expanded Polystyrene Disposable Food Service Ware Ban****16.40 Purpose****16.41 Definitions****16.42 Prohibition of Expanded Polystyrene Food Service Ware****16.43 Exceptions****16.44 Enforcement****16.45 Effective Date****16.46 No Conflict with Federal and State Law****16.40 Purpose**

The purpose of this Chapter is to establish standards and procedures for environmental waste and litter reduction measures, and promote environmentally sustainable practices throughout the City by prohibiting the use and sale of expanded polystyrene food service ware by Vendors within the City of South Pasadena and in City Facilities, city-managed concessions, city-sponsored events, city permitted events and all franchisees, contractors and vendors doing business with the City.

**16.40 Definitions**

As used in this chapter, the following terms and phrases shall have the following meanings:

1. "City Facilities" shall mean any building, structure, or vehicle owned or operated by the City of South Pasadena, its agents, agencies, departments, and franchisees.
2. "Customer" shall mean anyone purchasing food or beverages from a Restaurant or Retail Food Vendor.
3. "Disposable Food Service Container" shall mean single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.
4. "Expanded Polystyrene" (EPS) shall mean polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam. EPS is sometimes called "Styrofoam", a Dow Chemical Co. trademarked form of polystyrene foam insulation.

5. “Food packager” shall mean any person, located within the City of South Pasadena, who places meat, eggs, baked products, or other food in packaging materials for the purpose of retail sale of those products.

6. “Food Provider” shall mean any Person or place that provides or sells Prepared Food within the City of South Pasadena to the general public to be consumed on the premises or for take-away consumption. Food Provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where Prepared Food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider also includes any organization, group or individual that regularly provides Prepared Food to its members or the general public as a part of its activities or services.

7. “Non-profit food provider” shall mean a recognized tax exempt organization which provides food or beverage as a part of its services.

8. “Person” or “anyone” shall mean any natural person, firm, corporation, partnership, or other organization or group however organized.

9. “Polystyrene” shall mean and include expanded polystyrene, which is a thermoplastic petrochemical material 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).

10. “Polystyrene food packaging” shall mean any food packaging which contains polystyrene foam or oriented polystyrene.

11. “Prepared food” shall mean food or beverages which are served, packaged on the Vendor’s premises without preparation or are prepared on the Vendor’s premises by cooking, chopping, slicing, mixing, brewing, freezing, or squeezing. Prepared food may be eaten either on or off the Vendor’s premises. For the purpose of this ordinance, “Prepared Food” does not include raw, butchered, ground, chopped, or sliced meats, fish, and/or poultry sold from a butcher case or similar retail appliance for subsequent preparation.

12. “Restaurant” shall mean any establishment located within the city of South Pasadena selling prepared food to be eaten on or about its premises by customers. “Restaurant” includes a sidewalk food vendor.

13. “Retail vendor” shall mean any store, shop, sales outlet, or other establishment which sells food packaging.

#### **16.42 Prohibition of Expanded Polystyrene Food Service Ware**

a. No restaurant, retail vendor, food packager, retail food vendor, or non-profit food provider shall provide Prepared Food to its customers in any food packaging which utilizes Expanded Polystyrene; or purchase, obtain, keep, distribute, sell for home or personal use, or give, serve, or otherwise provide to customers any food packaging which utilizes Expanded Polystyrene.

b. No Food Provider shall distribute or sell Prepared Food in any Disposable Food Service Ware made of EPS at any location within the City, unless it is wholly encapsulated or encased within a more durable material, as exempted in Section 16.43. This specifically includes, but is not limited to, cups, plates, bowls, clamshells and other products intended primarily for food service use, as well as coolers, containers and, ice chests.

c. No Person shall distribute or sell Prepared Food in any Disposable Food Service Ware made of EPS at City Facilities that have been rented, leased or are otherwise being used with permission of the City. This subsection is limited to use of City Facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City Facility. All facility rental agreements for any City Facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Disposable Food Service made of EPS while using City Facilities. *The facility rental agreement shall indicate that a violating contractor's security deposit will be forfeited if the City Manager or his designee determines that Disposable Food Service Ware made of EPS was used in violation of the rental agreement.*

d. No Person shall use or distribute Disposable Food Service Ware made of EPS at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, City Contractors, Food Providers and any other Person that enters into an agreement with one or more of the function sponsors to sell or distribute Prepared Food or otherwise provide a service related to the function.

e. The City, its departments, and its City Contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Disposable Food Service Ware made of EPS, or distribute it for public use.

f. *All Food Providers required by this Code to have a business license shall certify compliance with this chapter on the annual business license renewal application.*

### **16.43 Exceptions**

a. Food items which are packaged outside the boundaries of the City, provided that such food is not altered, packaged or repackaged within the City limits, are exempt from the provisions of this chapter. *Purveyors of food prepared or packaged outside the City are encouraged to follow of the provisions of this Chapter.*

b. The City Manager or his/her designee may exempt any Person from section 16.42 following the operative date of this ordinance, as follows:

1. A request for an exemption shall be filed in writing with the City Manager or his/her designee and shall include documentation of the reason for the claimed exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.
2. The City Manager or his/her designee may approve the exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship shall be construed to include but not be limited to situations where:
  - a. There are no reasonable alternatives to Polystyrene Food Service Ware for reasons that are unique to the applicant; or
  - b. Compliance with the requirements of this chapter would deprive a person of a legally protected right. The exemption may be extended for additional terms of up to one year each, upon a showing of the continuation of the legal right.
3. The City Manager's written decision on the exemption is effective within 10 days of the decision. Decisions of the City Manager may be appealed by the Person applying for the exemption to the City Council. Appeals shall be filed in writing with the City Clerk within 10 days of the decision and shall be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least 10 days prior to the hearing. The City Council shall make its decision within 60 days of receiving the appeal.

c. Food packaging required to be purchased under a contract entered into one year prior to the effective date of this chapter is exempt from the provisions of this chapter. This exemption will apply up to one year from the effective date of this chapter.

d. Food brought by individuals for personal consumption to City Facilities, including but not limited to City parks, and centers, provided that the City Facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by Section 16.42 (d-e).

e. EPS coolers and ice chests that are intended for reuse are exempt from the provisions of this Chapter.

*f. The City Manager or his/her designee may also determine to exempt from the requirements of this Chapter the procurement of supplies or services in the event of a proclaimed emergency or when otherwise deemed necessary by the City Manager for the immediate preservation of the public health, safety, or general welfare.*

g. *Food provided by the South Pasadena Unified School District under its official food service program.*

h. *Medical supplies and services.*

i. *Construction products made from EPS if the products are used in a manner that prevents the Polystyrene from being released into the environment.*

#### **16.44 Enforcement**

a. The City Manager or his/her designee shall have primary responsibility for enforcement of this chapter. The City Manager or his/her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance.

b. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.

c. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

d. The remedies and penalties provided in this section are cumulative and not exclusive of one another.

#### **16.45 Violations**

Violations of this chapter shall be punishable as follows:

1. For the first violation, the City Manager or his/her designee, upon a determination that a violation of this chapter has occurred, shall issue a written warning notice to the vendor or food packager which will specify the violation and the appropriate penalties in the event of future violations.

2. Thereafter, the following schedule shall apply:

a. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given in a one-year period;

b. A fine not exceeding two hundred dollars (\$200.00) for a second violation after the warning notice is given in a one-year period.

c. A fine not exceeding five hundred dollars (\$500.00) for the third violation after the warning notice is given in a one-year period. Any violation of this chapter shall constitute sufficient grounds for the revocation, suspension,

denial or non-renewal of a business license issued by the city, held by the violator for the location at which the violation occurs.

**16.46 Effective Date**

a. No food provider shall distribute or utilize disposable food service containers containing expanded polystyrene on or after one year following the adoption of this ordinance by the City Council.

b. *No City facilities, City managed concessions, City sponsored events or City permitted events shall distribute or utilize disposable food service containers containing expanded polystyrene on or after the effective date of this ordinance.*

**16.47 No Conflict with Federal and State Law**

a. Nothing in this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

b. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that anyone or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**City of South Pasadena  
Commission Review & Input for the Strategic Plan**

<b>Commission:</b>	Natural Resources and Environmental Commission
<b>Meeting Date:</b>	December 28, 2014
The City will hold a Citizen's Seminar at the South Pasadena Library Community Room on February 7, 2015.	
<b>Please designate one commissioner as the Commission representative to attend the meeting and provide the input in case any questions or need clarification arises.</b>	
<b>Commission Representative:</b>	Kim Hughes
<b>Goal 1:</b>	Water: The Natural Resources and Environmental Commission (NREC) recommends that the City of South Pasadena (City) continue to focus on water conservation and ensure that funding is maintained from the water conservation fees to support customer incentives and rebates. The efficient toilet installation program and a turf replacement program have been well received, and these and other conservation efforts should continue to be supported to reduce water use in the City. The City itself should focus on reducing its water use by replacing grass in street medians and reducing water use at all City properties, especially parks and the golf course. The Senior Management Analyst (Analyst) should be supported in completing business and residential water audits and other efforts to reduce water consumption. The Analyst should provide progress reports to the NREC and to City management on how the City is progressing in reducing water use, as well as how water conservation programs are meeting goals and budget expectations.
<b>Goal 2:</b>	Energy: The NREC recommends that the City focus on improving electrical energy efficiency, as saving energy reduces costs for the City and is beneficial to the environment. Electrical costs relating to the pumping of the City's water supply is one of the City's largest expenditures, hence any improvement in pumping water to and from City reservoirs should be considered. Other areas that can be investigated for energy efficiency include lighting at the golf course, tennis courts, stables, sports fields and other City facilities with upgrades of lighting to more efficient fixtures and bulbs, as well as education of staff and residents, particularly those using the sports facilities, on the value of turning off lights when facilities are not in use. In addition, in light of the improving economics of photovoltaic energy, the City should expedite assessing the feasibility of installing solar systems on City properties, such as at the rebuilt Garfield Reservoir. City staff should work with the NREC to develop a request for proposal from solar energy companies to study city properties and propose the best options for reducing electricity. To this end, the City should initiate an ad-hoc Sustainable Energy Committee to help with exploring this and other renewable energy opportunities.
<b>Goal 3:</b>	Urban Forest: The NREC recommends that the City continue its support of the tree maintenance program, including the inspection and trimming of trees on City property on a timely basis. The Commission requests that the City explore a mechanism to better enforce the City's tree ordinance, including trimming. NREC recommends that City staff evaluate which City-owned trees need supplemental watering due to existing drought conditions and develop a proposal to provide the additional water. NREC wishes to work with staff to ensure that an acceptable tree planting, management and maintenance plan is in place prior to the commencement of the new tree planting program, keeping in mind, "Right Tree – Right Place". There must be oversight, audits and matrixes, in order to ensure compliance and accountability.



Item No. 2

**South Pasadena Natural Resource & Environmental Commission  
2016-17 Work Plan  
(April ??, 2016)**

Project	Goal	Description of Project & Justification	Lead Commissioner	Target Date for Completion
Styrofoam Container Ban	Reduce waste/improve environment	Recommend that the city adopt an ordinance to ban use of styrofoam containers by restaurants. Affordable substitute containers are readily available and many other California cities already have done so.	Noah Puni	June 2016
Graywater Ordinance for New Construction	Create water efficient infrastructure in city	Recommend that the city adopt an ordinance requiring installation of graywater-ready plumbing or systems when new homes and buildings are constructed for landscape watering. This is needed because California has reached a permanent water supply limit and must use the scarce resource more efficiently to accommodate growth.	Al Benzoni	June 2016
Cool Roofs	Raise awareness and promote energy savings from using energy efficient roofing materials	Recommend that the city adopt an ordinance to encourage use of cool roofing materials with the end goal of reducing energy consumption used to cool living spaces. This would be similar to LA county's ordinance 183149.	Al Benzoni	November 2016
Tree code and permits	Align the tree trimming and removal related code and practices	Modify existing tree code and related documents to reflect current and best practices. Add all tree permits to new/future system.	TBD	December 2016

Review of drinking water pipes	Infrastructure improvement and drinking water safety	Identify which, if any, service lines are lead-based, inspect condition of those lines and ensure proper drinking water treatment to ensure no Flint-style tragedy happens in our city. (I suggest this with no information on whether the city already has this information or not.)	Nancy Wilms	TBD—need to discuss timing and prioritization with City staff
Maintain urban forest	Preserve urban forest	This is essentially what was articulated as Goal 3 in the NREC's 2015 goals		On-going
Green infrastructure	Improved stormwater management and related environmental benefits	This might not be such a great idea anymore since El Nino didn't materialize, but I do think looking for opportunities to install green infrastructure makes sense for lots of reasons, including reduction of stormwater runoff which carries trash, bacteria etc (when we have rain). The patchwork of natural areas provides habitat, cleaner air and cleaner water. Elements to consider include rain gardens, downspout disconnection, bioswales, permeable pavements, green parking, green roofs etc.	Nancy Wilms	On-going
Resident Responsibilities	Improve personal and community responsibility for green properties	Increase awareness and improve residents' feelings of responsibility for personal yards as well as nearby parkways, parkland, arroyo spaces and natural vegetation throughout the community.	Kay Findley	December 2016

2/11/16

**Date:** August 23, 2015  
**To:** Honorable Mayor and Members of the Council  
**From:** William Kelly, Chair, Natural Resources and Environmental Commission  
**Re:** **Fiscal Year (FY) 2015-16 Annual Report of the Natural Resources and Environmental Commission (NREC)**

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The NREC assists the City of South Pasadena (City) in the planning, programming, use, and conservation of energy and natural resources, as well as administers the City's tree ordinance.

The NREC is comprised of a diverse group of community volunteers to help provide guidance on all matters pertaining to energy, science and technology, and natural resources and the environment. The FY 2015-16 NREC is comprised of: Al Benzoni, Kay Findley, William Kelly, Scott Kuhn, Stephen Leider, Noah Puni, and Nancy Wilms.

### **NREC FY 2015/2016 Accomplishments**

#### **Water Conservation**

- Worked with the Senior Management Analyst on outreach programs and education, including incentives to convert turf areas to water wise landscapes, the installation of high-efficient toilets, and more.
- The NREC continued to look at ways to reach the state-mandated goal of reducing water by 26% through 2017, a goal which the City continued to meet and exceed. Also supported continued reduction goals once the state mandates expire.
- Supported conservation workshops, as well as free mulch and compost giveaways held for the community.
- Participated in the City's "Green Living Expo" held before one of the summer concert events. Environmentally-focused vendors and the City's environmental programs helped educate the community on conservation issues. The NREC had an outreach presence at all five summer concerts.
- Continued to promote the installation of California Friendly landscaping on the medians on Huntington Drive and Fair Oaks Avenue.
- Continued supporting water conservation programs and projects.
- Continued to review the feasibility of, and guidelines for, grey water use in new construction.
- Continued to monitor the reservoirs and other infrastructure projects.

#### **South Pasadena Urban Forest**

- Reviewed a residential tree removal appeal.
- Continued to review the new tree planting plan, and monitor the establishment of planted trees and the general health of the South Pasadena Urban Forest.

- Continued reviewing and providing comments on the West Coast Arborist (WCA) contract.
- Provided oversight of the City's tree trimming, removal, replacement and maintenance program, and advocated for the "right tree in the right place."

**Polystyrene 6/Styrofoam Ban** - Continued to evaluate and advance further development of a potential ban on certain Polystyrene 6/Styrofoam products.

**Improved City Landscape Opportunities** – Continued to monitor the City's landscape at the Arroyo Seco Golf Course, City medians, and various parks in order to find ways to reduce water use, utilize environmentally products and to better protect our urban forest.

**Renewable Energy** – At the direction of City Council, the NREC supported usage of renewable energy and the Renewable Energy Council.

**4<sup>th</sup> of July Parade** - Participated in the 4<sup>th</sup> of July Parade displaying a custom banner promoting native plants and water conservation.