

MINUTES

ENERGY AND RESOURCE MANAGEMENT COMMITTEE

FEBRUARY 21, 2007

- CALL TO ORDER:** Chairman McNelly called the meeting to order at 7:40 a.m.
- MEMBERS PRESENT:** Avera, Mathy, McCormack, McNelly, Mitchell, Roberts, Twineham
- MEMBERS ABSENT:** Adamson
- PUBLIC PRESENT:** None
- STAFF PRESENT:** Acting Senior Planner Allen, and Clerical Support Norton
- APPROVAL OF MINUTES:** A motion was made by Committee Member Roberts, seconded and carried by all present (Twineham abstaining) to table the approval of the January 17, 2007 minutes until the March meeting pending statement clarification against the tape.
- Committee Member Avera asked that the minutes, Page 3, Paragraph 8, first sentence be corrected to read Facilities Manager.
- Chairman McNelly asked that the minutes be changed to reflect that...a study was conducted by the Orange County Sanitation Department that shows no additives were found that were effect in dissolving grease.
- A typographical error was corrected to read mats.

INTRODUCTIONS/ROLL CALL:

OLD BUSINESS:

- a. A review of SOCO District Trash Enclosure/Wash Rack Proposal

Recommended Action: Support of Staff's recommendation to reject the existing bids to construct a trash enclosure and wash rack and revise the trash enclosure to remove the wash rack and re-bid the project.

Chairman McNelly stated that staff's answers to many of the questions asked by Committee Members regarding the enclosure/wash rack proposal were not fully answered and requested that questions of fact be answered at a future meeting. He directed the Committee to submit their comments and questions to either himself or to staff.

The following are questions that need factual answers:

1. How many restaurants in the SOCO District have grease interceptors, and the location of the sanitary sewer system that services the restaurants in the SOCO District?
2. How old is the sanitary sewer system?
3. Has anyone told the restaurants that they cannot wash their mats outside and let the greasy water run into the street?
4. Whose responsibility is it to provide a way to wash down mats (the restaurants or the City)?
5. Will there be a user agreement; if so what kind?
6. What forceful measures would be implemented by Maintenance Services Director Savage to bring the restaurants into compliance with the wash water regulations?

Acting Senior Planner Allen stated that after the Committee met in January, staff scheduled a meeting with the restaurant owners and no one showed up -- an indication to staff that there was no interest. Chairman McNelly asked if Committee Member Mitchell knew about the meeting; she said she did not. Acting Senior Planner Allen said she did advise staff that the Committee's representative was available to attend the meeting if needed. The Engineering Department will now take the item forward to the Council. The original action to approve a bid for the trash enclosure with the wash rack is still open. The Council will be asked to reject the bid which will allow staff to redesign a trash enclosure that would have a smaller clarifier without the wash area. The action today is to provide a recommendation to Council on this action.

Chairman McNelly noted for the record that the Clean Water Act provides guidance in relationship to storm water. In researching the Drainage Management Plan and the Health and Safety Code Chairman McNelly found statements pertaining to wash water control for food preparation, and a statement regarding the MS4 permit that is issued to permittees. This information can be reviewed on the website under OCWaterShed.com.

Chairman McNelly continued that other information found on the website includes the following: Oil and grease waste are not to be discharged into a parking lot, street or adjacent catch basin. Trash bin areas must be clean, lids closed. Floor mats, filters and garbage containers are not to be washed in adjacent parking lots, sidewalks or streets. Also listed on the web is Best Management Practices for disposing of wash water as well as those generated by mobile businesses. Food establishments shall have contained areas for sinks and/or mop sinks with sanitary sewer connections for cleaning of kitchen floor mats and for disposal of wash waters

containing kitchen and food wastes. The contained area shall also be covered to eliminate a reuse entry of storm water. Adequate signs shall be provided in an appropriate place that states the prohibition of discharging wash to the storm drain system.

Chairman McNelly said there are regulations on how future trash enclosures should be constructed and designed, with a cover, secured so that run-off from the bins does not enter the storm drain system. Committee Member Roberts stated that having proper trash facilities is good government, but he is disappointed that the restaurants did not take any interest. He is supportive of the new proposal. Committee Member Mitchell felt that the restaurants have no interest because the City is not holding their feet to the fire. Committee Member Avera said, in his opinion, it is not the City's responsibility to provide a trash enclosure. Chairman McNelly said that a trash enclosure is already there and being used. The problem is that it is under sized and over loaded. Heroes restaurant generates a lot of food waste and they do not seem to have any other program for disposal other than in the trash enclosure. There may be other places in the City that also need to be addressed. Committee Member Mitchell agreed with Committee Member Roberts and supports staff's recommendation.

Acting Senior Planner Allen explained that there are two actions involved in the recommendation to City Council 1) to reject/deny the existing bid and 2) to re-bid a new design for a trash disposal facility with no wash rack.

MOTION made by Committee Member Roberts that the Energy and Resource Management Committee support Staff's recommendation to reject the existing bid to construct a trash enclosure and wash rack, SECONDED by Committee Member McCormack and CARRIED by all those present.

Committee Member McCormack asked for clarification on the second part of the action that the Committee is being asked to act on. Chairman McNelly explained that the second part was not yet on the floor and called for that motion.

MOTION made by Committee Member Roberts that the Energy and Resource Management Committee support staff's recommendation to re-bid a revised trash enclosure to include expanded trash facilities without a wash rack for washing kitchen mats. Motion failed for lack of a second.

Committee Member Mitchell asked for the motion to be restated.

Several attempts were made for a motion, each one failing to pass.

Committee Member Avera stated that he would support a motion if it was reworded to say redesign rather than re-bid. Committee Member Mitchell suggested adding the words redesigned consistent with Best Management Practices.

Committee Member Roberts asked who would redesign the trash enclosure. Staff answered that it would be the Engineering Department or Engineering in combination with an outside design firm. A final motion was called for.

MOTION made by Committee Member McCormack, SECONDED by Committee Member

Mitchell and CARRIED by all those present to support staff's recommendation to redesign the trash enclosure in a fashion that eliminates the wash rack component and is consistent with the MS4 Plan, Drainage Area Management Plan, and Best Area Management Practices for these types of facilities.

Acting Senior Planner Allen stated that the item is scheduled to be on the City Council's agenda for March 6, 2007.

NEW BUSINESS:

b. Election of Chair and Vice Chair

Chairman McNelly stated that the directive that created this Committee calls for the election of the Chair and Vice Chair in February. He opened the floor to nominations for Chair and Vice Chair for next year.

Committee Member Twineham recommended that the nominations be tabled until the next regular meeting in March to allow any new appointees by the City Council to participate.

Committee Member McCormack objected, preferring to vote now. Committee Member Avera said he had not yet been interviewed for a second term. Committee Member Twineham said he was not sure he would be re-appointed. Committee Member Roberts suggested that the Committee vote on Chair and Vice Chairman for an interim period of a month.

MOTION made by Committee Member Twineham, SECONDED by Committee Member Avera to table the election of Chair and Vice Chair until after the City Council meets on March 6, 2007 and appoints new people to the Committee, the motion failed with (3-4 vote) Mitchell, Mathy, McCormack, Roberts voting no.

Nominations were opened for interim Chair and Vice Chair.

MOTION made by Committee Member Roberts to nominate Patrick McNelly to serve as interim Chair and Elaine Mitchell as interim Vice Chair for the year 2007 or until the status of the membership is clarified, SECONDED by Committee Member McCormack, and CARRIED by all present.

DISCUSSION ITEMS:

The Waterless Urinals were not agenized and must be moved to the next meeting.

PUBLIC COMMENTS:

None

COMMITTEE/STAFF COMMENTS:

Staff comments

The minutes were prepared within two days after the January 17, 2007 meeting occurred. The minutes were not able to be fully reviewed before the January 21, 2007 meeting due to the time constraints and the workload of all staff members involved in the review process.

Committee comments

Committee Members encouraged to convey to staff what their goals are, include update on the Water Program and what is planned for Hillcrest Park. Chairman McNelly stated that the General Plan is under review and recommended that the Committee be involved in that review; that the Committee be kept abreast of the new developments of the state-wide Waste Water Discharge requirements ordered for the sewers and be kept informed of the progress.

Committee Member McCormack suggested looking at areas of energy conservation. Committee Member Twineham added electric vehicles (recharging stations).

Recommend that the City Council be more reflective of Committee goals; the Committee is encouraged to look at decisions being reviewed by City Council and perhaps attend Mayor Nelson's open invitation to visit his office.

Committee Member Twineham said it has been a pleasure being on the Committee and thanked everyone for their work and dedication.

ADJOURN:

With no further business the meeting was ADJOURNED AT: 8:45 a.m.

Beverly Norton, Clerical Support