

MINUTES

ENERGY AND RESOURCE MANAGEMENT COMMITTEE

JANUARY 17, 2007

- CALL TO ORDER:** Chairman McNelly called the meeting to order at 7:35 a.m.
- MEMBERS PRESENT:** Adamson, Avera, Mathy, McCormack, McNelly, Mitchell Roberts
- MEMBERS ABSENT:** Twineham
- PUBLIC PRESENT:** None
- STAFF PRESENT:** Redevelopment Manager Ferrier, Engineering Director Hoppe, Acting Director Community Development Rosen, Maintenance Director Savage, Acting Senior Planner Allen, and Clerical Support Norton
- APPROVAL OF MINUTES:** October 18, 2006 approved as written
December 20, 2006 approved as written

INTRODUCTIONS/ROLL CALL:

DISCUSSION ITEMS:

OLD BUSINESS:

- a. 2006 Year in Review & 2007 goals

Deferred to February meeting along with election of officers

NEW BUSINESS:

- b. Review of SOCO District Trash Enclosure/Wash Rack Proposal

Chairman McNelly stated that City Council referred the proposed trash enclosure/wash rack to the ERM Committee for review. The Committee had questions as to how and when this proposal came about.

Acting Community Development Director Rosen said that the need for additional trash enclosures in the SOCO District issue came up during the planning process for the recent public improvements. Public trash enclosures are provided for the downtown area in parking lots because business owners lacked the space to accommodate these facilities. Redevelopment Manager Ferrier stated that there are seven "block accounts" in this manner in the downtown area.

It was staff's intention to add an additional enclosure in the parking lots just off of Santa Fe; there is currently one enclosure. As this concept was developed, staff became aware of new requirements by the National Pollutant Discharge Elimination System (NPDES). Trash cans are now required to be covered to prevent rain water from getting into the material and washing into the street; it is anticipated that enclosures will also be required to be covered as well. The idea was to build a prototype enclosure to include a drain to the sanitary sewer with an interceptor for NPDES requirements. During the design phase, staff noticed that some restaurants in the SOCO District were improperly washing down their mats, and in doing so they were affecting the alley and the new pavers. As design options were considered, staff thought that perhaps the City could provide some additional public service to the restaurants in that area to create a small wash down area for their mats, upsizing the interceptor to accommodate some additional flow.

Chairman McNelly stated that the practice of improperly washing down mats was not something that just started; it has been occurring since before the recent alley improvements. He has personally witnessed the practice by the local restaurants (mainly Heroes) in the SOCO area. Engineering Director Hoppe said he believed it is fairly common throughout the City.

Chairman McNelly asked if any of the local businesses were informed and asked to participate in the planning process. Redevelopment Manager Ferrier said that the restaurants were active in helping guide the design of the improvements in the SOCO area which included the wash rack.

Committee Member Mitchell asked if she understood correctly that the design included a cover based on anticipated NPDES requirements NPDES. She questioned the drain and clarified that it would be to the sanitary sewer, not the storm drain. Acting Community Development Director Rosen confirmed that the drain is to the sanitary sewer and to allow washing down the inside of the trash enclosure area to remove residue from spills, broken trash bags, etc.

Engineering Director Hoppe said that restaurants in general should be triple-bagging their trash and many are not. He referred to the trash enclosure at the south east corner of Harbor and Chapman and noted that he had observed the trail where the bags are dragged over the pavers. It is fairly common that most employees are not very careful to make sure that the trash doesn't spill.

Committee Member Avera suggested the way to eliminate bags breaking would be for restaurants to provide employees with carts and noted that a lot of restaurants are required to do that. Engineering Director Hoppe replied that all restaurants are required to provide carts, but it is a matter of policing.

Committee Member Avera questioned the purpose of the wash-down system. Acting Community Development Director Rosen stated that there may be a NPDES requirement for these types of systems in trash enclosures in the future.

Committee Member Roberts wondered if the County Health Department is involved. He asked if in all of their cleaning policies if they have BMPs for mats. He stated that how and where the mats were cleaned would also impact compliance with the City's Fats, Oils, and Grease

Program (FOG) and the need for an interceptor. Acting Community Development Director Rosen answered that to his knowledge, the County Health Department was not involved.

Chairman McNelly asked if any of the existing restaurants (Steamers, Table Ten, Heroes, or Roscoe's) currently have interceptors under the City's FOG Program. Acting Community Development Director Rosen said he believes they all have some type of grease interceptor. Engineering Director Hoppe said he is not sure whether Steamers does but the other three do. Chairman McNelly said he spoke with Bill Roseberry, the City's Sewer Manager, and he was under the impression that there was no room in the area behind Heroes for an interceptor because of the sewer configuration. Director Engineering Hoppe stated that it looks like there is one where the kegs are stored. Redevelopment Manager Ferrier says he believes Heroes has an interceptor. Chairman McNelly asked if staff knows where the sanitary sewer system is that services the restaurants in the SOCO District; how old is it; was it every replaced; and what size is the pipe. Director Engineering Hoppe believed it was in the alley but not exactly certain on the specifics and did not want to speculate. Chairman McNelly asked if it was replaced during the recent improvements. Director Hoppe responded that it was not, meaning it was videotaped and determined that replacement was not required at this time.

Chairman McNelly questioned what will happen regarding the sewer when the World Citrus site is redeveloped. Director Hoppe responded that the Maintenance Department has a contract with a consultant who is looking into whether or not there is a need to upgrade or replace the sewer systems in the SOCO area. Chairman McNelly clarified that the location to connect the proposed wash rack to the existing sanitary sewer would be in the alley. Director Hoppe thought it reasonable that the connection would be in the alley. Acting Director Rosen said his recollection was that there is an existing lateral from a prior structure that would be utilized. Chairman McNelly questioned the depth of the sewer line. Director Hoppe was unsure as this information was not on the plans. He did note that the plans showed a connection to an existing 4 in. lateral and that a portion of the north end of the parking lot west of Heroes would be dug up for the improvements.

Chairman McNelly clarified the location of the existing and additional trash enclosure with staff and asked footprint of the enclosure. Director responded that the footprint is approximately 20 ft by 10 ft for the enclosure and wash rack.

Committee Member McCormack questioned if access would be from the alley; staff answered affirmatively. Chairman McNelly discussed how a restaurant using the wash rack would bring the mats down the alley and wash down the mats with cold water which drains to the sewer which runs under the alley. He stated that he believed the sewer to be old. He confirmed with Director Hoppe that the water would be cold water only with no steam. Director Hoppe concurred.

Committee Member Avera said he has learned from experience that if hot water is not used to wash down the mats, the grease would not be removed. Cold water will not work. Chairman McNelly asked Committee Member Avera to reiterate his experience for the benefit of staff. Committee Member Avera responded that he was in charge of maintenance for a large institutional kitchen at Saddleback College for over 20 years that handled over 20,000 students daily. Grease traps are required and must be cleaned out. Chairman McNelly said that the City has a FOG Program which includes BMPs (best management practices) and states the

requirements for when grease interceptors are required.

Committee Member Adamson wondered if anyone has told the restaurants that they cannot wash their mats and let the greasy water run into the street. Committee Member Mitchell and wondered why we were at this point rather than talking to the restaurants.

Chairman McNelly said that at the City Council meeting the City Manager made a statement that the various restaurants in the area should be notified to cease the improper washing of mats.

Committee Member Adamson said it could be as simple as telling the restaurants to find other alternatives to their current practice because they are not supposed to be washing their mats in this manner (into the storm drain).

Committee Member Mitchell said it is the restaurant owners that should be responsible to find a way to clean their mats and it should not be the City's responsibility. She stated that there are ways for the City to deal with the restaurants not taking their responsibility and she does not understand why that is not being done.

Committee Member Adamson stated that he was not necessarily against the City helping the restaurants. However, he wondered how much had been discussed with the restaurants and if they were even aware of their responsibilities. He believed that at least they should pay extra for this service and its on-going operations and maintenance.

Committee Members Avera and McCormack and Chairman McNelly inquired about the City's liability. Acting Community Development Director Rosen replied that the enclosure would not be different than any other existing City property. He does not believe the City's risk management would view this as an increase in liability.

Several members of the Committee expressed a concern about vandalism and the potential for increased vandalism if it is open to the public at all times. Acting Director Rosen stated that this was an operational detail yet to be worked out; perhaps there would be keyed access.

Committee Member McCormack asked if there would be user agreements. Acting Director Rosen thought there would be some kind of user agreement, the details of which had not yet been worked out.

Chairman McNelly asked if there was a fee for use system discussed. Acting Director Rosen stated that there had been some discussion but the mechanism for such a fee had not been determined. There has been some long term discussion about encouraging the businesses downtown to form a business improvement district (BID) where they could tax themselves for public improvements. Absent a BID tax, there are other mechanism that could be explored to bill the restaurants to recoup operational and maintenance costs.

Committee Member Mathy said the trash enclosure itself seems a pretty standard provision for businesses in the downtown. The question is, should the wash rack be included in the trash enclosure, and should the restaurants contribute to the cost. Chairman McNelly wondered whether the wash rack with a cold water bib is considered by the industry to be a Best

Management Practice (BMP). Director Hoppe stated that the cold water was probably not a BMP, but that he is not an expert on the matter. Acting Director Rosen answered that staff had an architect do a considerable amount of research on the design. The question was asked about hot water, and staff was told that it wasn't necessarily part of the BMP design for this facility.

Chairman McNelly expressed concern that the project had reached the stage to award a contract and transfer funds but that there are still many unanswered questions. He stated that he looked in the yellow pages and there are many private services around to pick up dirty mats and drop off clean ones. Committee Member Avera concurred.

Committee Member Avera said in his experience as a manager he required two trash pick up's a day. The bins themselves were removed and replaced every other month so that they could be cleaned. With the proposed system, there would be no limitations on what people would through away. Chairman McNelly was concerned with the amount of food waste that is generated now that there are regulations limiting what can go down the drain.

Chairman McNelly asked who determines the frequency of the trash pickup, referencing a picture of the exiting bin overflowing. Redevelopment Manager Ferrier said Redevelopment, Maintenance and MG Disposal working together to determine the pick up frequency. This location has four bins in the existing enclosure which are serviced 6 days a week (except Sunday).

Committee Member Mitchell asked how often the bins are removed and replaced. Manager Ferrier was not sure.

Committee Member Roberts said the program should be user friendly so that it will be followed. Chairman McNelly said that what we ask them to do must be an effective way of solving the problem, differently from what is occurring now. Alternatively other effective alternatives such as the mat wash services need to be explored. A mat wash service would remove reliance on the City and the restaurant employees and make it a cost of doing business for the restaurants.

Committee Member Mathy said that the City should ask the restaurants if they want the City to build them a wash rack that they will use and pay for. Alternatively, the City should tell the restaurants that they have to figure out where they are going to wash the mats; the City is only going to build the trash enclosure.

Chairman McNelly said that whether cold or hot water is used to clean the mats, grease does collect inside the lateral or main line and there will be a stoppage at some point. He reiterated that currently Orange County Sanitation District does not have an additive that they recommend to help break up the grease that can do through the sanitary sewer.

Acting Senior Planner Allen asked Committee Member Avera what type of companies provide the mat wash service. Committee Member Avera responded that restaurant service companies would provide this service. Director Hoppe asked if these companies wrap up the dirty mats first so that the dirty mats are not being dragged out of the restaurant. Committee Member Avera answered affirmatively. Committee Member Avera added that there is no guarantee with the proposed mat wash that the mats would not be dragged to the enclosure and eventually

there would be a trail of grease from the mats. Committee Member Avera said that the mats are heavy. They need to be rolled and put into a closed cart.

Maintenance Service Director Savage arrived.

Committee Member Roberts is concerned with not only what we are putting in the sewer but are we getting rid of potential contaminants for the restaurant and not increasing contaminants that would cause cross-contamination (food poisoning).

Chairman McNelly said another question came up as to whether any other ordinances had been considered to address terms of use, payment fees, etc. Maintenance Director Savage said in terms of on going fees, he does not believe that a specific decision has been made. He does not believe that the City should pay -- it should be a cost of doing business paid by the restaurant. Chairman McNelly reiterated that this assumes the restaurants agree that they want to use it in the first place and that it is effective in solving their cleaning requirements.

Chairman McNelly raised the question of security and access. What prevents anyone from using the wash rack? Director Hoppe responded that there would be gates and locks to limit the users.

Committee Member Avera asked how many wash racks would the City need to build. Acting Community Development Director Rosen responded saying there are other locations where Cities provide public trash service areas. The one in Pasadena is embedded into the parking structure; it has a cooling system and a trash compacter.

Director Hoppe clarified that the prototype is about meeting what are believe to be forthcoming BMPs. The proposed trash enclosure includes a drain to the sanitary sewer to keep wash water out of the storm drain and a roof to keep the rain water out of the sanitary sewer. Chairman McNelly asked if the enclosure is considered to be under the Drainage Area Management Program also known as (MS4). Engineering Director Hoppe said that nothing has been codified yet but will probably be included in the next round of Best Management Practices (BMPs).

Committee Member Adamson said that he supported staff's efforts on the prototype trash enclosure design. However, he was concerned that the restaurants should pay for the wash rack but that they needed to decide if it is something that they wanted. He believes the design was completed without obtaining input from the restaurants.

Committee Member McCormack agreed with Member Adamson. He believed the problem comes when trying to merge the wash rack with a trash enclosure. He stated that the alternatives should be presented to the businesses and let them make the decisions. He would be supportive of the City building a trash enclosure; however, a more effective solution should be sought for washing the mats.

Chairman McNelly summarized the concerns expressed by the committee:

Is this process going to solve the problem; will it work; is it really what they want?
How are mats going to get to the wash rack area?
Is there going to be a fee for service?

Is an ordinance needed?

Who is going to monitor if it is used? What if it is too much hassle?

Acting Director Rosen did not believe an ordinance was required; an operating agreement could be used. In terms of enforcement actions, Director Savage believed the existing FOG ordinance with its BMPs to be sufficient. If restaurants stopped using the wash rack, you would end up with an oversized grease interceptor for the trash enclosure.

Chairman McNelly stated that he did not want to put public funds or revenue bond money into something that isn't going to be the most effective and efficient way to use it.

Committee Member Mitchell said whether additional ordinances were put in place or not for the wash does not matter; the restaurants are not obeying the rules that are already in place why would we expect them to now.

Director Savage believes current enforcement action is need at this time.

Engineering Director Hoppe said, at the time, the thought was by making a facility available the restaurants could not claim that there was no reasonable place to wash their mats other than the alley.

Chair McNelly reminded staff that a reasonable option includes a private company to take the mats off site.

Committee Member Mathy questioned if any restaurant owners were at the Council meeting. The missing element is the input of the restaurant owners. What do they want to do? Why aren't they complying with the requirements now?

Acting Director Rosen suggested holding a meeting with the restaurant owners about all these issues. Chairman McNelly offered that they attend a subsequent ERMCM meeting. Director Hoppe suggested another approach would be to hold a separate meeting and invite a representative of the ERMCM.

The Committee thanked Director Savage, Director Hoppe, Acting Director Rosen, and Redevelopment Manager Ferrier for attending the meeting at which time they all left the meeting.

Committee Member Adamson was concerned that the Committee was being too accusatory. He believed there were four things that should be in the Committee's recommendation:

1. Effectiveness of the process - Is this process going to fix the problem? If not what will?
2. Discussion with restaurant owners – What are they going to do? If they want it they have to pay for it but, they need to make the decision.
3. What are the alternatives?
4. Fee system.

Committee Member Avera expressed concern over the funds expended to date and the reliance on an architect rather than someone familiar with the operations of a restaurant. He did not have a problem with the trash enclosure and suggested that, if needed, they go to two pickups a

day.

Acting Senior Planner Allen explained the block trash program and stated that there is a rate structure based on what each business would incur if they were a stand alone business. Each business pays a different rate and MG Disposal bills each business directly.

Chairman McNelly stated that he would be in the hospital for knee surgery and asked that Committee Member Mitchell, as the Vice Chair, be the contact person for the Committee if the City meets with the restaurant owners within the next two or three weeks.

Chairman McNelly asked if the Committee was ready to make a recommendation to the City Council at this time or if they wanted to put it on February's agenda, and stated that he was not ready to make a recommendation at this time.

Committee Member Adamson preferred to make the recommendation as a cooperative effort between the Committee and staff. Committee Member McCormack stated that the Committee's recommendation will be taken with a lot more weight if it is collaboration with staff.

Committee Member Roberts suggested that whatever recommendation is made, the County Health Department should give their seal of approval that it is a safe and effective solution. Chairman McNelly stated he would contact both the County Health Department and the County Storm Water Management Group for the purpose of gaining more information.

MOTION made by Committee Member Roberts that this item be placed on the February agenda.

MOTION failed for lack of support.

Committee Member Mathy felt that the Committee should move forward with Committee Member Adamson's earlier recommendation. Providing that the four items listed above are taken care of, there is no reason for the Committee's further involvement.

MOTION made by Committee Member Adamson SECONDED and CARRIED by all to provide items to staff for further consideration and recommend a meeting with the restaurants within the next month such that action on a joint recommendation between staff and the Committee to the Council can be made at the February ERMC meeting. The points to consider are as follows:

1. Effectiveness of the process - Is this process going to fix the problem? If not what will?
2. Discussion with restaurant owners – What are they going to do? If they want it they have to pay for it but, they need to make the decision.
3. What are the alternatives?
4. Fee system.

ACTION ITEMS:

None

PUBLIC COMMENTS:

Energy and Resource Management Committee
January 17, 2007

None

COMMITTEE/STAFF COMMENTS:

Chairman McNelly requested that Item A - 2006 Year in Review and 2007 Goals be moved to the February meeting.

Membership/Attendance/Waterless Urinals should also be included for discussion at the February meeting.

ADJOURN:

With no further business the meeting was ADJOURNED AT: 9:00 a.m.

Heather Allen, Acting Senior Planner