

CITY OF MILPITAS
ENERGY & ENVIRONMENTAL SUSTAINABILITY COMMISSION (EESC) MEETING
OCTOBER 30, 2018, 6:00 P.M.
CITY HALL 1ST FLOOR COMMITTEE CONFERENCE ROOM
455 E. CALAVERAS BLVD, MILPITAS CA 95035

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. SEATING OF ALTERNATES

IV. APPROVAL OF THE MINUTES OF THE JULY 24, 2018 RECYCLING AND SOURCE REDUCTION COMMISSION MEETING

V. PUBLIC FORUM

Members of the audience are invited to address the Energy and Environmental Sustainability 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. STREET SWEEPING UPDATE**
- 2. STRAW BAN UPDATE**
- 3. EES COMMISSION WORKPLAN**

X. OLD BUSINESS

- 1. RECOMMENDATION FOR SOUTH BAY ODOR STAKEHOLDERS GROUP (SBOSG) REPRESENTATIVE**

XI. STATUS OF DIVERSION PROGRAM ACTIVITIES

XII. REQUEST FOR FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

XIV. ADJOURNMENT

IX. NEW BUSINESS

1. STREET SWEEPING UPDATE

BACKGROUND: This item was requested to be placed on the agenda for discussion by the Council Liaison. Citywide street sweeping is included in the City's franchise agreement for solid waste collection with Milpitas Sanitation, Inc. (MSI) and is funded through garbage rates paid by residential and commercial customers.

MSI owns one broom and vacuum truck that sweeps residential streets once every two weeks and commercial streets once per week, both on Monday through Friday schedules. A map of the street sweeping schedule is posted on the City's website and a "locator function" is available at www.MilpitasSanitation.com that will provide the street sweeping schedule by address.

A major obstacle in properly cleaning streets is on-street parking of cars where cars are not moved for the street sweeper. This is most commonly a problem throughout residential streets. Commercial streets do not have the widespread problem of parked cars. Approximately half of the commercial streets have red-painted curbs and /or signage for no parking at any time.

The City does not have an ordinance regulating on-street parking during assigned street sweeping days. Engineering and Police Department Staff have researched this issue and found that adoption of a City Ordinance is required to allow the Police Department the ability to issue citations for on-street parking of vehicles on street sweeping days and times in accordance with California Vehicle Code, subsection 22507.6. This Code states, "No such ordinance or resolution shall be effective until the street or highway, or portion thereof, has been sign-posted in accordance with the uniform standards and specifications of the Department of Transportation, or local authorities have caused to be posted in a conspicuous place at each entrance to the street a notice not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, setting forth the day or days and hours parking is prohibited."

Previously, staff reviewed the above street sweeping information and on-street parking regulation requirements with the Community Advisory Commission on January 8, 2014. The outcome of the discussion was that the Commission did not believe residents would want signs "posted in a conspicuous place at each entrance to the street" in neighborhoods.

Starting in January 2018, MSI has implemented outreach to residents encouraging removal of cars on street sweep days, including monthly advertising in *The Milpitas Post* and the annual calendar mailed to single and multi-family residents. City staff targeted residential areas with especially heavy on-street parking on sweep days with flyers placed on cars periodically from 2010 through 2014. This was found to have limited effect and staff received complaints about the distribution of these flyers. However, staff also continues to receive complaints regularly about streets not receiving a proper cleaning because of on-street parking.

RECOMMENDATION: Accept staff report and make recommendations for City Council consideration.

2. STRAW BAN UPDATE

BACKGROUND: At the April 26, 2018, meeting of the former Recycling & Source Reduction Advisory Commission, the issue of plastic straws as a source of litter and not being accepted in the recycling program was discussed.

On September 20, 2018, Gov. Brown signed AB 1884 into law which requires sit-down restaurants in California to only provide a straw when it is requested by the customer starting January 1, 2019. AB1884 does not apply to fast food restaurants and convenience stores. This means coffee, gas station and convenience stores can leave plastic straws out for take away beverages. AB 1884 does not require an alternative material be used for straws.

In Santa Clara County, there are no municipal recycling programs that accept plastic straws and there are no ordinances banning plastic straws at this time. Santa Clara County's Recycling & Waste Reduction Commission is interested in this topic and has studied Santa Cruz County's sustainable packaging ordinance requiring all food service related waste to be recyclable or compostable certified by the Biodegradable Products Institute.

Santa Clara County staff report there are no current plans to draft a countywide ordinance to address plastic straws as a non-recyclable litter source. County staff has used the ReThink Disposable campaign created by Clean Water Action to promote reducing plastics in water.

Recently, the City promoted a social media campaign to raise awareness about litter in creeks. The campaign ran from April – June and included messages about plastic straws and reuse alternatives to disposable items.

Northern California jurisdictions that ban plastic straws include the cities of Berkeley, Oakland, San Francisco, Alameda and Santa Cruz County. Ordinances in these jurisdictions include straws in overall restrictions of plastic single-use foodware including utensils, coffee stirrers, cup plugs and lids, and cups treated with plastic chemicals. Cities in Southern California with a specific ban on plastic straws include Manhattan Beach and Malibu. There are three types of existing / pending restrictions on plastic straws:

1. Bans on the use of plastic straws in all dine-in and take-out restaurants. These ordinances do not specify an alternative to plastic, but require that straws be made of compostable material. Available materials include straws made of paper, corn and bamboo. Paper is the least cost alternative. Enforcement is based on reports from the public and citations issued in conjunction with other inspections. Fines vary for violations, which start at \$100 to \$250 for a first offense and typically double for each subsequent violation.
2. Policies that require all types of restaurants to only provide straws upon request. These ordinances also require that straws be made of compostable material. Jurisdictions with this ordinance have similar fines in place and rely on reports from the public before inspecting and issuing a violation.

3. Policies that require only dine-in restaurants to provide straws upon request. These ordinances do not restrict plastic straws and allow straws to be on display for take-out customers. Enforcement is the same as above policy.

Outreach for bans and restrictions typically included surveys of affected businesses, notifications of public meetings for proposed ordinances, media coverage, and mailings to affected businesses. Some jurisdictions planning a ban on plastic straws offered information about alternatives, but did not offer referrals and financial assistance to purchase alternative products. After a policy is enacted, all jurisdictions have information on their websites and provide direct contact to agency staff.

In order to bring forward a policy banning plastic straws, staff will need to conduct extensive outreach to its businesses and residents to understand considerations around availability and viability of alternate products, estimated costs to businesses, and impacts to users, specifically people with special needs. Alternatively, staff can focus its efforts on ensuring implementation of AB 1884.

RECOMMENDATION: Accept staff report and make recommendations for City Council consideration.

3. EES COMMISSION WORKPLAN

BACKGROUND:

A presentation has been requested from each commission at a future Council meeting, but no later than February 2019. Staff is prepared to assist commissioners in creating a work plan for FY 2018-19. In addition, new bylaws are being written to provide consistency across Commissions and will be shared with the Commission at future meetings.

RECOMMENDATION: Note receipt and file.

X. OLD BUSINESS

1. RECOMMENDATION FOR SOUTH BAY ODOR STAKEHOLDERS GROUP (SBOSG) REPRESENTATIVE

BACKGROUND: The South Bay Odor Stakeholders Group (SBOSG), formed in 2015, serves as a forum for municipal leaders, private industry, state and local regulators and members of the community to collaborate in identifying and resolving odor issues in the South Bay. The SBOSG provides and shares timely communication regarding odor issues affecting residents and businesses located in the South Bay.

At its April 3, 2018 meeting, the City Council directed that a Recycling and Source Reduction Advisory Commission member be appointed as the Milpitas community representative to the SBOSG. This item is being brought forward at this meeting to nominate and recommend an EESC member.

SBOSG's quarterly meetings are held at the Sonesta Silicon Valley Hotel, 1820 Barber Lane, from 11:30am to 1:30pm. A recent meeting was held on Thursday, October 18. The next meeting will be held on January 17, 2019.

RECOMMENDATION: Discuss potential member volunteer and recommendation to City Council.

XI. STATUS OF DIVERSION PROGRAM ACTIVITIES

Highlights of August – October 2018 program activities:

- a. Single Family Recycling & Waste Reduction: Completed and issued July – September quarterly newsletter. Completed the July – September Quarterly Schedule of outreach activities and began planning for participation in community events from August – October 2018.
- b. Multi-family Recycling & Waste Reduction: Completed and issued the July newsletter and produced the October newsletter.
- c. Commercial Recycling & Waste Reduction: Completed and issued the July newsletter and produced the October newsletter. Ongoing site visits conducted by Milpitas Sanitation to start or improve recycling services.
- d. Street Sweeping: Updated and placed print advertisements appearing August – October in *The Milpitas Post*.
- e. Program Coordination: City and MSI staff conducted monthly operations meetings to review service delivery concerns and share information.
- f. Hot August Bites on August 25 and Oktoberfest on September 29: City and MSI staff participated at these City events with information and giveaways encouraging litter and stormwater pollution reduction, flood preparedness and how to “Recycle Right” with the City’s new programs.
- g. School Mini-grants for Fall 2018: City and MSI staff reviewed applications from elementary and middle school teachers. \$5,000 was awarded by MSI as part of its contractual requirement to promote recycling and composting lessons in the classroom and for school-wide projects.

RECOMMENDATION: Note receipt and file.

XII. REQUEST FOR FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

The next regular meeting of the Commission is January 22, 2019 at 6 pm.

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 Phone : 408-586-3040
E-mail: cdiaz@ci.milpitas.ca.gov

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.