

**CITY OF MILPITAS
RECYCLING AND SOURCE REDUCTION ADVISORY COMMISSION MEETING
SPECIAL MEETING
APRIL 26, 2011 6:00 P.M.
455 E. CALAVERAS BLVD, MILPITAS CA 95035
COMMITTEE MEETING ROOM**

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. SEATING OF ALTERNATES

IV. APPROVAL OF THE MINUTES OF THE JANUARY 25, 2011 MEETING

V. PUBLIC FORUM

Members of the audience are invited to address the Recycling and Source Reduction Advisory Commission on any subject not on tonight's agenda. Speakers must state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an item not on the agenda, no response is required of City staff or the Commission; however, the Commission may place the item on the agenda for a future meeting.

VI. ANNOUNCEMENTS

VII. COUNCIL LIAISON REPORT

VIII. APPROVAL OF AGENDA

IX. NEW BUSINESS

1. REVIEW OF BY-LAWS AND MISSION

X. OLD BUSINESS

1. SINGLE-USE CARRY OUT BAGS & POLYSTYRENE FOOD WARE STUDIES

XI. STATUS REPORT OF DIVERSION PROGRAM ACTIVITIES

XII. FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

XIV. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Recycling and Source Reduction Advisory Commission after initial distribution of the agenda packet are available for public inspection at the Utility Engineering department at
Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at
Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035
E-mail: mogaz@ci.milpitas.ca.gov / Fax 408/586-3030 / Phone 408/586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

IX. NEW BUSINESS

1. REVIEW OF BY-LAWS AND MISSION

The Commission's mission, as described in Section 1 (Purpose) of its Bylaws is as follows:

The purpose of the Recycling and Source Reduction Advisory Commission is to serve as an advisory body to the City Council on matters concerning the implementation of the City's Source Reduction & Recycling Element, Household Hazardous Waste Element, and the City's achievement of diversion goals mandated by the California Integrated Waste Management Act of 1989.

At the January 25, 2011 meeting, Council Liaison Mayor Esteves asked the Commissioners to review these bylaws to identify if there are related areas in which they may wish to expand the Commission's mission and to identify if they wish to change the meeting frequency. A copy of the bylaws is included in the agenda packet.

RECOMMENDATION: Discuss, then if changes are desired, request the item be placed on a future agenda for action.

X. OLD BUSINESS

1. SINGLE-USE CARRYOUT BAGS & POLYSTYRENE FOOD WARE

A. Summary of City of San Jose Single-use Carryout Bag Ordinance

Effective January 1, 2012:

- i. Grocery stores, pharmacies, small and large retailers will no longer be allowed to provide plastic carryout bags at checkout;
- ii. Stores may still provide paper bags made of 40% post-consumer recycled material and charge a minimum of 10 cents for each bag. After the initial two years, the store charge will increase to a minimum 25 cents for paper bags. The charge is retained by the store;
- iii. Customers purchasing food with WIC and CalFresh "food stamps" may be provided a recycled content paper bag at no cost for the first two years of the ban.

City of San Jose Ordinance No. 28877 is included in the agenda packet.

- B. Single-use Carryout Bags Study: On November 16, 2010, Council approved an agreement with Cascadia Consulting Group to evaluate if it would be in the City's interest to control the distribution of free, single use carryout bags by grocery stores and other retail businesses, and, if so, what options would accomplish this objective. This study included: nine specific research tasks; review of the experience of eight California cities that replaced single use bags with reusable alternatives; a statistically-reliable phone survey of 293 Milpitas residents with a confidence rating of +/- 5%, and; stakeholder interviews with managers of 24 Milpitas food and retail establishments and representatives of special interest groups. A copy of the study is

included in the agenda packet. Richard Gertman, Principal, Cascadia Consulting Group will present study findings.

Options to control bags:

Based on the findings of the Bag study, there are at least three basic options the City may follow:

1. The City may take no action at this time. Although this is status quo, there is a slow consumer conversion to reusable bags underway that will likely continue growing as the major retail chains continue offering reusable bags. The State may eventually reconsider a Statewide ban.
2. The City may ban the use of single-use bags in a manner similar to the action taken by San Jose. The City will need to complete an environment impact report for this action, but it can draw on the work done by San Jose and others.
3. The City may increase its encouragement of the use of reusable bags by increasing its existing promotions to consumers.

Staff requests that the Commission discuss the pros and cons of recommending a ban on single-use paper and plastic bags such that the findings of the Commission and justification for the recommendation will be clear and supportable for the City Council. Jurisdictions that have adopted a ban find it to be a controversial action with strong opinions on both sides. Staff offers the following pros and cons summary to prompt this discussion.

Pros	Cons
Proven to motivate people to switch to reusable bags. Most direct method of forcing shoppers to switch to reusable bags.	Perceived City interference in what has been a business decision to provide good customer service with free bags. Customers may blame businesses for refusing to offer free bags.
Compliance credit for trash abatement provisions of the Non-point Discharge Elimination System (NPDES) stormwater permit.	Businesses may need to provide some type of carry-out container and thereby incur higher costs. Businesses will not want to incur higher costs in a down economy; can be viewed as an unfair burden on low-income consumers.
Some members of the public and the environmental community will be pleased with the City Council for actions to protect the environment.	Some members of the public and business community will blame the City Council for interfering in what they view to be a private matter.
Potential cost savings for City from litter abatement and clearing storm drains. However, this is relatively minor savings.	Increased City cost for community and business promotions Increased City cost for enforcement. See below for assessment of potential cost impact.

City Cost Impact: Regulatory assignments for solid waste and stormwater quality protection are assigned to Utility Engineering Section of the Public Works Department who is currently at full utilization. Should the City approve a ban, it will need to provide consultant support to augment staff resources for the action to be effective. Following are conceptual estimates of cost impacts to the City in preparation and during first year implementation of a single-use carryout bags ban.

Environmental Impact Report (Consultant)

- Preparation - \$50,000 - \$100,000 (Consultant)
- Circulation/Certification – 120 hours staff time (~\$12,000)

Ordinance Development and Adoption

- Development - 40 hours staff time (~ \$4,000)
- Council Adoption – 80 hours staff time (~\$8,000)

Enforcement Options

Low: Basic implementation using reports from community and follow-up letters = \$33,904.

Moderate: Addition of one follow-up visit to businesses in non-compliance = \$107,536.

High: Addition of tracking non-compliance, phone calls, application of fines = \$142,688.

Residential and Business Outreach Options

Low: Basic implementation using City and local media and one mailing to each group = \$24,064.

Moderate: Addition of local print advertising = \$42,928.

High: Addition of one mailing to each group = \$64,560.

- C. Polystyrene Food Ware Study and Proposed State Legislation: On November 16, 2010, Council approved an agreement with Cascadia Consulting Group to provide an objective study of food service take-out containers made from expanded polystyrene foam, also called EPS or polystyrene, and commonly referred to as Styrofoam™. This study included: nine specific research tasks; review of 48 jurisdictions and research of eight California cities that regulate replacement of polystyrene food ware with recyclable or compostable alternatives; a statistically-reliable phone survey of 293 Milpitas residents with a confidence rating of +/- 5%, and; stakeholder interviews with managers of 25 Milpitas food establishments and representatives of special interest groups. A copy of the study is included in the agenda packet. Richard Gertman, Principal, Cascadia Consulting Group will present study findings.

Senate Bill 568 (Lowenthal), introduced on February 17, 2011, would prohibit a food vendor, on or after January 1, 2013, from dispensing prepared food to a customer in a

polystyrene foam food container and defines related terms. A polystyrene foam food container includes, but is not limited to, a cup, bowl, plate, tray, or clamshell container that is intended for single use. A draft letter in support of SB 568 on behalf of the City Council and signed by the Mayor is included in the agenda packet.

RECOMMENDATIONS:

- A. San Jose Ordinance - Receive report.
- B. Carryout Bag Ban - Forward a recommendation to the City Council for action or request further information. Suggested alternatives for action are:
 - a. Recommend no further action.
 - b. Recommend the Council direct staff to prepare an environmental impact report for an ordinance banning use of single-use carryout bags.
 - c. Recommend that Council direct staff to work with the Commission to develop alternate method of encouraging consumers to switch to reusable bags.
- C. Polystyrene Food Ware - Approve support letter for the Mayor's signature. Wait for state action on SB 568 before taking further action.

XI. STATUS REPORT OF DIVERSION PROGRAM ACTIVITIES

Highlights of the January - April diversion program activities:

- a. Single Family Recycling & Waste Reduction: Wrote and placed articles in the Summer 2011 Parks & Recreation Activity Guide; continued updates to the recycling web pages including composting and vermicomposting.
- b. Multi-family Recycling & Waste Reduction: Continued support of Allied field promotions to targeted developments.
- c. Commercial Recycling & Waste Reduction: Continued support of Allied field promotions to targeted businesses; art preparation and purchase of desk-side recycling boxes for Allied distribution to participating businesses.
- d. Spring school mini-grants: Allied awarded five schools a total of \$3,200.
- e. Composting Workshops, March – June: Advertisements placed on City media and *The Milpitas Post* promoting free workshops in Sunnyvale for Milpitas residents. Features vermicomposting (best option for multi-family residents) and one pound of free Redworms for each attending household.
- f. “Go Green” Advertisements: Placed fourth ad in a series of four full page advertising in the monthly “Go Green” section of *The Milpitas Post*.
- g. Street Sweeping: Monitored Allied completion quarterly print advertising placement.
- h. Compost Giveaway, April 2 & 16: Reviewed Allied's development of promotions and event preparation for the April 2 event (898 bags distributed serving 224 households); attendee totals for April 16 “Second Chance” event not available as of agenda distribution.

- i. Neighborhood Clean-ups, April 9 & 23, May 14: Prepared mapping and reviewed Allied outreach supporting eight neighborhood locations. Allied to accept foam packaging blocks and clean foam food containers this year.
- j. County E-waste Event, April 16: Advertisements placed on City media and *The Milpitas Post* promoting this free drop-off event on Berger Dr. in north San Jose.
- k. Regional Committees: Staff participated in the monthly Santa Clara County meetings of the Technical Advisory Committee, the Household Hazardous Waste Subcommittee, and the Public Education Subcommittee.

RECOMMENDATION: Note receipt and file.

XII. FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

The next regular meeting of the Commission is July 26, 2011.

XIV. ADJOURNMENT