

APPROVED MINUTES

**CITY OF MILPITAS  
RECYCLING AND SOURCE REDUCTION ADVISORY COMMISSION**

Minutes: Regular meeting of Recycling and Source Reduction Advisory Commission  
Meeting Date: April 26, 2011  
Meeting Time: 6:00 p.m.  
Meeting Place: Milpitas City Hall, Committee Meeting Room

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- I. ROLL** Chair Blake called to order the Milpitas Recycling and Source Reduction Advisory Commission at 6:03 p.m. Commissioners Arora, Arthur, Blake, Cimino, Gill, Salian and Council liaison Mayor Esteves were present, as were Staff Kathleen Phalen, Elizabeth Koo, and Leslie Stobbe and Richard Gertman of Cascadia Consultants.
- II. PLEDGE OF ALLEGIANCE** All
- III. SEATING OF ALTERNATES** None
- IV. MINUTES** Motion to approve minutes of the January 25, 2011 meeting.  
M/S: Cimino/Arthur Ayes: All
- V. PUBLIC FORUM** Rob Means, 1421 Yellowstone Ave, spoke regarding the need for the City to pursue energy efficiencies. He encouraged the commission to act progressively on this issue.
- VI. ANNOUNCEMENTS** None.
- VII. COUNCIL LIAISON REPORT** Mayor Esteves provided updates on local businesses, City budget reduction efforts, and the redevelopment fund status.
- VIII. AGENDA** Motion to approve the agenda as submitted  
M/S: Cimino/Arora Ayes: All
- IX. NEW BUSINESS**  
*1. Review of By-Laws and Mission*

Staff Phalen summarized the commission's original mission which was to recommend actions to help the City meet the AB939 mandate of 50% diversion by 2000, a regulatory requirement which the City successfully attained. The commission may wish to consider updating their mission/purpose, meeting time and meeting frequency in order to better address current needs.

Commissioner Cimino suggested increasing the frequency of the meetings and recommended a 6 pm meeting start time. Commissioners agreed to discuss meeting frequency at the July meeting.

Commission discussed expanding their mission to include more environmentally-related issues (e.g., green business, alternative energy sources, LED lights, etc) which are outside the scope of other commissions. Commissioners will review and comment on section 1 of the commission's by-laws before the next meeting. Comments will be coordinated through the Chair and staff.

*Meeting time:* Motion to change meeting starting time to 6 pm  
M/S: Arora/Gill Ayes: All

**X. OLD BUSINESS**

1. *Single-Use Carryout Bags & Polystyrene Food Ware*

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

Staff distributed copies of the City of San Jose's Ordinance No 28877 which bans single-use carryout bags effective January 1, 2012. County of Santa Clara passed a similar ordinance for unincorporated County areas on the same day as the RSRAC meeting. Commissioners voted to receive the staff's report.

M/S: Cimino/Gill Ayes: All

b. *Single-use Carryout Bags Study*

Richard Gertman, Cascadia Consulting, provided an overview of the evaluation on controlling distribution of free, single-use carryout bags by grocery stores and other retail businesses located within Milpitas. Cascadia's work included studies on other jurisdictional actions, economic impacts, alternative bag options, regulation/enforcement & penalties, public outreach/education and findings based upon interviews with stakeholders, residents and special interest groups.

Staff Phalen summarized that the recommendations the commission could make included:

1. Take no action at this time.
2. Ban the use of single-use bags in a manner similar to the City of San Jose.
3. Increase existing promotions to encourage voluntary use of reusable bags.

Commissioner Gill felt that education and awareness were effective measures which should be attempted first.

Commissioner Arora provided a brief overview of his research on state and local action regarding bans in California including Stopwaste.org, AB 2176 (large venue recycling), etc. Discussion followed regarding AB 1998, a recently proposed statewide plastic bag ban which failed on the senate floor in August 2010.

Commissioner Cimino would like to proceed with a citywide ban.

Commissioner Gill felt that more discussion was needed to understand the reasons for opposition to a bag ban.

Commissioner Salian suggested making reusable bags more widely available for sale.

Chair Blake suggested a ban implementation date if it is determined that there has not been a sufficient drop in the use of single-use carryout bags. Businesses would be forewarned and should be prepared to assist customers in modifying their bag choices/habits. Chair Blake emphasized the need for a readily-implementable alternative bag option if a ban is enacted.

Commissioners opened up discussions to include the general public.

- Stephen Knight, Political Director of Save the Bay, urged support of a ban on plastic bags.

- Andrea Ventura, Clean Water Action (CWA), supports a ban on paper and plastic since she believes that education and/or voluntary compliance will not achieve the intended results. She also provided information on CWA's work on AB 1998.
- Lynette Komar, Milpitas Cool Cities Team, noted the organization's connection to the Sierra Club and their involvement with waste reduction initiatives and recycling. She encouraged the commission to recommend a plastic bag ban.
- Rob Means, resident, suggested a fee-bate program which charges a fee for plastic bag users or credits a refund to reusable bag shoppers.

Commissioners voted to recommend to Council a bag ban.

M/S: Cimino/Arora

Ayes: Cimino, Arthur, and Arora

Noes: Salian & Gill

Abstain: Blake

*c. Polystyrene Food Ware Study and Proposed State Legislation*

Richard Gertman presented a report on food-service takeout containers made from expanded polystyrene (also referred to as EPS or Styrofoam). The study reviewed other jurisdictional actions, economic impacts, alternative container options, regulation/enforcement, public outreach/education and findings based upon interviews with businesses, residents and special interest groups.

Staff Stobbe presented a draft letter supporting SB568 which bans food vendors from dispensing polystyrene foam food containers by January 1, 2014. Staff recommends that the commission review and approve a letter of support by the Mayor pending Council approval at its May 17 meeting. Andrea Ventura, CWA, offered some background information based upon her organization's sponsorship of this bill.

Commissioners opened up discussions to the general public.

- Rob Means, resident, commented on the hidden externalized costs of polystyrene. He urged local community action such as a ban.
- Andrea Ventura, CWA, encouraged the City of Milpitas' support of a statewide polystyrene ban. She described environmental hazards of disintegrating polystyrene and pricing of alternative food ware.
- Ed McGovern, American Chemistry Council, stated that the study should consider post-ban effects, cities currently recycling polystyrene food service containers, "carveouts" which are foam containers for pre-packaged grocery items such as meat and fish, and the handling and disposal of alternatives such as compostable containers in cities without food waste programs. He recommended that the commission should focus on recycling polystyrene with the use of Allied's densifier.
- Stephen Knight, Save the Bay, encouraged the commission to continue work towards banning polystyrene.

Commissioners voted to approve the support letter for the Mayor's signature.

M/S: Arora/Gill

Ayes: All

Commissioners voted to wait for state action on SB568 before taking further action.

M/S: Cimino/Gill

Ayes: All

Jeanne Serpa, Allied, invited the commission to visit the Recyclery to view the densifer. Allied recently began a new program which accepts drop-offs of clean food containers. It was discussed that staff would coordinate a special meeting to visit the site only after the State takes action regarding a polystyrene ban.

**XI. STAFF ACTIVITIES**

Staff Koo reported that a list of diversion activities was included in the packet for the commission's review.

**XII. FUTURE AGENDA ITEMS**

None.

**XIII. SCHEDULING OF NEXT MEETING AND ADJOURNMENT**

The next meeting is a special session scheduled for July 26, 2011 at 6pm.

Motion to adjourn the meeting at 8:18pm.

M/S: Arora/Cimino

Ayes: All