

MINUTES
ENVIRONMENTAL SUSTAINABILITY SUBCOMMITTEE
SPECIAL MEETING
MAY 13, 2019
COUNCIL CHAMBERS
2:00 P.M.

CALL TO ORDER

Mayor Wagner called the meeting to order at 2:15 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jefferson Wagner and Councilmember Skylar Peak

ALSO PRESENT: City Manager Reva Feldman; Community Services Director Jesse Bobbett; Environmental Sustainability Director Craig George; Environmental Programs Coordinator Shea Cunningham; Environmental Sustainability Analyst Christine Shen; Community Services Deputy Director Kristin Riesgo; Environmental Programs Coordinator Mark Johnson; and Executive Assistant Mary Linden

APPROVAL OF AGENDA

MOTION Councilmember Peak moved and Mayor Wagner seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on May 8, 2019.

DISCUSSION ITEMS

ITEM 1 Approval of Minutes – January 22, 2018
Staff recommendation: Approve the minutes of the Environmental Sustainability Subcommittee Special meeting of January 22, 2018.

MOTION Councilmember Peak moved and Mayor Wagner seconded a motion to approve the minutes of the Environmental Sustainability Subcommittee Special meeting of January 22, 2018. The motion carried unanimously.

ITEM 2 Earth Friendly Management Policy (EFMP)
Recommended Action: 1) Review the proposed Draft Earth Friendly Management Policy and the original Draft Earth Friendly Management Policy submitted by Poison Free Malibu; and 2) Provide a recommendation

to the City Council concerning adoption of an Earth Friendly Management Policy.

Community Services Director Bobbett presented the report. He discussed the Community Services Department's activities related to management of pests at City parks and facilities. He stated the Department had supported and complied with the Council's direction to fully ban the use of pesticides and rodenticides at City parks and facilities. He discussed concerns with trapping at parks, burrows, and ground rodents. He suggested the Subcommittee recommend the Council keep emergency language in the Draft Earth Friendly Management Policy allowing the temporary use of trapping or pesticides during an emergency or circumstances related to public welfare, public safety or the protection of public facilities, as declared by the City Manager, City Council or the Los Angeles County Department of Public Health. He clarified those temporary measures would only be applied with Council authorization and were needed to protect the City from liability during an emergency or circumstance related to the public welfare, public safety or the protection of public facilities.

Councilmember Peak stated his intention was to get this passed as soon as possible. He stated it was unfortunate it had not been accomplished sooner.

June Louks thanked the Subcommittee for acknowledging the time that has lapsed since the issue was first addressed. She stated the school district had assured the community that no more pesticides would be allowed at Malibu High School except for rare exceptions, but instead it had become a daily habit. She express support for the Poison Free Malibu (PFM) policy.

Joel Schulman deferred his time to Kian Schulman.

Kian Schulman presented information on the PFM-proposed policy. She stated synthetic pesticides proposed by staff included poisons that could lead to serious health problems. She discussed the death of P-47, a recently deceased mountain lion. She reiterated that she did not want herbicides and pesticides to be used. She discussed the history of the EFMP process. She requested the Parks and Recreation Commission be tasked with oversight of the policy.

Patt Healy indicated support for the EFMP prepared by PFM. She stated Malibu could help in small ways to reduce danger to the whole earth. She read from a Time Magazine article about serious damage to the planet's plants and species caused by people.

Keegan Gibbs supported PFM's work on the EFMP. He stated exemptions for unforeseen causes should not exist. He stated it was important to draw

the line. He commended the Council for being earth friendly. He expressed concern that allowing exemptions opened the door for future Councils to allow the use of pesticides. He stated the trash bin lid lock ordinance was related to the cause of rodent issues.

Sherman Baylin stated she fully supports PFM. She stated exemptions were loopholes for future killing. She suggested Malibu Strong should include no to pesticides, no to killing, and yes to implementing the PFM EFMP. She thanked Ms. Schulman.

Linda Gibbs stated she supported only the PFM plan and did not support any exemptions. She stated states across the country were passing healthy soils acts and California's act was tied to carbon credit programs. She stated everything done to the surface of the soil affected the health of the entire ecosystem. She recommended the City follow the five healthy soils principles. She supported adopting the EFMP proposed by PFM as written or to make it stronger by adding the five healthy soils principles.

Judy Villablanca expressed strong support for the PFM policy with no exemptions and including oversight. She stated the dumpster lock ordinance needed to be implemented. She requested staff provide a timetable for implementation and that the City Manager provide updates to the Council.

Lance Simmens discussed 18 principles in the previous PFM policy. He suggested those 18 principles be incorporated in the City policy. He discussed his involvement in the Office of Sustainable Government. He stated there was no greater crisis facing humanity than environmental degradation. He stated we must do anything in our power to ensure our children's lives are at least as good as or better than we had.

In response to Councilmember Peak, Ms. Schulman stated there were 10 comments that needed to be brought back into the City policy. She stated the main concern was the City's return to synthetics. She expressed disappointment that the oversight committee had been demolished. She thanked Environmental Sustainability Director George for providing the framework for the PFM policy. She suggested adding earth friendly and green language for a unified policy.

Councilmember Peak suggested staff incorporate PFM's requests into the policy and have it placed on the next City Council agenda.

Mayor Wagner commended PFM for the support expressed at today's meeting. He thanked Environmental Sustainability Director George for working with PFM.

Councilmember Peak thanked staff for its work on the policy.

Environmental Sustainability Director George thanked Ms. Schulman. He stated staff supported being poison free but acknowledged differences in how the policy would be implemented and how the program would operate.

Councilmember Peak suggested staff prepare a pamphlet that people would have to sign when applying for any conditional permits issued by the City stating that no pesticides or rodenticides would be used, all dumpsters would have locks, and acknowledging that violations would result in revoking the permit.

Environmental Sustainability Director George stated that type of permit restriction would have to be reviewed by the City Attorney regarding enforceability.

Councilmember Peak stated he would want it to only be a condition for permits, including building permits or restaurant operational permits.

Mayor Wagner suggested language in initial study include that there would be no grandfathering on leases of City properties. He stated conditional permit requirements would transfer to any new leaseholder.

ITEM 3

Enhanced Dumpster Enforcement Program

Recommended Action: 1) Receive a report on the Enhanced Dumpster Enforcement Program, which addresses the issue of sanitary conditions in and around trash enclosure areas; and 2) Provide a recommendation to the City Council on enforcement of dumpster regulations of Malibu Municipal Code (MMC) Chapter 8.32, Solid Waste and Recyclable Materials, through the Enhanced Dumpster Enforcement Program.

Environmental Sustainability Director George stated the current ordinance allowed the City Manager to require locks on dumpsters. He stated it could be included in a review of the Clean Bay Restaurant program. He stated the program had been reviewed with PFM and the City's waste companies. He stated there were pitfalls for enforcement if all bins were required to be locked.

Environmental Sustainability Analyst Shen presented the report. She stated the goal of the program was to improve cleanliness, prevent the presence of rodents, and discourage the use of poisons. She explained the current MMC regulations. She stated poor best management practices (BMP) in the field were often the result of businesses trying to cut costs. She stated the problems would not be completely resolved with locks. She expressed the need for proper training. She stated staff recommended the enhanced

program, which stressed education and enforcement, with locks required on a case by case basis. She stated all commercial property owners and businesses had been sent letters, and staff visited over 56 businesses since last summer. She thanked the City's haulers for working with staff to help identify problem businesses. She introduced Mike Smith of Waste Management and Gabriel Chavez of Universal Waste Systems.

Gabriel Chavez, Universal Waste Systems, applauded PFM for its work to eradicate poisons in the City. He commended Malibu for being a pacesetter for environmental issues. He stated one of biggest issues for haulers was rats around bins. He discussed the lack of education and training, and the need for stronger enforcement of existing policy. In response to Councilmember Peak, Mr. Chavez stated metal lids were problematic, as they were easily damaged or bent and were more likely to cause injuries. He stated the metal lids were also too heavy for many individuals to lift, which led to waste being left on top of or next to the closed bins.

Mike Smith, Waste Management Director of Operations, commended the hard work already done by the City and residents. He stated locked lids at facilities with multiple employees and multiple shifts were not consistently managed. He agreed with Mr. Chavez that metal lids were very heavy and also very loud. He stated he would continue to work with City staff and share information with Waste Management drivers. He agreed education was necessary. He stated Waste Management would charge for clean-up and would send the information to the City.

Linda Gibbs agreed about the importance of not providing food for rats. She stated roll bars helped locked lids fit more tightly. She suggested better quality, rat-proof plastic bins and lids because they did not warp and helped prevent rodents from chewing through the bins.

Ms. Schulman discussed her work with 10 cities on this issue. She stated the primary cause of rats was unlimited food supply due to poor bins and management. She stated she visited every business in Malibu about closing lids. She discussed problems from turnover of employees and management. She discussed unauthorized access to the bins. She stated gaps between lids and bins and overstuffing were the main problems. She agreed with Ms. Gibbs about requiring locks and roll bars.

Jeff Peterson, Geoffrey's Restaurant, stated he used snap traps at home and work. He stated boxes must be broken down to keep lids closed. He stated he believed rats accessed the bins more from holes in the bottom than from the top. He stated nothing should be left on the ground. He stated owners and managers must stay on top of their employees.

Councilmember Peak agreed employee education was important. He asked how bins were provided to businesses and restaurants and if food waste was required to be separated. Mr. Gomez explained requirements for food waste separation. Councilmember Peak suggested requiring cardboard containers.

Mr. Smith discussed State and local requirements for recycling. He discussed the City's food waste program. He stated most locations in Malibu did not have sufficient space for the required bins and enclosures.

Councilmember Peak expressed concern about response from local businesses to the new lid lock ordinance and related fines. He suggested bins be labeled with what goes in the bin and a phone number to call if a bin was overloaded. He questioned if there would be a fine for overloading bins.

Mayor Wagner stated an education program like the Clean Bay Restaurant program was necessary. In response to Mayor Wagner, Mr. Smith agreed with allowing customers to increase service rather than paying fines. He stated employers needed to train new employees. He stated mixed waste bins with open lids created problems with rodents. He stated most customers added locks to prevent others from using their bins. He agreed that roll bars were helpful. He stated he agreed with the proposed program.

Councilmember Peak suggested requiring locking lids that must be locked during non-operating hours for any establishment with food products. He expressed concern that it would result in people placing waste on top of the locked bins.

In response to Councilmember Peak, Mr. Peterson stated leaving bins unlocked during business hours would be preferred.

Environmental Sustainability Director George stated staff was working with the haulers to have truck drivers report to the City about non-compliance. He agreed with Mr. Smith that many businesses did not have enough space for dumpsters, and many more did not have sufficient space to place dumpsters in enclosures.

Councilmember Peak reiterated his suggestion to require locking lids on any bins where food products are sold and that they be required to be locked during non-business operating hours. He stated that would prevent people from rifling through dumpsters. He acknowledged challenges businesses faced with inadequate space and educating staff.

Mr. Chavez discussed the problems of people placing trash on or next to nearby trash bins when bins were locked or overloaded. He suggested further enforcement of State laws, especially with relation to food waste

disposal. In response to Environmental Sustainability Director George, Mr. Chavez stated it was possible to require locks only on food or organic waste bins. He noted that people usually did not go through organic waste bins.

Environmental Sustainability Analyst Shen stated the City looked out for organic waste recycling and referred businesses to the waste haulers.

Councilmember Peak recommended the approval of the Enhanced Dumpster Enforcement Program for enforcement of the City's dumpster regulations with the addition of requiring any food establishment to have a food waste recycling program.

Mayor Wagner asked if the Clean Bay Restaurants program met the requirements of State law.

Councilmember Peak recommended signage be placed on every steel waste bin, including those at construction sites, and that those bins must be closed.

Environmental Sustainability Director George stated building inspectors issued notices of violation (NOV) at construction sites for bins with no lids.

Mr. Chavez discussed a site visit regarding an NOV sent to a property management company. He stated the management company responded with photos. He stated the site was cleaned up the next day, but lids were left propped open. He reiterated the need for educating tenants and employees.

In response to Councilmember Peak, Mr. Smith said decals worked fine on bins.

Councilmember Peak suggested including images on the decals with instructions in both English and Spanish. He stated businesses eventually would realize a cost savings from keeping bins and enclosures clean.

Mr. Smith stated they would check every restaurant to establish how many needed locking bins.

Mayor Wagner commended Mr. Peterson and Mr. Chavez.

Ms. Schulman stated food markets and shopping malls needed to be contained.

Joel Schulman expressed concern about enforcement. He stated haulers should not be responsible. He suggested fines would be the City's best tool. He requested the City report back in six months.

Councilmember Peak stated the program had to be approved by the City Council and may include quarterly reports. He thanked Mr. Smith and Mr. Chavez for their assistance with education.

Ms. Schulman stated overstuffing was a constant problem, and the only solution was a roll bar and lock.

Councilmember Peak restated that dumpsters with locks and roll bars should be locked during non-business hours at all food establishments, including shopping centers with food establishments. He suggested enforcement should be a warning first and then a fine. Environmental Sustainability Director George confirmed that was how the proposed program was set up.

Mr. Chavez stated many larger restaurants had multiple 32- to 64-gallon food waste bins. For example, he stated Duke's has nine of each size.

Councilmember Peak stated trash and recycling bins should be the focus.

Mr. Smith agreed with Mr. Chavez that problem areas were shopping centers with multiple businesses, each with multiple employees. He stated not all employees were educated or using equal care.

Councilmember Peak stated education was the tenants' responsibility. In response to Councilmember Peak, Mr. Chavez stated multiple locks on a bin would be a problem.

Environmental Sustainability Analyst Shen requested clarification of whether the Subcommittee wanted to move away from the three-step approach and require locks.

Councilmember Peak suggested presenting two options to the Council. He stated he wanted to avoid too much staff time.

Mr. Smith stated the there-step approach was the best way to ease businesses into the program.

Councilmember Peak discussed the connection between trash bins and the EFMP. He suggested making clean and sanitary trash areas a requirement for Clean Bay Restaurant certification.

Mayor Wagner agreed with making that a requirement for Clean Bay certification.

CONSENSUS

By consensus, the Subcommittee recommended adding compliance with MMC 8.32.660 – Containers, Commercial and Industrial, requiring clean and sanitary trash areas as a mandatory criterion for Clean Bay Restaurant certification.

ITEM 4 Presentation on Malibu Smart – Proposition 84 Integrated Regional Water Management Comprehensive Water Conservation Project

Recommended Action: Receive and file presentation on Malibu Smart, Proposition 84 Integrated Regional Water Management Comprehensive Water Conservation Project.

Environmental Sustainability Analyst Shen introduced the item. Maureen Erbeznik, Dick Jones Communications, consultant for West Basin Municipal Water District, presented an overview of the Malibu Smart program.

Councilmember Peak requested that numbers be broken down by acre and type of property for better comparison.

Ms. Erbeznik discussed the firescaping educational initiative.

Councilmember Peak requested the initiative be offered in both English and Spanish.

Ms. Erbeznik discussed rebates that were currently available. She stated they were looking for influencers in the community who would work with them to get the information out to the community.

Councilmember Peak requested the consultants speak to the Council at a Council meeting.

CONSENSUS

By consensus, the Subcommittee received and filed the presentation on Malibu Smart, Proposition 84 Integrated Regional Water Management Comprehensive Water Conservation Project.

ADJOURNMENT

MOTION At 3:57 p.m., Councilmember Peak moved and Mayor Wagner seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Environmental Sustainability
Subcommittee of the City of Malibu on September 3, 2019.



JEFFERSON WAGNER, Mayor

ATTEST:



MARY LINDEN, Executive Assistant