A G E N D A
CITY OF SEASIDE
ENVIRONMENTAL
COMMITTEE

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Tuesday, March 12, 2019
5:30 PM

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. ENVIRONMENTAL COMMITTEE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

A. APPROVE MINUTES OF FEBRUARY 12, 2019

7. BUSINESS ITEMS

A. INTRODUCTION OF THE CSUMB SERVICE LEARNING TEAM

RECOMMENDATION: Introduction of the CSUMB service learning team led by Maddie Maurer.

B. FORT ORD REC TRAIL AND GREENWAY (FORTAG) PRESENTATION BY FRED WATSON

RECOMMENDATION: The purpose of this item is for the Environmental Committee to receive a presentation by Fred Watson, FORTAG proponent and CSUMB professor.

C. OVERVIEW OF THE CITY'S NATIONAL POLLUTANT DISCHARGES ELIMINATION SYSTEM (NPDES) PERMIT, AKA STORM WATER DISCHARGE PERMIT AND HOW THE MONTEREY REGIONAL STORM WATER MANAGEMENT PROGRAM SUPPORTS CITY'S AND THE PENINSULA'S PUBLIC EDUCATION AND PUBLIC OUTREACH EFFORTS.

RECOMMENDATION: The purpose of this item is for the Environmental Committee to receive a presentation by Scott Ottmar, City of Seaside Senior Civil Engineer, and Jeff Condit, Monterey Regional Stormwater & Education Alliance.

D. BEE CITY USA RESOLUTION

RECOMMENDATION: The purpose of this item is for the Environmental Committee to review and approve the draft Bee City Resolution that Seaside will submit as part of their application to BeeCityUSA.

E. EPP SUB-COMMITTEE UPDATE

RECOMMENDATION: Update committee on session completed during last meeting, consensus regarding approach to the ordinance, and establishment of regular meeting date and time.

8. REPORTS FROM COMMISSIONERS

A. EARTH DAY SIGN-UP

RECOMMENDATION: The purpose of this item is for an Earth Day sign-up sheet to be provided to the committee members.

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
April 9, 2019
Seaside City Hall
5:30PM

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DRAFT MINUTES

CITY OF SEASIDE
ENVIRONMENTAL COMMITTEE

REGULAR MEETING
COUNCIL CHAMBER

Tuesday, February 12, 2019
5:30PM

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1. CALL TO ORDER

The meeting was called to order at 5:30 pm.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Abraham-Panni, Raak, Hawran, Murphy, Coble, Del Valle
ABSENT: Molle

3, ENVIRONMENTAL COMMITTEE

Resignation of Christine Revelas provided by Lacey Raak.
Introduction of two new Committee members: Jeremy Hawran and Mariana Del Valle.

4, REVIEW OF AGENDA

Moving Business Item 7E to earlier in the agenda.

5. PUBLIC COMMENT

Catherine Crockett with Sustainable Seaside spoke regarding Earth Day on April 28th.
Raak informed her that Earth Day will be discussed in item 7E.

6. APPROVAL OF MINUTES

A. APPROVE MINUTES FROM NOVEMBER 13, 2018

On motion and seconded, minutes passed by a unanimous vote; the minutes for the January 8, 2019 meeting were approved. Date and time corrected.

7. BUSINESS ITEMS

A. CAPSTONE PROJECT UPDATE FROM MADDY MAURER, CSUMB ENVIRONMENTAL COMMITTEE SERVICE LEARNING STUDENT

Maddy Maurer provided a brief overview on CSUMB Service Learning Fair to find Service Learning Students (SLS) join her team. Professors want her to incorporate a more global perspective in her research, focusing on how local waste is being exported and tie that into environmental justice. SLS who join will play a large role in the research, outreach to local businesses, etc. Green Business Certification pursued for City of Seaside and how Seaside can be a designator. Requested input on SLS work priorities and outreach.

Committee Input

Abraham-Panni: Research tasks: affordable alternatives with WMD supplier list, existing code language and draft amendments defining "affordable," based on cost increase. What's the feasibility of purchasing desired products? What is the cost differential and fiscal impact on businesses?

Raak: Question – Focus of research has changed based on professor guidance, so are there a set of standards or requirements for you (student) that can be shared so we can recommend academic-compatible suggestions?
Maddy: Service learning is more flexible than internships.

Public Comment: NONE

E. EARTH DAY CELEBRATION DISCUSSION
Raak: Let's hear from the community on what the Earth Day celebrations are about and how we can collaborate.
Catherine Crockett: Co-sponsor with City of Seaside, FOSPA, and the NIPC committee. We also want to plan a clean-up event at Robert's Lake from 1-2pm. We expect to have 20-25 community organizations with booths. Promote EPP code changes.
Raak: How can we support?
Crockett: Suggestions for clean-up event? Seastars?
Coble: Date? Sunday April 28th, 2-4pm
Murphy: Clarification on clean-up event and how we can help?
Crockett: We want to let everyone know what's going to be happening and offer up ideas for the event to make it as strong and inclusive as possible.
Raak: Think Beyond Plastic will be good to connect with for the event. Also, that the Env Committee have a booth. Audit litter pick-up to inform single-use plastics policy.
Staff Liaison Rocha: Last year we provided tree code information at the EC booth and a craft project for kids. Let's have better EC attendance and participation at the Earth Day event. On 4.20, I've arranged for MPC professor Peter Quintanilla to invite his tree pruning class to Broadway to get some hands-on experience doing structural pruning of the New Zealand Christmas trees. We will also mark other trees to guide the contractor on which branches to remove for the rest of the trees on Broadway. Spanish speakers will be accommodated. We hope to reach out to the public to listen in on the pruning guidance.
Molle arrived.
Molle: Clarified homeowner participation and outreach.

Public Comment: NONE

B. PROPOSED EDIT TO THE PREVIOUSLY APPROVED MEMORANDUM OF SUPPORT REGARDING THE CARBON FEE AND DIVIDEND BILL
Staff Liaison Rocha: The EC approved a memo to City Council and the HR bill number has changed, so this is for the EC to consider updating the new HR bill number.
Molle motioned to rescind original, update number and approve, second: Coble, unanimously passed.
Public Comment: NONE

C. BEE CITY USA RESOLUTION
Staff Liaison Rocha: The Bee City USA Reso was provided, so I plugged in all required info. The responsibilities and obligations of the Bee City USA designation will be something the Env Comm will take on: publicity, website info, expanding pollination-friendly habitats, IPM plans, policy in general plan, annual report. We found out Seaside doesn't use pesticides in parks. I need input on why Seaside should be considered a

Bee City USA for consideration in our application. Please provide feedback on bulleted blanks
Molle: How would you prefer the feedback, verbally or email? I suggest we include the recent city code change regarding beekeeping by-right and a lot of Seaside's land is wild habitat: Fort Ord to official green spaces.
Murphy: I was glad to hear that our city isn't applying pesticides in parks, but herbicides in selective locations. Collaborate with community groups to encourage pollinator friendly plants in parks
Coble: Let's make sure public works isn't removing flowers that bees like.
Hawran: Maybe a tie to Monarch migration.
Raak: We are neighbors to significant Ag producers and the role bees play in making crop production possible.

Public Comment: NONE

D. GRANTS: RESOURCES, TRACKING, APPLICATIONS
SL Rocha: We need to track grant applications and their cycles so we can submit grant applications with enough time to prepare a good submittal. This can be done though an Excel doc, informed by your fellow committee members.
Raak: I remember this conversation happening in an opposite manner, regarding "shovel-ready" projects.
SL Rocha: True, that can be a component of the document. It won't take that much time for one member to take on this task.
Raak: Does the city have an existing list of projects?
SL Rocha: Yes, there is the CIP Plan, which I provided a while ago after the presentation by Rick Riedl.
Molle: What about partnering with other organizations in filing the grant applications?
Del Valle: Does the city have a list of grants they've received in the past?
SL Rocha: I can look into that, to grab some generic background information that stays static?
Coble: Can Mayor's Youth Fund be used for other projects?
CM Pacheco: I've only seen it for very youth specific things: sports, programs, services, etc.
CM Campbell: MYF is $3000 max per year, so it's limited.

Public Comment: NONE

F. UPDATE FROM THE PLASTIC ORDINANCE SUBCOMMITTEE AND DISCUSSION OF REPLACING CHRISTINE REVELAS WITH ANOTHER MEMBER/S
Abraham-Panni: I'm not sure we have an update. We haven't met since before the last meeting. Beth has been collecting info on Draft Reso and other materials, so I will ask Beth to provide and update.
Murphy: We have not met, there has been some work done on definitions, background. I'm not sure where we are at except we have lost a subcommittee member.
SL Rocha: We took the existing Seaside code, starting with definitions and compared it to Monterey's new code. We plugged in and updated definitions, decided what needed to be expounded upon, updated, clarified, eliminated, based on there not being legal teeth to "compostable vs biodegradable." Just as an FYI, if you are going to be on a subcommittee, the meetings aren't going to be that frequent and when we do meet we are determining what tasks need to be accomplished between then and the next

meeting. Typically what happens is we play tag with documents and updating, providing comments, which will be passed onto the next member. We also updated the proposed Resolutions, which both Laura and Kera contributed. I'm hoping we can have two more people join to tackle these tasks. Let's be clear, this is going to be "work," so please stick around to hear the working group session to inform your decision to decide to join or not. It's going to be a long process, it will go before City Council, and you will likely speak about the proposed ordinance before the Council.
Raak: Who wants to participate on this subcommittee?
Del Valle: Yes.
Coble: When will we meet? Yes.
SL Rocha: Regarding meeting dates and times…I would be less concerned with attendance and more with being responsive to email communications, as the majority of work will be accomplished in the "in-between."
Abraham-Panni:" Can we discuss the expertise needs the committee has and who may be able to fill those needs?

- Community engagement timeline
- Specific roles for committee members and tasks to usher through
- Technical research, liaising with WMD
- Phased-law that heads towards more reusable items

SL Rocha: It seems like we have a group of people assembled, with two new members that just joined minutes ago. Under the guidance of our chair, making sure our sub-committee members are being effective in accomplishing tasks.
Raak: I anticipate having a role and being involved. In the workgroup this evening will begin to understand the depth of work that needs to be done.

Public Comment: NONE

G. PROPOSED REVISIONS TO THE PREVIOUSLY APPROVED MEMORANDUM REGARDING PLASTICS ORDINANCE AMENDMENTS (TO BE PROVIDED TO COUNCIL)

SL Rocha: We specified an implementation date of the EPP ordinance of April, but there is a lot of work ahead that we need to do and won't meet that deadline. At the time it was approved, it accurately represented what we wanted to accomplish and now we want to accomplish more. I don't believe it needs to be moved forward at this time.
Murphy: Given all that has been discussed, we are looking at going much further with the proposed ordinance, so we should vote to rescind the memo. At this point we aren't ready to say anything to council.
Raak: What's the best process in terms of notifying council?
SL Rocha: We need to look at the Council's calendar, placing it on the agenda where we have: staff report written, resolution complete, and ordinance done. So, more so near the end.

Public Comment: NONE

Murphy: Rescind memo and not proceed with a new memo, second: Bob.
Ayes: Molle, Raak, Hawran, Murphy, Coble, Del Valle
Noes: Abraham-Panni

H. THE CITY OF BERKELEY: PLASTIC ORDINANCE

Raak: Berkeley passed a new plastic ordinance. This presentation will touch on the Berkeley policy where they voted to go a step further with their policy for eliminating

single-use food ware by 2022. This is an option we can entertain. Food vendors can charge customers for disposable cups and containers. Customers can provide their own reusable containers.
Berkeley's Zero Waste Commission, like our group will require the collaboration of a lot of community stakeholders. I encourage all committee members to review the policy. I reached out to Marina WMD re the anaerobic digester. There can be ramifications if there is a large influx of a certain material into the digester, which could be due to increased in compostable material going into the digester. However, that won't be an issue. Most products are made from corn starch and that acts as an ignitor, but it's an annual crop that requires a lot of pesticides. Most BPI certified products do not degrade in a marine environment, so if it ends up in the ocean it won't biodegrade. There is helpful information on impacts on locally-owned restaurants vs chains. "Go- Box" is used on many college campuses, which is a reusable container system. There are drop-off sites and recirculated to restaurants.
Molle: How would Go-Box work on a large scale?
Raak: I have a call in to the company. Large chain discussion regarding corporate mandates vs. putting undue burden on small, local businesses just because it's harder to get corporations to comply
Hawran: The Berkeley report mentioned increased water usage for reusable containers. How will this impact our area and prices?
Raak: Lack of water credits definitely might keep a Seaside restaurant from having a dishwasher.
Abraham-Panni: Research some limitations due to lack of water for businesses.

8. REPORTS FROM COMMISSIONERS

Murphy: Call to Action from the Xerces Society. Monarch butterfly decline. Overwintering sites and breeding sites. Milkweed is a supportive plant for monarchs, but it's not appropriate to have in Seaside, which is within 5 miles of the coast, and is an overwintering site for the butterflies. Milkweed is a breeding plant for the butterflies. Let's share this info with our community and not promote planting milkweed in our city. Further explanations provided by **Molle**, regarding the harmful nature of milkweed.

I. WORKING SESSION: PLASTICS ORDINANCE

SL Rocha: If you need to leave, please let us know (7pm): **Raak**
Abraham-Panni: The minutes we approved are not correct.
SL Rocha: The date is wrong; the minutes on the items are from last meeting and are correct.
Sub-committee discussion:
Abraham-Panni: I've identified issues, recommended assignments. Recommend: we identify the "sticky issues," doing research, and discuss the findings.
SL Rocha: Let us know what you want to work on, what elements are of interest to you. Research, code suggestions, community outreach, etc. I'm less here to advise you on what to do next than I am to support you in what you want to do next. I will provide all we have worked on to the new members.
Del Valle: Community outreach, ordinance research.
Coble: Research.

Abraham-Panni: Provided a general overview of what we've researched so far in terms of other city codes, the unanswered questions we have and need to define Monterey + approach**.**
Murphy: Community input on our scope needs to happen in an inviting way that encourages creative input. What comes first, scope or community?
Del Valle: How can we get stakeholders involved and how can this ordinance help us. Monterey had a draft proposal then asked the community and businesses to share their challenges, as well as businesses that were already doing what the new code was proposing. Fast-food might have been excluded.
Abraham-Panni: We need to define scope, invite public, then revise based on feedback.
SL Rocha: Defining "affordability" and the ability of people to get paper straws, which is becoming more and more difficult. This "affordable" element might eliminate certain businesses from being exempt from the proposed code. We need data on that good-provider list for compostable goods and the costs. How can the regulations be beneficial to their business and the environment? A good provided can be charged for by the business.
Abraham-Panni: What's the consensus on our approach - Monterey -, Monterey equivalent, Monterey +, Monterey + with fee for single use materials?
Murphy: "Monterey +" approach with fee to be charged to customer, if supported by local businesses.
Del Valle: "Monterey + with fee," Go Box option, and no petro-based products.
Coble: I don't know enough to make a suggestion.
Abraham-Panni: Monterey + that doesn't allow recyclable plastic. Compostable only and assessing a fee. Lightens burden on business and places it on customer. Too far to ban bio-plastics vs fiber only, just as a matter of feasibility/convenience of serving up certain types of food: hot, liquid, etc.

Coble move to adjourn, second Abraham-Panni. Unanimous.

9. REPORTS FROM STAFF

NONE.

10. ADJOURNMENT

Having no further business, the meeting was adjourned at 7:17 PM.

RESOLUTION NO. _____
A RESOLUTION of The City of Seaside City Council
Designating the City of Seaside as a BEE CITY USA® affiliate.

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession throughout the growing season;
- Provides undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering for wild pollinators;
- Provides water for drinking, nest-building, and butterfly puddling;
- Is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat;
- Is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees, since many wild pollinators prefer or depend on the native plants with which they co-adapted;
- Provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, the City of Seaside should be certified a *BEE CITY USA* community because:

- The City of Seaside has not used pesticides in our parks and open spaces for over a decade and we will never resume that outdated practice. This reduces the harmful impact pesticides have on native and domestic bees.
- Following unanimous support by the City Council, the City of Seaside adopted an ordinance beneficial to bee husbandry, These code changes represent a progressive update that are among the most supportive of other bee friendly cities, allowing for beekeeping in the city by-right.
- Seaside city limits encompass 9.38 square miles, 15% of which are wild spaces with native plants, in addition to 614 square miles of agricultural land in close proximity to the city. This allows for bee foraging and native bee habitat, and supports the ongoing relationship between domestic bees and our food supply.

NOW, THEREFORE, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them City of Seaside chooses to support and encourage healthy pollinator habitat creation and enhancement, resolving as follows:

1. The City of Seaside's Community Development Department is hereby designated as the BEE CITY USA sponsor.
2. The Associate Planner of Community Development is designated as the BEE CITY USA Liaison.
3. Facilitation of the City of Seaside's BEE CITY USA program is assigned to the Environmental Committee.
4. The Environmental Committee is authorized to and shall:
    a. **Celebration**: Host at least one educational event or pollinator habitat planting or restoration each year to showcase the City of Seaside's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
    b. **Publicity & Information**: Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage on the City of Seaside's website which includes, at minimum:
        - a copy of this resolution and links to the national BEE CITY USA website;
        - contact information for your BEE CITY USA Liaison and Committee;
        - reports of the pollinator-friendly activities the community has accomplished the previous year(s); and
        - your recommended native plant species list and integrated pest management plan (explained below).
    c. **Habitat**: Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, the following actions:
        - Identify and inventory Seaside real property that can be enhanced with pollinator-friendly plantings.
        - Create a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species.
        - Track (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
    d. **Pollinator-Friendly Pest Management:** Create and adopt an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
    e. **Policy**: Establish, through the City of Seaside a policy in the General Plan to acknowledge and commit to the BEE CITY USA designation.
    f. **Plan Review:** Review the General Plan and other relevant documents to: consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.
    g. **Renewal:** After completing the first calendar year as a BEE CITY USA affiliate, each February, apply for renewal of the City of Seaside's BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities, and paying the renewal fee based on the City of Seaside's population.

ADOPTED by the City Council of the City of Seaside, California, this ___ day of _____, 20__.

Dear Fellow Members of the Environmental Committee,

I spoke with Beth last Thursday and laid out some structure that we think will be helpful in moving the EPP policy forward.

I would like to set up a recurring scheduled meeting. Please complete this doodle, so we can find the time that works best for all of us. Please note that the times suggested are recurring. (For example, Every second Tuesday, after the Committee Meeting, every 4th Tuesday at the same time as the regular meeting (5:30) or every 2nd Thursday. If none of the suggestions work for people, please propose an alternate time to Beth or I and wee will try another doodle).

Also, I would like to assign everyone on the sub-committee a role. The role would indicate that you are the primary point of contact and "owner" of that responsibility. However, we would still work collaboratively and there would be opportunity for the group (subcommittee as well as full committee) input and problem-solving. The roles identified are:

Coordinator: Set timeline, deadlines, schedule, ensure all the pieces are moving forward
Outreach and Engagement: Develop outreach plan and draft letters, materials; get lists of businesses and keep track of who has been contacted, etc.
Research: Reach out to neighboring jurisdictions, companies, product manufacturers, scientists, etc. to help answer questions and better understand the issues connected to the policy
Writer: Draft the written materials, including resolution and code (which includes definitions)
Support: Fill in spots where needed, provide encouragement and perspective

While I have people in mind that I think would be great for these different roles, please let me know if there is one you feel strongly about having or not having.

Ordinance No. 985
Page of

ORDINANCE NO. XXX

AN ORDINANCE AMENDING CHAPTER 8.60 OF THE CITY OF SEASIDE MUNICIPAL CODE ENTITLED "ENVIRONMENTALLY PREFERRABLE FOOD PACKAGING"

THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings and Declaration of Intent.

The City Council finds and declares that:

a. The City of Seaside borders the rich farmland of the Salinas Valley as well as the Monterey Bay National Marine Sanctuary. This federal preserve supports one of the most diverse and delicate ecosystems in the world and provides habitat for a rich diversity of mammals, seabirds, and fish, and also contains the largest kelp forest in the nation. Agricultural-business interests and tourism constitute the mainstays of the economy of Monterey County. The impacts of an environmentally damaged Monterey Bay and the pollution of our rivers are felt throughout the area.

b. Food and beverage packaging constitutes a significant and growing portion of waste generated in the City of Seaside. Laws, policies and regulations pertaining to disposable food service-ware are a vital component in the City of Seaside's efforts to reduce the amount of disposed waste and litter.

c. Food service-ware made from materials which are not biodegradable, returnable, or practically recyclable accumulates in the environment, causing ill effects to the natural ecosystem and to human communities.

d. Plastic materials are manufactured from petroleum, a non-renewable resource, and recycling rates in the United States are very low (~9%) and have not improved since around 2012[a][b]. They are highly durable, persist in the environment as litter and are consumed by wildlife, causing illness and mortality, as well as becoming embedded in the food chain up to human consumption[c] of microplastics.

[d]

e. When products are recycled, natural resources are conserved, less energy is used to create new products, and valuable landfill space is preserved. When biodegradable products are composted, they become a product which can reduce water and fertilizer use.. Take-out food packaging that is biodegradable, compostable, or recyclable[e] is the most responsible and sustainable choice for the tourist economy, the citizenry and the environment.

f. Biodegradable takeout packaging[f] (such as cups, plates, clamshell containers and cutlery) made from paper, sugarcane, corn by-products and potato starch is available locally and affordably[g][h]. As these products degrade, they do not harm the environment and are not a permanent blight on the landscape.[i]

g. Eliminating [j]the use of non-biodegradable, non-compostable, non-returnable and non-recyclable food packaging material from all establishments within the City of Seaside [k] [l]will help protect the local environment, including the Monterey Bay National Marine Sanctuary and the vast Salinas Valley, from contamination and degradation, helping to safeguard this area as a tourist destination and a major grower of agricultural products.

h. Taking the aforementioned action will be cost-effective, helping to maximize the operating life of landfills and reducing the economic and environmental expense of managing waste and litter.

i. The City desires to update its policies to reduce waste, protect the environment, and maintain compliance with the California Integrated Waste Management Act of 1989. The Act, and subsequent additions and amendments thereto, requires cities to implement plans for source reduction, reuse and recycling as part of their integrated waste management practice.

SECTION 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentences, clauses or phrases even if certain parts are held to be unconstitutional, invalid or unenforceable.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Ordinance shall become effective one hundred eighty (180) days after its final passage and adoption to allow vendors to use up any remaining stock of prohibited product.

SECTION 4. Notification.

Within fifteen (15) days after passage, the City Clerk shall cause this Ordinance to be published one time, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the City.

INTRODUCED by the City Council of the City of Seaside on the.

PASSED AND ADOPTED by the City Council of the City of Seaside on the 4th day of February, 2010.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

APPROVED:

_____
Ralph Rubio, Mayor
City of Seaside

ATTEST:

_____
Lesley Milton-Rerig, City Clerk

[a]I want stats from MRWMD re Seaside to insert here instead of only using nationwide generalizations.

[b]I don't think this stat belongs in item (d); I've addressed it as a separate item (e). We can ask MRWMD for Seaside's plastic recycling rate, per Laura's suggestion--I think it will be well over 50%--but I don't think that's the heart of the issue here. The bigger question is whether there is a robust market for recycled plastic scrap at this time. I would recommend that we discuss whether we intend to allow recyclable (petroleum-based) plastic food packaging in Seaside. Monterey and Carmel's ordinances do, but the practical recyclability of plastic food service ware at this point is pretty limited. A more clear-cut shift to reusables and compostables may be a stronger long-term approach.

[c]The science on microplastic migration through the food web and human consumption is still very new and inconclusive. Suggest we avoid mention of impacts on human health.

[d]Do we need to include all the reference to CEQA, as was done in Monterey version? I would just as soon leave that out, but if someone makes a compelling argument to include it, I will reconsider.

[e]consider striking

[f]We should be careful to use the phrase "food service ware" as opposed to "takeout packaging," because many of these single-use materials are served even to dine-in customers.

[g]I recognize that we wish to confirm this statement and perhaps define clearly what 'affordable' means.

[h]Agreed

[i]Unfortunately, this is not true. The emerging science suggests that plant-based plastics behave much like petroleum-based plastic in the natural environment, including the ocean, with similar potential impacts on wildlife, and human health. I've attempted to clarify the benefit of compostable plastics in the next sentence.

[j]I'm wondering about how this could be interpreted to include or exclude grocery stores from selling items packaged in non-compliant materials…? Love my natto from the Korean market, hate that it all comes in Styrofoam, know there is no real alternative.

Also, would we be telling grocery and convenience markets not to stock Styrofoam cups or other such non-compliant items for sale to the general public? Complex, this one.

[k]This was the pre-existing code language and is pretty strong and broad, applying the code to 'all establishments'. There have been various questions as to scope and I think we need to define that and make sure it is reflected in statements like this one. I, for one, do think we should be broad in the scope, including public facilities like schools and obviously also holding the city accountable.

[l]I agree this is a needed point of discussion. However, I do not think that public schools would be considered within the city's jurisdiction on this ordinance (I believe MPUSD determines food service ware)--that should be checked. And what about grocery stores? Certainly we couldn't expect this ordinance to apply to the packaging of all products sold at Grocery Outlet etc. Health-care facilities, shelters and other may also be exempt. For the sake of clarity and precision, I think we ought to define this ordinance as applicable to a defined category of food vendors within the city (which I hope would include fast food--though drive-throughs could present unique challenges), and also ensure we include events.

Chapter 11.98
REDUCTION OF SINGLE-USE PLASTICS ~~AND PAPER CARRYOUT BAGS~~

Sections:

11.98.010 Purpose and findings.

11.98.020 Definitions.

11.98.030 Ban on plastic bags and charge for single-use carryout bags.

11.98.040 Implementation.

11.98.050 Enforcement.

11.98.010 Purpose and findings.

SHARE

(a) It is the intent of the city of Pacific Grove in amending ~~enacting~~ this chapter to eliminate the ~~common~~ use of ~~plastic~~ single-use plastics,~~carryout bags,~~ to encourage the use of reusable products ~~bags~~ by consumers,vendors, restaurants, and retailers, ~~and~~ to reduce the consumption of single-use plastics ~~bags~~ in general. It is the further purpose of this chapter that by promoting compostable materials~~reusable bags it~~ will further the city's overall waste reductions goals as may be amended from time to time by the state of California.

(b) The city of Pacific Grove finds that the addition of this chapter to the municipal code qualifies as a regulation for the protection of natural resources and the environment as defined by the California Environmental Quality Act (CEQA). [Ord. 14-015 § 2, 2014].

11.98.020 Definitions.

SHARE

For the purposes of this chapter, the following definitions apply:

"Exempted uses" means those point-of-purchase or delivery sales that have received a special exemption, through the community and economic development director or the director's designee, allowing single-use bags.

"Plastic bag" or "plastic carryout bag" means a single-use carryout bag of any size that is provided at point of sale to customers by a retail establishment. Plastic bags include both **compostable** and ~~noncompostable~~non-compostable carryout bags.

Comment [X1]: I like this definition. It is making the point that compostable is plastic only plant based.

"Recycled paper bag" is defined as a bag that contains no old growth fiber and a minimum of ~~40~~ 100 percent post-consumer recycled content, is 100 percent compostable~~recyclable~~, and has printed in a highly visible manner on the outside of the bag the words "compostable~~Reusable" and "Recyclable~~," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

“Restaurant” is defined as an establishment doing business in the city of Pacific Grove whose principal business is the sale of prepared food for consumption either on or off premises, which includes a restaurant, cafe, bakery, food cart, delicatessen, or catering truck.

“Retail establishment” or “retail store” means all sales outlets, stores, shops, vehicles, or other places of business located within the city of Pacific Grove that operate primarily to sell or convey goods directly to the ultimate consumer. ~~Restaurants, as defined herein, are exempt from the requirements of this chapter. Also exempt from the requirements of this chapter is prepared food sold at grocery and convenience stores’ food counters.~~

“Reusable bag” means any bag with handles that is specifically designed and manufactured for multiple reuse, and is either: (1) made of cloth or other washable woven fabric; or (2) made of durable material that is at least 4.0 mils thick that can be cleaned or disinfected at least 125 times. A reusable bag may be made of recyclable plastic such as high density polyethylene (HDPE), low density polyethylene (LDPE), or polypropylene.

“Single-use carryout bag” is defined as a bag, other than a reusable bag or recycled bag, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-use carryout bags do not include bags, a maximum size of 11 inches by 17 inches, without handles, provided to the customer to (1) transport produce, bulk food or meat from a product, bulk food or meat department within a store to the point of sale; (2) hold prescription medication dispensed from a pharmacy; or (3) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag. [Ord. 14-015 § 2, 2014].

11.98.030 Ban on plastic bags and charge for single-use carryout bags. SHARE

(a) No retail establishment shall provide plastic carryout bags to customers at the point of sale, except as permitted in this chapter.

(b) No city of Pacific Grove contractors, special events promoters, or their vendors, while performing under contract or permit, shall provide plastic carryout bags to customers at the point of sale.

(c) Single-use paper carryout bags provided to customers shall contain a minimum of 10040 percent post-consumer recycled paper fiber and must be compostable as defined by the Monterey Regional Waste Management Districts compostable definition.~~recyclable in the city of Pacific Grove’s curbside recycling program~~.

(d) Retail establishments shall charge a minimum 10-cent fee for each single-use paper carryout bag provided to customers at the point of sale. Retail establishments shall keep annual records of paper bag

distribution to be made available to the community and economic development director or designee upon request. From time to time, the city may review the annual records of paper bag distribution to ensure the effectiveness of these regulations.

(e) The charge imposed pursuant to this chapter shall not be charged to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children, the State Department of Social Services Food Stamp program, or other government-subsidized purchase programs for low-income residents.

(f) The ban on single-use plastic bags and the charge for single-use paper bags do not apply to plastic or paper bags used to protect produce or meat, or otherwise used to protect items as they are put into a carryout bag at checkout. Other examples or exemptions include: paper bags to protect bottles, plastic bags around ice cream or other wet items, paper bags used to weigh candy, paper pharmacy bags, or paper bags used to protect greeting cards.

(g) Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

(h) Retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags provided, and the total amount charged. [Ord. 14-015 § 2, 2014].

11.98.040 Implementation. SHARE

The city shall make available a copy of this chapter, or a link to this chapter on the city's website, to every new retail establishment that applies for a business license. [Ord. 14-015 § 2, 2014].

11.98.050 Enforcement. SHARE

(a) Beginning March 1, 20202015, violations of this chapter may be enforced in accordance with Chapters 1.16 and 1.19 PGMC.

(b) The city's code compliance program shall be responsible for enforcing this chapter and shall have authority to issue citations for violations.

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

(d) The city attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter.

(e) The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

(f) The city may inspect any restaurant, cafe, bakery, food cart, delicatessen, or catering truck ~~vendor's~~ premises to verify compliance.

(g) Violation of this chapter will be considered a public nuisance. In addition to any other remedies or penalties that may be available, any violation described in the preceding paragraphs shall be subject to abatement by the city, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by an injunction issued by the superior court in a civil action, based upon a showing by the city that said violation exists. [Ord. 14-015 § 2, 2014].

Chapter 11.99
FOOD PACKAGING

Section:

11.99.010 Definitions.
11.99.020 Prohibited disposable food service ware.
11.99.030 Required ~~biodegradable,~~ compostable, ~~or recyclable~~ disposable food service ware.
11.99.040 Exemptions.
11.99.050 Enforcement.
11.99.060 Penalties.

11.99.010 Definitions.

SHARE

Unless otherwise expressly stated, whenever used in this chapter the following terms shall have the meanings set forth below:

"Affordable" means that a ~~biodegradable,~~ **compostable** or recyclable product may cost up to 15 percent more than the purchase cost of the nonbiodegradable, noncompostable or nonrecyclable alternative(s).

~~"ASTM standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and **compostable** plastics, as those standards may be amended.~~

Comment [X2]: This entire paragraph needs to be updated.

~~"Biodegradable" means the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.~~

Comment [X3]: Again removed entirely of updated substantially.

"City contractor" means any person or entity that has a contract with the city for work or improvement to be performed, for a franchise, concession, for grant moneys, goods and services, or supplies to be purchased at the expense of the city.

"City facility" means any building, structure, park, open space, or vehicle owned and operated by the city, its agents, and departments.~~.~~

"**Compostable**" means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch), in 1 month ~~a safe and timely manner~~. **Compostable** disposable food service ware must meet ASTM and the Monterey Regional Waste Management Districts standards for compostability and ~~any bioplastic or plastic-like product~~ must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard **compostable** material ~~plastic~~ from non-ASTM standard **compostable** materials~~plastic.~~

"Disposable food service ware" means single-use disposable products used in the restaurant, vendor, food acrt, or food truck, and food service industry for serving or transporting prepared ready-to-consume food or beverages. This includes but is not limited to plates, straws, cups, lids, or utensils bowls, trays and hinged or lidded containers. ~~This does not include single-use disposable items such as straws, cups lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.~~

"Food provider" means any vendor located or providing food within the city which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, super market, delicatessen, catering truck, food cart, special events vendor, or vehicle, or any other person who provides prepared food; and any organization, group or individual which regularly provides food as a part of its services.

"Person" means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

"Polystyrene foam" means and includes 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, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene which is known as "oriented polystyrene."

"Prepared food" means food or beverage prepared for consumption on the food provider's premises, or elsewhere using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

Comment [X4]: Not sure if we include MRWMD but if we don't we should

“Recyclable” means any material that is accepted by the city recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. Recyclable plastics comprise those plastics coded with the recycling symbols Nos. 1 through 5.

“Retail food establishment” shall include, but not limited to, any place where food is prepared to include any fixed or mobile restaurant, food truck or food cart, drive-in, coffee shop, public food market, produce stand, special event vendor, or similar place which food or drink is prepared for sale or for service on the premises or elsewhere.

“Special events promoter” means an applicant for any special events permit issued by the city or any city employee(s) responsible for any city-organized special event. [Ord. 08-010 § 4, 2008].

11.99.020 Prohibited disposable food service ware. SHARE

(a) Food providers within the city may not provide prepared food in any disposable food service ware that contains polystyrene foam or is not compostable.

(b) Disposable food service ware that contains any material other than compostable or polystyrene foam is prohibited from use in all city facilities.

(c) City contractors in the performance of city contracts and special events promoters may not provide prepared food in disposable food service ware that contains polystyrene foam, or plastics.

(d) It shall be a policy goal of the city that business establishments located outside the city shall not package any nonfood product in any package which utilizes polystyrene foam, both block polystyrene or packaging peanuts, or purchase, obtain, keep, distribute or sell for home or personal use, or give, or otherwise provide to customers any packaging which utilizes polystyrene foam. The city shall promote and encourage, on a voluntary basis, the elimination of all single use plastics, and polystyrene foam packaging. [Ord. 08-010 § 5, 2008].

11.99.030 Required biodegradable, compostable, or recyclable disposable food service ware. SHARE

(a) All food providers within the city utilizing disposable food service ware shall use biodegradable, compostable or recyclable products., This includes but is not limited to plates, napkins, straws, cups, lids, or utensils bowls, trays and hinged or lidded containers unless there is no affordable alternative available as determined by the designated official (see term “affordable” defined in PGMC 11.99.010) and an exemption has been granted in accord with PGMC 11.99.040.

(b) Food providers are encourage to ~~may~~ charge a “take-out fee” ~~to cover the difference in~~ if any additional costs are incurred.

(c) All city facilities utilizing disposable food service ware shall use products that are ~~biodegradable,~~ **compostable** ~~or recyclable~~.

(d) City contractors and special events promoters utilizing disposable food service ware shall use ~~biodegradable,~~ **compostable**, ~~or recyclable~~ products while performing under a city contract or permit. [Ord. 08-010 § 6, 2008].

11.99.040 Exemptions. SHARE

(a) No exemption shall allow for the use of recyclable, or polystyrene foam disposable food service ware.

(b) The city manager, or his or her designee, may exempt a food provider from the requirement set forth in PGMC 11.99.030, Required ~~biodegradable,~~ **compostable**, ~~or recyclable~~ disposable food service ware, for a period not to exceed 12 months per request upon the food provider showing, in writing, that this chapter creates an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The city manager shall confirm the decision to grant or deny each exemption in writing; the city manager’s decision shall be final.

(c) Each exemption request shall set forth all information necessary for the city manager to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The city manager may require additional information.

(d) The city manager may approve an exemption request in whole or in part, with or without conditions.

(e) Foods prepared or packaged outside the city and sold inside the city are exempt from the provisions of this chapter. Purveyors of food prepared or packaged outside the city are encouraged to follow the provisions of this chapter as it is a policy goal of this city to eliminate the use of single use plastics and polystyrene foam for packaging unprepared food.

(f) Polystyrene foam coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter. [Ord. 08-010 § 7, 2008].

11.99.050 Enforcement. SHARE

(a) Violations of this chapter may be enforced in accordance with Chapters 1.16 and 1.19 PGMC. The city manager, or his or her designee, shall be responsible for enforcing this chapter and shall have authority to issue citations for violations.

Comment [X5]: I like how it puts the fee arrangement to the businesses. This empowers them to make the decision if they can’t afford to switch to compostable sources they can give the fee back to the consumer if needed.

(b) The city officer is authorized to establish regulations or administrative procedures to obtain compliance with this chapter.

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

(d) The city attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter.

(e) The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

(f) The city in accordance with applicable law, may inspect any vendor or food provider's premises to verify compliance.

(g) Food vendors shall state that they are in compliance with this chapter on their annual business license renewal forms. [Ord. 08-010 § 8, 2008].

11.99.060 Penalties. SHARE

Violations of this chapter shall be enforced as follows:

(a) For the first violation, city manager shall issue a written warning to the food provider specifying that a violation of this chapter has occurred and which further notified the food provider of the appropriate penalties to be assessed in the event of future violations. The food provider will have 30 days to comply.

(b) The following penalties shall apply for subsequent violations of this chapter:

(1) A citation imposing a fine in the sum of $2~~1~~00.00 for the first violation that occurs more than 30 days after the warning issued pursuant to subsection (a) of this section. In lieu of payment of the fine, the person cited may submit receipts to the city manager that demonstrate the purchase, following the service of the citation, of at least $2~~1~~00.00 worth of ~~biodegradable,~~ **compostable**, ~~or recyclable~~ products appropriate as an alternative disposable food service ware for the items, which led to the violation. Upon such proof the city manager may dismiss the citation.

(2) A fine in the sum of $4200.00 for a violation that occurs after issuance of the citation referenced in subsection (b)(1) of this section, and that is more than 60 days after the warning issued pursuant to subsection (a) of this section.

Comment [X6]: It looks like they are focusing just as compostable but not recyclable or biodegrable. This concerns me just because we know the effects of compostables in a marine environment. If we wanted to take this route I would also include that the businesses should be part of the foods to energy program.

(3) A fine in the sum of $9500.00 for the third and each subsequent violation which occurs after issuance of the citation referenced in subsection (b)(1) of this section, and that is more than 90 days after the warning issued pursuant to subsection (a) of this section.

(c) Food providers who violate this chapter in connection with commercial or noncommercial special events, as that term is defined by PGMC 11.99.010, shall be issued a citation imposing fines as follows:

(1) A fine of $200.00 for each event of one to 50200 persons;

(2) A fine of $8400.00 for each event of more than 50200 but less than 400 persons;

(3) A fine of $1600600.00 for each event of more than 400 but less than 600 persons;

(4) A fine of $1,400000 for each event of more than 600 persons. [Ord. 09-005 § 19, 2009; Ord. 08-010 § 9, 2008].

April 28th, 2019

City of Seaside and Sustainable Seaside Earth Day Celebration

Park clean up and litter audit	Volunteer
1:00 - 2:00	Lacey Raak

Tabling	Volunteer
1:30 - 2:30 (set-up)	Lacey will bring materials (need another person to set up)
2:00 - 4:00	
2:00 - 4:00	
3:30 - 4:30 (take down)	

Details

A table and chair will be provided for each tabling group.

Help us make this a Zero-Waste event. We encourage give-aways but please -- no single-use, disposable items.

There is plenty of free street parking on Harcourt Avenue and Canyon Del Rey Blvd.

No sales are permitted. A donation jar or a suggested donation for your items is ok.

Weather can be unpredictable in April. Dressing in layers, with sunscreen and a hat, are recommended.

Feel free to bring your pop-up canopy.

Please bring a reusable water container for drinking water. We'll have a refill station with filtered drinking water.