REGULAR MEETING – TUESDAY, NOVEMBER 10, 2009
ATRIUM CONFERENCE ROOM AT CITY HALL – 500 CASTRO STREET
6:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

Committee Members: Margaret Abe-Koga, Ronit Bryant and Chair Jac Siegel.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This portion of the meeting is reserved for persons wishing to address the Committee on any matter not on the agenda. Speakers are limited to three minutes. State law prohibits the Committee from acting on nonagenda items.

4. **MINUTES APPROVAL**

Minutes for the June 23 and October 7, 2009 meetings have been delivered to the Committee members and copies posted on the City Hall bulletin board. If there are no corrections or additions, a motion is in order to approve these minutes.

5. **NEW BUSINESS**

5.1 **GOVERNMENT OPERATIONS GREENHOUSE GAS (GHG) INVENTORY AND EMISSIONS REDUCTION TARGETS**

Overview:

In response to climate change, the State of California passed AB 32 (Global Warming Solutions Act of 2006) requiring GHG emissions reductions. The Committee will consider recommending the City set emission-reduction targets for government operations. An emissions inventory, defining 2005 as a baseline, was recently completed.

Recommendation:

Recommend the City Council adopt the following government operations greenhouse gas (GHG) emission reduction targets:

- 15 percent below 2005 levels by 2012.

- 20 percent below 2005 levels by 2015.
- 25 percent below 2005 levels by 2020.
- 80 percent below 2005 levels by 2050.

5.2 UPDATE ON SINGLE-USE, CARRY-OUT BAGS

Overview:

At the January 27, 2009 City Council meeting, Council adopted a resolution supporting regional efforts to reduce litter and waste caused by single-use, carry-out bags.

The Committee will review updated information from the Recycling and Waste Reduction Commission (RWRC) and consider possible recommendations regarding Mountain View's response to forward to Council.

Recommendation:

None.

6. COMMITTEE/STAFF COMMENTS, QUESTIONS AND REPORTS

No action will be taken on any questions raised by the Committee at this time.

7. SET DATE AND TIME FOR NEXT MEETING

8. ADJOURNMENT

LT/7/PWK
944-11-10-09A^

Attachment

AGENDAS FOR BOARDS, COMMISSIONS AND COMMITTEES

- The specific location of each meeting is noted on the notice and agenda for each meeting which is posted at least 72 hours in advance of the meeting. Special meetings may be called as necessary by the Committee Chair and noticed at least 24 hours in advance of the meeting.

- Questions and comments regarding the agenda may be directed to the Transportation, Property and Policy Division of the Public Works Department at (650) 903-6311.

- Interested persons may review the agenda and staff reports at the Public Works Department counter beginning at 4:00 p.m. the Friday evening before each regular meeting. A copy can be mailed to you upon request. Staff reports are also available during each meeting.

- **SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990**
  Anyone who is planning to attend a meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the Public Works Department at (650) 903-6311 48 hours in advance of the meeting to arrange for assistance. Upon request by a person with a disability, agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format.

- The Board, Commission or Committee may take action on any matter noticed herein in any manner deemed appropriate by the Board, Commission or Committee. Their consideration of the matters noticed herein is not limited by the recommendations indicated herein.

- **SPECIAL NOTICE**—Any writings or documents provided to a majority of the Council Environmental Sustainability Committee regarding any item on this agenda will be made available for public inspection in the Public Works Department, located at 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE BOARD, COMMISSION OR COMMITTEE

- Interested persons are entitled to speak on any item on the agenda and should make their interest known to the Chair.

- Anyone wishing to address the Board, Commission or Committee on a nonagenda item may do so during the "Oral Communications" part of the agenda.

REGULAR MEETING – WEDNESDAY, OCTOBER 7, 2009
ATRIUM CONFERENCE ROOM AT CITY HALL – 500 CASTRO STREET
6:30 P.M.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Siegel.

2. ROLL CALL

Committee Members Present: Ronit Bryant and Chair Jac Siegel.

Committee Member Absent: Margaret Abe-Koga.

City Staff Present: Joan Jenkins, Transportation and Policy Manager; Lori Topley, Solid Waste Program Manager; and Steve Attinger, Environmental Sustainability Coordinator.

3. ORAL COMMUNICATIONS FROM THE PUBLIC—None.

4. MINUTES APPROVAL

Minutes of the December 15, 2008 and January 26, 2009 CESC meetings were approved 2-0; Abe-Koga absent.

5. NEW BUSINESS

5.1 COMMUNITY-WIDE GREENHOUSE GAS INVENTORY AND EMISSIONS REDUCTION TARGETS

Staff presented results of the City's recently completed community-wide greenhouse gas inventory and long-term greenhouse gas reduction targets for consideration by the Council. The City completed an inventory of its 2005 community-wide emissions in conjunction with ICLEI. This 2005 inventory will serve as a baseline year against which the City will measure its future emission reductions.

The next step to meeting AB 32 requirements is setting GHG reduction targets. The City's targets can be modified at any time based on measured results and/or economic and environmental considerations. At least 50 California cities have set or are setting reduction targets.

Staff recommends the following community-wide GHG reduction targets which meet or exceed both AB 32 requirements and ESTF recommendations:

- 5 percent reduction below 2005 levels by 2012.
- 10 percent reduction below 2005 levels by 2015.
- A range of 15 percent to 20 percent reduction below 2005 levels by 2020.
- 80 percent reduction below 2005 levels by 2050.

A GHG reduction program is currently being developed as part of the General Plan update and will include emission reduction policies and actions to help the City reach these targets.

Committee Comments

In response to a question about the City's government operations emissions, staff noted that it will be reviewed by the Committee in November and the reduction targets may be more aggressive than the community targets.

A Committee member questioned how the base emissions were calculated. Staff explained the modeling is based on a number of assumptions—for example, average miles per gallon per passenger vehicle and average miles per gallon for other types of vehicles, gasoline versus diesel, etc. MTC has transportation models that predict—based on actual Caltrans counts—vehicle miles traveled.

A Committee member asked how population growth is considered; are emissions and targets normalized to account for this? Staff explained that the reduction targets are regardless of population growth. If population is growing, that needs to be considered when deciding how to meet the targets.

The Committee discussed how little control the City has over transportation, and staff clarified that every vehicle trip that goes through Mountain View is counted as our emissions, so if the number of vehicles traveling through Mountain View can be reduced, we get credit for that. There are regional efforts under way, such as the Low Carbon Fuel Standard and a State-wide initiative called the Tire Pressure Program that will reduce our emissions community-wide without our having to do anything.

The Committee requested staff provide additional information about the emissions methodology and the important reasons for emissions reductions when the recommendations go forward to Council.

Public Input

William Ware commented on the importance of alternative fuel vehicles.

John Carpenter asked why the AB 32 base emissions is 1990 and the City's is 2005.

Julie Lovins commented on the merits of several of the potential emission reduction programs listed in Attachment 2.

David Paradise said we need to use stronger language to explain why these goals are important. They need to come with a sense of urgency.

Bruce Karney stated that passing environmental problems and climate change to the next generations is particularly unjust, and he recommends aggressive goals. He is pleased the City is within a couple of weeks of having explicit goals and hopes the Council will consider a referendum to find out just how far citizens of Mountain View are willing to go to mitigate our GHG emissions as soon as possible.

Aileen LaBouff expressed support by Green Mountain View toward reduction in GHG emissions. She also urged an aggressive Zero Waste target.

Ellie Casson feels the targets seem somewhat abstract, noting Oakland and San Jose's efforts to try and determine how much they really need to reduce to be sustainable rather than just using the same numbers as everyone else. She also stated the City may not have much direct control over VMTs, but they have far more control than the region or State in reducing emissions through the design of their community, specifically through housing choices.

Committee Discussion

In response to public input, staff clarified that Attachment 2 is simply a sample of strategies that the General Plan consultant working on the Greenhouse Gas Reduction Program suggested—some more specific to Mountain View, some not as specific—and is based on their work with other cities. Nothing is recommended at this point. A full list of reduction programs will be presented to and reviewed by the Council at a later date and will be available for public review at that time.

In response to a question, staff replied that the AB 32 1990 baseline is from the Kyoto Boards, noting it is not possible for Mountain View to calculate emissions this far back, so the Air Board has approved the use of 2005.

A Committee member commented that a lot of technical knowledge went into creating AB 32 emissions targets, so we should accept them and spend our time achieving those levels.

Another Committee member stated the Council may make tradeoffs when evaluating reduction programs and costs due to limited dollars to work with. Mountain View will evaluate what we can do in terms of land use decisions and how to work toward a greater jobs/housing balance.

The Committee members discussed how the absolute value of the emission numbers is not important because we cannot know exactly what they are. The methodology used to calculate them and the assumptions used is what is important and should remain consistent.

Committee member Bryant moved to recommend to the City Council adoption of the following community-wide GHG emission reduction targets to meet or exceed AB 32 requirements:

- 5 percent below 2005 levels by 2012.
- 10 percent below 2005 levels by 2015.
- 15 percent to 20 percent below 2005 levels by 2020.
- 80 percent below 2005 level by 2050.

The motion was seconded by Chair Siegel. The motion passed 2-0; Abe-Koga absent.

5.2 BAY-FRIENDLY LANDSCAPING AND GARDENING PROGRAM

Staff explained this item is on the agenda at the request of Councilmember Bryant. The staff report provides background information about the program which was started in 2001 by *StopWaste.org* in Alameda County. It is based on principles of sustainable gardening that can help residents, landscapers and public agencies to ensure they are landscaping in a sustainable way, including water, waste reduction and toxic controls. The program covers seven principles.

There is a collaborative effort under way in Santa Clara County to bring the Bay-Friendly Program here. The ABAG Executive Board recently endorsed this program and is urging member cities to do the same and find ways to incorporate the principles into local policies and programs.

Committee Comments

A Committee member asked if there is information available to quantify what the return on putting resources into this program might be. Staff indicated such information might be available.

In response to questions about whether money for a staff allocation is needed, staff indicated there are different ways to support the collaborative, such as assign staff time or make monetary contributions, which are optional.

A Committee member noted that this program will support the forthcoming landscape water conservation ordinance.

Public Input

Julie Lovins stated one of the goals in adopting Bay-friendly principles is to influence everything the City did in this area. She believes this is an excellent area for citizen involvement and that public/private partnerships will be needed.

David Paradise thinks the principles sound great and seem like something the City could endorse. He suggested providing information about how successful the program has been to date.

Larry Moore asked if anything is being done to allow the use of collected rain water and gray water for landscaping. In response, staff noted the State-wide rules on gray water have been changed and Mountain View allows collection and use of it.

Ellie Casson was surprised to learn that indoor water use accounts for only 10 percent of water consumption, noting that savings in water use would be reflected by adopting these principles.

Committee Discussion

A Committee member stated she would very much like Mountain View to endorse these seven principles. She believes educating people is a critical aspect of our GHG reduction program and the City needs to give these principles visibility. Adopting the principles is a first, painless step we

should take. She would also be interested in staff finding out what other things we could do with this organization for the least amount of money. She suggested staff provide some assessment of what it would take for Mountain View to be more involved.

Another Committee member noted that the principles are really common sense, yet people do not seem to understand it. The nurseries just sell whatever people want instead of encouraging low-water-use plants.

The Committee asked about possibly teaching the Bay-friendly classes in Mountain View. Staff responded it is being researched. A Committee member reminded that budget issues are substantial and may preclude being able to support this.

One Committee member questioned whether endorsement of the principles should wait until staff can provide more information about how much Mountain View can support this. He was concerned about "backing" an organization without more information. It was decided to go ahead and recommend Council endorse the principles now as that costs no money and does not require supporting any organization, but sends a message that the principles should be incorporated into everything the City and public do related to landscaping.

Committee member Bryant moved to recommend Council adopt the seven principles of Bay-Friendly Landscaping and Gardening and asked staff to provide more information about the Bay-Friendly Coalition and possible ways for Mountain View to support and/or obtain assistance for this organization.

The motion was seconded by Chair Siegel. The motion passed 2-0; Abe-Koga absent.

6. COMMITTEE/STAFF COMMENTS, QUESTIONS AND REPORTS

Committee member Bryant referred to the memorandum in the packet about the Library Greening project and asked that it be given some visibility—for example, on the web site and at the Library. Let the public know about how we are working to green our facilities.

Committee member Siegel thanked Green Mountain View for their effort at the Art and Wine Festival and indicated a proclamation is being prepared to recognize them.

7. SET DATE AND TIME FOR NEXT MEETING

Staff inquired about setting a meeting date in November to discuss the government operations target and to update the Committee on single-use bags issues. November 2 was identified as a date to work toward.

8. ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

LT/2/PWK
944-10-07-09mn-E^

CITY OF MOUNTAIN VIEW
MEMORANDUM

DATE: November 5, 2009

TO: Council Environmental Sustainability Committee

FROM: Stephen P. Attinger, Environmental Sustainability Coordinator

SUBJECT: GOVERNMENT OPERATIONS GREENHOUSE GAS INVENTORY AND EMISSIONS REDUCTION TARGETS

RECOMMENDATION

Recommend the City Council adopt the following government operations greenhouse gas (GHG) emission reduction targets:

- 15 percent below 2005 levels by 2010;
- 20 percent below 2005 levels by 2015;
- 25 percent below 2005 levels by 2020; and
- 80 percent below 2005 levels by 2050.

FISCAL IMPACT

Setting GHG reduction targets has no fiscal impact. There will be future costs as the Council chooses specific emissions reduction strategies to meet these targets; however, in some instances, these costs may be offset by savings. Staff will conduct financial analyses for specific strategies identified by the City Council.

BACKGROUND

In response to climate change, the State of California passed AB 32 (Global Warming Solutions Act of 2006), requiring California to reduce State-wide GHG emissions over time. The law requires reductions from the heaviest GHG-emitting industries first, such as cement manufacturers and utilities.

Community-wide GHG Emissions Reduction Targets

In a Study Session on October 30, 2007, the City Council endorsed a sustainability goal of meeting or exceeding California's AB 32 requirements for emissions reduction. In addition, the Council sought public input through its Environmental Sustainability Task Force which, after seven months of work, recommended specific community-wide reduction targets as outlined later in this report.

The CESC met on October 7, 2009 and, following public input and discussion, recommended the following community-wide GHG reduction targets, which the Council will consider adopting on November 3, 2009:

- 5 percent below 2005 levels by 2012;
- 10 percent below 2005 levels by 2015;
- 15 percent to 20 percent below 2005 levels by 2020; and
- 80 percent below 2005 levels by 2050.

ANALYSIS

Since government operations emissions are a subset of community-wide emissions, the rationale and benefits of setting government operations GHG reduction targets and reducing emissions on a voluntary basis are similar to those for setting community-wide emissions reductions targets. They include:

- Saving operational expenses through increased energy and water efficiency.
- Setting an example for the community.
- Enabling the City to gain experience with emissions reduction activities before reductions likely become mandatory at the State or Federal level.
- Demonstrating the City's leadership in environmental protection and a commitment to future generations.
- Potentially reducing the impacts of climate change (e.g., extreme weather) on residents, businesses and the environment.
- Providing community health benefits such as improved air quality.

Government Operations Greenhouse Gas Inventory

The City completed an inventory of its 2005 government operations GHG emissions that will serve as the baseline against which to measure emissions reduction progress in future years. Conducting an inventory involves measuring the amount of energy/fuel/water used and waste generated during the course of government operations and calculating the number of metric tons of greenhouse gases (CO_2e[1]) that result from those activities.

GHG Inventory Methodology

The inventory was conducted in conjunction with ICLEI—Local Governments for Sustainability, which specializes in climate change and GHG inventories for cities and counties. It is one of the first inventories to use a new national standard developed and adopted by the California Air Resources Board (CARB) in conjunction with ICLEI, the California Climate Action Registry[2] and The Climate Registry[3]. This standard, called the Local Government Operations Protocol (LGOP), provides standard accounting principles, boundaries, quantification methods and procedures for reporting greenhouse gas emissions from local government operations. To that end, LGOP represents a strong step forward in standardizing how inventories are conducted and reported, providing a common national framework for all local governments to establish their emissions baseline.

This and all emissions inventories represent an estimate of emissions using the best available data and calculation methodologies. Emissions estimates are subject to change as better data and calculation methodologies become available in the future. Regardless, the findings of this inventory analysis provide a solid base on which Mountain View can begin planning and taking action to reduce its greenhouse gas emissions.

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[1] CO_2e, or CO_2 equivalent, describes how much global warming a given type and amount of greenhouse gas (e.g., carbon dioxide, methane, nitrous oxide, ozone) may cause, using the functionally equivalent amount or concentration of carbon dioxide (CO_2) as the reference.

[2] The California Climate Action Registry provides leadership on climate change by developing and promoting credible, accurate and consistent GHG reporting standards and tools for organizations to measure, monitor, third-party verify and reduce their GHG emissions consistently across industry sectors and geographical borders.

[3] The Climate Registry is a nonprofit collaboration among North American states, provinces, territories and Native Sovereign Nations that sets consistent and transparent standards to calculate, verify and publicly report greenhouse gas emissions into a single registry.

Deriving the Inventory Numbers

The government operations GHG emissions data was derived in a four-step process:

1. ICLEI provided detailed instructions and tools to help the City compile data on its 2005 operations.

2. The City provided ICLEI with 2005 data from the following source areas: electricity, natural gas, gasoline, diesel, biodiesel, refrigerants and solid waste. See Exhibit 2 below.

3. The City conducted an employee commute survey, the results of which were forwarded to ICLEI for analysis.

4. Based on the State-approved LGOP, ICLEI analyzed the City's data and calculated the resulting GHG emissions.

Like almost all cities, Mountain View was not able to provide complete data in a few, small areas. Additional data-tracking measures are being evaluated for use in future inventories.

GHG Inventory Results

The total 2005 government operations emissions, 18,349 metric tons of CO_2e, were broken down by sector and by source; see Exhibits 1 and 2 below. To put one metric ton of CO_2 in perspective, it would fill a cube 27' x 27' x 27'.

Sector

- Landfill (52 percent)
- Buildings and Facilities (15 percent)
- Employee Commute (15 percent)
- Vehicle Fleet (9 percent)
- Public Lighting (3 percent)
- Water/Sewage Transport (3 percent)
- Government-Generated Solid Waste (3 percent)

Source

- Solid Waste (54 percent)
- Gasoline (21 percent)
- Electricity (15 percent)
- Natural Gas (6 percent)
- Diesel (3 percent)
- Refrigerants (1 percent)
- Biodiesel (0.0002 percent)

The Landfill and Solid Waste numbers are high for two reasons: (1) they represent both waste in the Shoreline landfill and waste thrown out as part of the City's operations, with the latter contributing only a very small percentage; and (2) in spite of the Shoreline landfill being 93.7 percent efficient in capturing gas, the landfill gas in highest proportion by volume (methane) is 72 times more damaging than CO_2 over 20 years and 25 times more damaging than CO_2 over 100 years. Thus, small quantities of leaking methane have a disproportionately high effect on GHG emissions.

Exhibit 1—2005 Government Operations Greenhouse Gas Emissions by SECTOR

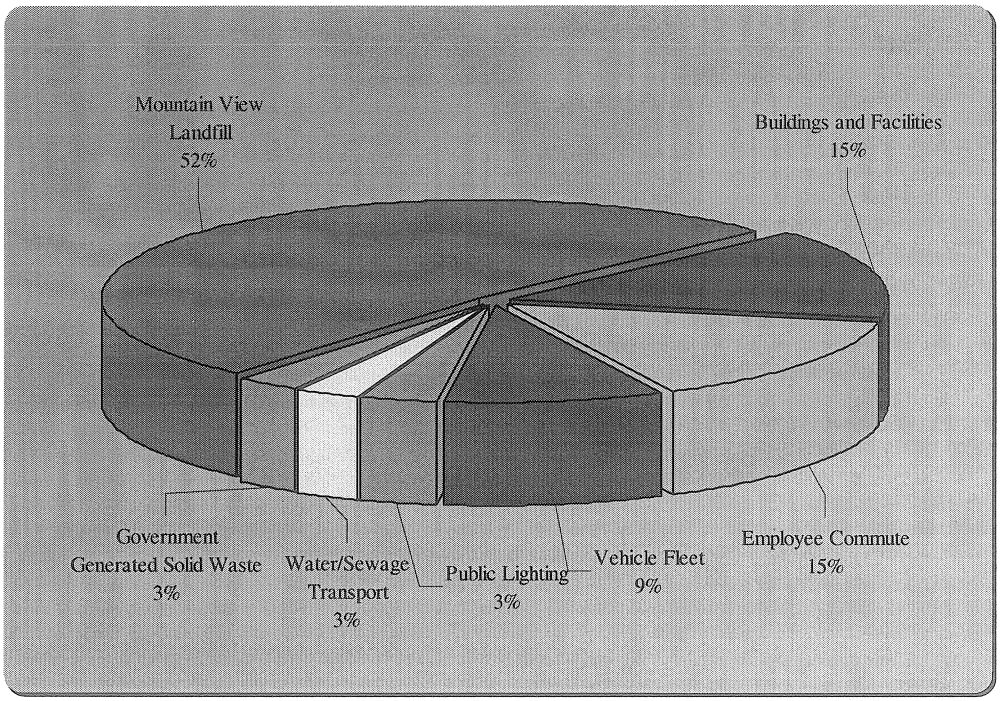
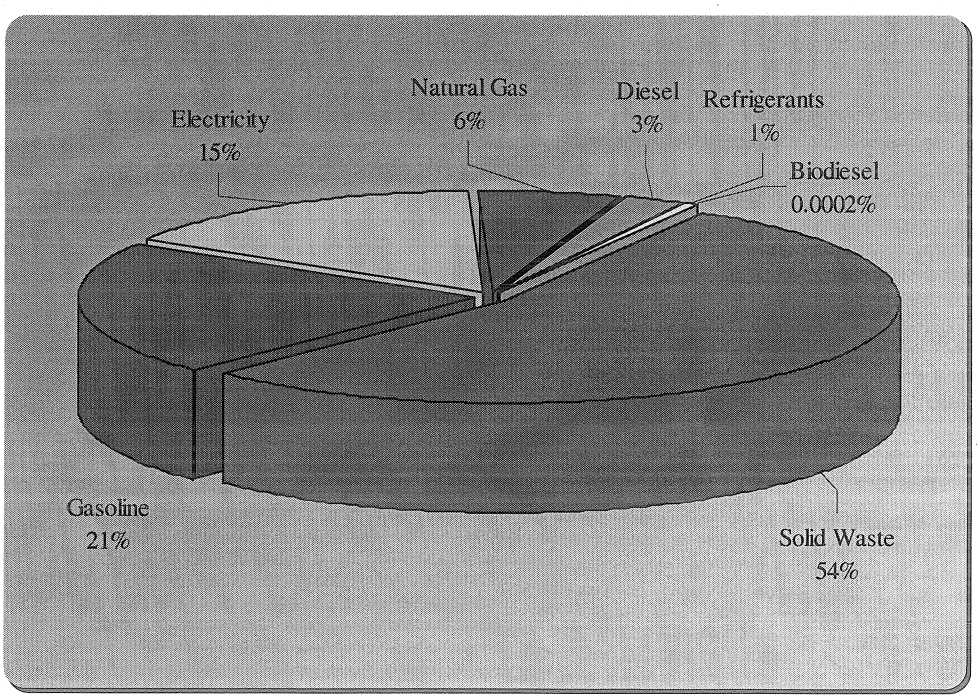


Exhibit 2—2005 Government Operations Greenhouse Gas Emissions by SOURCE



Proposed GHG Reduction Targets

Table 1 below shows the recommended short- and long-term emissions reduction targets for government operations, which will serve as a "roadmap" for achieving emission reductions over time. Earlier targets are slightly more aggressive than later ones, since earlier emissions reductions are easier and less expensive to attain.

Table 1—Recommended Government Operations Greenhouse Gas Reduction Targets

Target Year	**Proposed Reductions** *(below 2005 levels)*
2010	15% (2,752 metric tons $CO2_e$)
2015	20% (3,670 metric tons $CO2_e$)
2020	25% (4,587 metric tons $CO2_e$)
2050	80% (14,679 metric tons $CO2_e$)

To put these targets in perspective, total government operations GHG emissions have already declined approximately 12 percent from 2005 through 2008 due to decreasing landfill emissions. Therefore, considering two additional years of decreasing landfill emissions (2009-2010) and numerous energy efficiency projects that will have been completed between 2005 and the end of 2010, the proposed 2010 reduction target of 15 percent (below 2005 levels) appears easily achievable as our first goal.

Setting GHG reduction targets is currently voluntary; however, the California Air Resources Board anticipates mandatory emissions reductions will eventually apply to all sectors. The City's targets can be modified at any time based on measured results and/or economic and environmental considerations. A number of cities have set, or are setting, reduction targets, a sampling of which appears in Attachment 1.

Meeting the Reduction Targets

Achieving the proposed reduction targets will require the involvement of all City departments.

What We Have Done

The City has already taken numerous steps to reduce GHG emissions from its operations, including:

- Replacing the Civic Center air chillers with high-efficiency units.
- Relamping hundreds of lighting fixtures with energy-efficient bulbs and installing lighting occupancy sensors in several buildings.
- Implementing a master lighting control project (for remote access scheduling and shut-down capabilities).
- Replacing (1) incandescent lamps with LED bulbs at all City-owned and operated traffic signals; and (2) all incandescent pedestrian signals with LED countdown signals at City, County and Caltrans traffic signals.
- Conducting a pilot test of high-efficiency streetlights on Calderon Avenue.
- Installing landfill gas-powered microturbines that produce 140 kilowatts of electricity for City buildings in Shoreline at Mountain View Park. Remaining landfill gas is sold to local businesses in the North Bayshore for electricity production (~3 megawatts), with excess energy placed on the PG&E grid for use by other customers.
- Establishing LEED Silver as the green building standard for new or renovated City facilities.

Attachment 2 provides the GHG reductions and cost savings of a sample of City projects, completed or in progress.

What We Are Planning To Do

In addition, the City is already planning or implementing various GHG-reducing actions approved in the Environmental Sustainability Action Plan (ESAP) and proposed in the Federal Energy Efficiency and Conservation Block Grant application. These actions include:

- "Greening" one City building each year, starting with the Library.
- Installing high-efficiency lighting at the Cuesta and Rengstorff Park tennis courts.
- Replacing the aging Shoreline landfill microturbines so they can continue to power the on-site facilities.
- Evaluating the feasibility of implementing one or more large, municipal solar photovoltaic (PV) projects.

Future GHG Inventories

To track progress toward emission reduction targets, the City will conduct an inventory of its government operations GHG emissions at least every five years, the year after a target year.

NEXT STEPS

On December 8, 2009, the Council will consider the government operations GHG emissions reduction targets proposed by the Council Environmental Sustainability Committee.

Prepared by:

Stephen P. Attinger
Environmental Sustainability Coordinator

Approved by:

Michael A. Fuller
Assistant Public Works Director

Reviewed by:

Lori Topley
Solid Waste Program Manager

Nadine P. Levin
Assistant City Manager

Joan Jenkins
Transportation and Policy Manager

SPA/4/PWK
916-10-30-09M-E^

Attachments:
1. Sample Bay Area City and County Government Operations GHG Emissions Reduction Targets
2. GHG Reductions and Cost Savings of a Sample of City Projects

Sample Bay Area Government Operations Greenhouse Gas Emissions Reduction Targets *

** Below 2005 levels unless otherwise stated*

CITY TARGETS

County	City	Government Operations	Notes
Alameda	Fremont	25% by 2020	
Marin	Mill Valley	20% by 2020	***Below 2000 levels***
San Francisco	San Francisco	25% by 2010	*City and County of San Francisco*
San Mateo	San Mateo	15% by 2020	***Below 2006 levels***
Santa Clara	Los Altos Hills	40% by 2015	
	Palo Alto	5% by 2009, 15% by 2020	
Solano	Benicia	20% by 2010, 33% by 2020	***Below 2000 levels***

COUNTY TARGETS

		Government Operations	Notes
Marin		20% by 2020	***Below 2000 levels***
Santa Clara		No increase by 2010, 10% by 2015, 20% by 2020, 40% by 2030, 60% by 2040, 80% by 2050	

GHG Reductions and Cost Savings of a Sample of City Projects

Project	Cost After PG&E Incentives (Materials and/or Labor)	Estimated Annual Energy Savings (kWh)	Estimated Annual Cost Savings ($)	Estimated Annual GHG Reductions (metric tons of CO2e)
Police/Fire Administration Building — Retrofitted 1,764 light bulbs and ballasts (Completed 09/06)	$22,096	93,345	$14,952	20.9
Mountain View Sports Pavilion and Whisman Sports Center — Retrofitted 162 light fixtures (Completed 11/07)	$71,956	134,817	$10,486	30.2
Civic Center — Replaced Air Chiller (Completed 04/08)	$143,141	191,088	$21,000	42.8
Pioneer Park and Civic Center Plaza — Retrofitted 29 post-top lights (Completed 10/09)	$4,400 *	12,067	$1,810	2.7

** Does not include PG&E incentive; application underway*

CITY OF MOUNTAIN VIEW
MEMORANDUM

DATE: November 5, 2009

TO: Council Environmental Sustainability Committee

FROM: Lori Topley, Solid Waste Program Manager

SUBJECT: UPDATE ON SINGLE-USE, CARRY-OUT BAGS

The purpose of this memo is to provide the Committee with an update regarding efforts to reduce single-use, carry-out bags in Santa Clara County and present possible next steps for the Committee's consideration.

BACKGROUND

The topic of reducing single-use, carry-out bag use in Santa Clara County was considered at the January 27, 2009 City Council meeting. At the request of the Santa Clara County Cities Association, Council adopted a resolution supporting regional efforts to reduce litter and waste caused by single-use, carry-out bags (Attachment 1). The Council also reviewed and commented on a draft model ordinance prepared by the Recycling and Waste Reduction Commission of Santa Clara County (RWRC) with the goal of reducing the litter, energy consumption and waste production associated with such bags.

Since that initial January Council discussion, the RWRC issued a formal recommendation and the cities of Palo Alto and San Jose have taken some specific actions regarding single-use bags.

Recycling and Waste Reduction Commission Recommendation

After receiving feedback from the cities that reviewed the draft model ordinance, on April 22, 2009, the RWRC sent its recommendation to the cities. However, at the October 26, 2009 meeting, the RWRC reconsidered the recommendation in light of recent actions taken by Palo Alto and San Jose. The revised recommendation, as stated below, broadens the actions cities might take regarding paper bags to be inclusive of both the Palo Alto approach (fee on paper) and the San Jose approach (considering ban on paper).

Recommendation of Recycling and Waste Reduction Commission

- Establish a ban on plastic bags and a ban or fee on paper bags at all retailers (amount to be determined), excluding restaurants and fast-food establishments;

- Exempt nonprofit reuse stores (e.g., Goodwill Industries and The Salvation Army) from the ban and fee for one year if they have a reusable bag credit program; and

- Adopt such an ordinance with an effective date no sooner than December 31, 2010.

The recommendation followed a year of information-gathering, stakeholder input and discussion. The stakeholder input included plastic bag manufacturers, environmental advocacy groups, major retail associations, business advocacy groups and interested members of the public. The RWRC recognized that each jurisdiction has a unique philosophy, demographics and priorities and must consider an approach that addresses their unique qualities, but noted that County-wide consistency, to the extent possible, offers the greatest potential to reduce the environmental impacts of single-use bags.

Actions by Other Santa Clara County Cities

Following the RWRC's release of the draft model ordinance and request for comments, many cities held discussions and provided feedback. Some (Campbell, Los Altos, Los Gatos, Mountain View and Sunnyvale) indicated general support for a regional effort, but without specific agreement as to what that approach should be. A few cities (Cupertino, Santa Clara and Saratoga) expressed concerns about taking actions to restrict single-use bags or have taken a wait-and-see approach, while others (Gilroy, Los Altos Hills, Milpitas, Monte Sereno and Morgan Hill) did not weigh in. For the unincorporated area, on March 24, 2009, the Board of Supervisors discussed single-use bag options and chose a tiered approach, beginning with increased public education and outreach for one to two years, moving towards a fee or ban if reduction benchmarks are not met. County staff is currently developing an outreach/education program and benchmarks and estimates that 52 retailers would be impacted.

Since the RWRC formally sent its recommendation to the cities last April, most have waited to see what direction Palo Alto and San Jose would be taking. The City of Milpitas was the first to discuss the issue recently, directing staff at its October 20, 2009 meeting to: (1) continue to research the subject, including a review of San Jose's EIR when it is available; (2) conduct public outreach to the business community; and (3) study other single-use items that might also be regulated or banned, such as Styrofoam containers.

Palo Alto. On March 16, 2009, Palo Alto adopted an ordinance with a limited prohibition on single-use check-out bags. The ordinance eliminates single-use plastic checkout bags at Palo Alto's seven large supermarkets and went into effect on September 18, 2009. Adoption of the ordinance is part of a "Comprehensive Reusable Bag Program" that includes several other proposed actions (Attachment 2.)

Following adoption of the ordinance, a lawsuit was filed by *SaveThePlasticBag.Org*. The suit was settled out of court with the city agreeing to do a full Environmental Impact Report (EIR) before it approves any additional plastic bag bans (i.e., extends the ban beyond the seven grocery stores initially included). The city is currently preparing the required environmental analysis and will consider the issue of expanding the ban to other retail uses (including pharmacies) once it is complete. A current statement by the city indicates that a paper bag fee system is under development and will be coordinated with County and State efforts to ensure either implementation of one fee system or consistency of fee systems.

San Jose. On September 22, 2009, the San Jose City Council directed staff to develop an ordinance prohibiting the use of single-use, carry-out plastic and paper bags. Staff was further directed to:

- Complete an Environmental Impact Report prior to presenting the ordinance for adoption;
- Develop a method for measuring success and establish a base line of data;
- Obtain acceptance and support from both the Cities Association and the RWRC; and
- Perform additional outreach to include the ethnic Chambers of Commerce and small businesses.

The Council specifically directed that the ordinance include the following provisions:

- Apply to all retailers but exclude restaurants;
- Exempt nonprofit and social service organizations;
- Exempt the use of "green" paper bags (those containing at least 40 percent recycled content) and directed staff to determine if a fee for retailers to cover the additional costs of such bags is appropriate;

- Be effective no earlier than December 31, 2010 (to allow for sufficient consumer education and implementation time); and

- Exempt bulk or off-the-shelf purchases of plastic or paper bags.

In addition, if the California Legislature passes legislation relating to a fee or ban on single-use bags before the ordinance effective date of December 31, 2010, the Council directed that this item be returned to determine whether to maintain, alter or eliminate the municipal ordinance. Staff was also directed to continue to support legislation that would implement a State-wide program and to continue its aggressive outreach campaign to promote reusable bags prior to implementation of the ordinance.

San Jose staff engaged in an extensive stakeholder and public outreach process prior to the Council providing direction. Efforts have included notification of all retailers, newspaper ads, public meetings and extensive outreach and meetings with specific stakeholders such as grocery and plastic industry representatives, environmental organizations and business groups. San Jose staff estimates ordinance development and notification, as well as public education for both retailers and consumers in advance of the ordinance effective date, will cost $600,000. This figure includes the distribution of 50,000 reusable bags to targeted audiences and communities, such as low-income, senior and other disadvantaged populations.

Recent Reusable Bag Campaigns

The Bay Area Recycling Outreach Coalition (BayROC) pools resources to create regional messaging and purchase regional media. In September 2009, BayROC launched a month-long "Bring Your Own Bag" campaign to promote reducing plastic and paper bag usage. For the campaign, BayROC worked with San Francisco State University students to produce print, video and radio ads for use throughout the region. Mountain View dovetailed with this campaign via a print ad in the *Mountain View Voice* and on KMVT, a web site announcement and on-site surveys of grocery stores in Mountain View to record the number of shoppers using plastic, paper and reusable bags (Attachment 3). This survey will be repeated in January 2010 to determine if there has been an increase in the use of reusable bags. In addition, the City provided 200 reusable bags to Green Mountain View, which were distributed to residents at the September Art and Wine Festival.

Recent actions by several large retailers indicate some movement towards voluntary reduction in single-use bags. IKEA no longer offers any single-use bags in their stores. Shoppers can purchase inexpensive reusable bags at the check-out if they have forgotten their bags. Walmart recently announced a pilot program to eliminate single-use bags at three Northern California locations (Attachment 4). If the program is successful,

it may be expanded to additional locations. Lucky has recently partnered with Keep California Beautiful to prominently offer reusable bags at check-outs, train check-out clerks, distribute some free reusable bags and help customers remember to bring their own bags.

ANALYSIS

During the Council's January 27, 2009 consideration of single-use bags, a variety of opinions and thoughts were expressed (Attachment 5). In general, the Council agreed that a regional approach was best but reached no conclusions about what the approach should be.

If Mountain View were to consider an ordinance along the lines of the RWRC recommendation (ban on plastic and either fee or ban on paper), many of the issues analyzed in the January 27, 2009 staff report (Attachment 6) would still need to be addressed, primarily staff time needed for public education, ordinance implementation and enforcement. However, the San Jose approach, which would ban both types of bags with the exception of "green" paper bags, would reduce needed City administration and enforcement functions. If a fee were charged for the "green" paper bags to further discourage their use, it could be retained by the retailer to offset the cost of providing the bag, negating the need for a City collection system.

The proposed changes to the Municipal Regional Storm Water Permit (MRP) that will require the City to implement additional strategies to prevent litter from reaching local waterways, is also still a relevant consideration as a single-use bag ban could be an important component of a required comprehensive litter control program.

CEQA Analysis

To address the need for defensible CEQA analysis, the City of San Jose and the City of Palo Alto are both undertaking the preparation of EIRs that could serve as a basis for ordinance adoption by other cities as well. San Jose anticipates the release of a Draft EIR in January or February 2010. An additional source of CEQA analysis is a Master Environmental Assessment (MEA) being prepared for the California Ocean Protection Council (OPC). The MEA will focus on the impacts of both single-use (plastic and paper) and reusable bags, and will be available for use by all California jurisdictions. The Draft MEA is targeted for release in February or March 2010.

State Legislation

Current efforts regarding single-use bags at the State level include:

- AB 68 and AB 87—Both bills require consumers to pay a $0.25 fee for single-use bags distributed at large grocery stores, pharmacies and convenience stores, with slightly different implementation nuances. Both were converted into two-year bills, delaying action until 2010.

- The Governor proposed shoppers be assessed a $0.25 fee for each single-use paper or plastic bag, up to $2.00 per transaction, to pay for a variety of State-wide recycling efforts. No action has been taken on this proposal.

Possible Mountain View Approaches

Any approach considered by the CESC should be cognizant of the fact that very little outreach to residents and businesses has been done. For both the January 2009 Council meeting and this November 10, 2009 CESC discussion, notice was provided to the Mountain View Chamber of Commerce, the Mountain View Central Business Association, the American Chemistry Council and Green Mountain View. If the CESC wishes to forward a recommendation to the Council, staff would: (1) provide notice of the Council meeting to residents (via advertising) and to all Mountain View retailers and other stakeholders (via direct mail); and (2) develop more specific estimates of staff time and budget needs.

Options include the following:

1. **Wait and See**: This approach would involve waiting until San Jose releases their Draft EIR and develops the specifics of their ordinance before determining Mountain View's interest to do the same. In addition, between now and then, other cities may take positions that would inform Mountain View's decision. However, waiting this long to define Mountain View's position would make it difficult to develop and implement an ordinance around December 31, 2010. Additional staff resources would not be committed to this effort until spring.

2. **Develop Public Outreach Campaign**: The Committee could recommend Council direct staff to design and engage in an aggressive "Bring Your Own Bag" campaign targeted to both residents and retailers, similar to the campaign undertaken in Palo Alto (Attachment 7). This approach could be combined with any of the other three approaches presented here, or it could represent Mountain View's only effort on this issue. Such a campaign would require a fair amount of staff time; however, it

may be possible to utilize some volunteer assistance by collaborating with Green Mountain View.

3. **Begin Stakeholder Process**: The Committee could recommend Council direct staff to begin a stakeholder process to determine if Mountain View should develop an ordinance. Such a process would engage residents, the business community and other interested stakeholders to determine if Mountain View should adopt an ordinance and, if so, in what form. This process would take significant staff resources and may slow down preparation of the Zero Waste Plan.

4. **Begin Ordinance Preparation**: The Committee could recommend that Council direct staff to begin development of an ordinance. This process would differ from that described in Option 3 in that the Council would have already signaled their intent to adopt an ordinance, much as San Jose did. The stakeholder process would be used to determine the specific form of the ordinance. The impact on staff resources would be similar to Option 3.

SUMMARY

The City Council discussed the reduction of single-use bags on January 27, 2009, but did not reach any conclusion or consensus about an approach in Mountain View. Since that time, the Santa Clara County Recycling and Waste Reduction Commission has recommended that all cities adopt an ordinance banning single-use plastic bags and either banning or charging a fee for single-use paper bags. The City of Palo Alto has adopted an ordinance banning plastic bags and has directed staff to develop an ordinance charging a fee for paper bags. The City of San Jose has directed staff to develop an ordinance banning both plastic and paper bags, with an exception for "green" bags, with or without a fee. Staff has presented the Committee with several possible options for

next steps in Mountain View, ranging from taking a "wait-and-see" approach to recommending Council direct staff to begin preparation of an ordinance.

Prepared by:

Lori Topley
Solid Waste Program Manager

Approved by:

Nadine P. Levin
Assistant City Manager

Reviewed by:

Joan Jenkins
Transportation and Policy Manager

LT/7/PWK
944-11-10-09M-E^

Attachments:
1. Council Resolution Supporting Regional Approach to Eliminating Single-Use Bags, adopted January 27, 2009
2. City of Palo Alto Comprehensive Reusable Bag Program, dated February 3, 2009
3. Results of Mountain View Bag Survey and "BYOB" Print and Web Ad
4. Press Democrat News Article—*Walmart Pilot*
5. Excerpt Minutes of January 27, 2009 Council Meeting
6. January 27, 2009 Council Staff Report (w/o attachments)
7. Description of Palo Alto Bring Your Own Bag Campaign

CITY OF MOUNTAIN VIEW
RESOLUTION NO. 17383
SERIES 2009

A RESOLUTION IN SUPPORT OF SANTA CLARA COUNTY CITIES ASSOCIATION REGIONAL EFFORTS RELATED TO SINGLE-USE, CARRY-OUT BAGS

WHEREAS, disposable, single-use, carry-out bags are inexpensive and convenient, yet are also difficult to recycle, cause litter, contribute to pollution and can harm wildlife; and

WHEREAS, while recycling of these bags is possible, contamination, volatile markets and low recovery rates make recycling less viable; and

WHEREAS, a number of options exist for addressing the impacts of disposable, single-use, carry-out bags, including:

- Education and public outreach
- Banning their use
- Enhanced recycling
- Creating economic incentives to reduce or eliminate their use; and

WHEREAS, a number of jurisdictions in the San Francisco Bay region are in the process of either banning, assessing fees or recycling single-use, carry-out bags; and

WHEREAS, the Santa Clara County Cities Association is promoting a regional approach on this issue, since it crosses jurisdictional boundaries. A regional approach would lead to greater consistency for customers and retailers and would also help to create a more united front should legal challenges occur;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View hereby supports the efforts of the Santa Clara County Cities Association in promoting a regional approach to eliminating the use of disposable, single-use, carry-out bags.

The foregoing Resolution was regularly introduced and adopted at a Special Meeting of the City Council of the City of Mountain View, duly held on the 27th day of January, 2009, by the following vote:

AYES:	Councilmembers Bryant, Kasperzak, Macias, Siegel and Mayor Abe-Koga
NOES:	Councilmembers Inks and Means
ABSENT:	None
NOT VOTING:	None

ATTEST:

ANGELITA M. SALVADOR
CITY CLERK

APPROVED:

MARGARET ABE-KOGA
MAYOR

I do hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Mountain View at a Special Meeting held on the 27th day of January, 2009, by the foregoing vote.

City Clerk
City of Mountain View

LT/7/RESO
944-01-27-09R-E^

Comprehensive Reusable Bag Program
February 3, 2009

I. Purpose

The purpose of the Comprehensive Reusable Bag Program (the "Program") is two fold 1) to reduce plastic bag litter in natural ecosystems and protect wildlife, and 2) to save energy and resources by encouraging reusable bags in place of any type of single-use bags.

II. Background

The Program was developed in mid 2008 by City of Palo Alto Staff with input from the Reusable Bag Task Group ("Task Group"). The Reusable Bag Task Group consisted of City of Palo Alto Staff, store representatives, plastic bag industry representatives, and community members, and was co-sponsored by the Palo Alto Chamber of Commerce. Prior to the formation of the Task Group, City Staff had developed a proposal to restrict plastic bags at large supermarkets and pharmacies. The three most dominant responses from supermarket and pharmacy representatives during the Task Group process were 1) don't take action on just plastic bags, but rather on all single-use bags 2) don't take action just on supermarkets and pharmacies, but rather on all retail stores, and 3) take action on all stores simultaneously. City Staff have expanded the original proposal to address points 1) and 2) see "Components" below, but were not able to fully address the third point due to the Staff limitations of trying to do everything at once.

III. Components

A. Single-Use Plastic Checkout Bag Restrictions

The distribution of single-use plastic checkout bags at large supermarkets would be completely eliminated on September 18, 2009. (Three of Palo Alto's seven stores have already eliminated these bags.) Staff held meetings with other food vendors in the Fall of 2008, and will hold meetings with other retail stores in 2009 and finalize similar restrictions for these categories. Pharmacies have been placed with other food vendors instead of large supermarkets because Palo Alto's pharmacies are more like convenience stores than supermarkets. Staff resources do not allow dealing with all three groups simultaneously.

B. Fee on Paper Checkout Bags

A per bag fee would be placed on paper checkout bags at supermarkets as soon as practical. As with the plastic bag restriction in "A" above, similar fees would be imposed on other food vendors and other retail stores following outreach to those stores.

C. *Restrictions on Single-Use Newspaper Bags*

Staff will contact these newspapers in Palo Alto using plastic bags for newspaper delivery and finalize an Ordinance to control this use of plastic bags to the maximum extent practical. From initial work, it appears possible to require a system where customers must either "opt in" or have the ability to "opt out" of plastic bag use.

D. *Reusable Bag Promotional Programs*

Components A-C above are regulatory in nature and would be imposed via Ordinance. The Reusable Bag Promotional Programs are voluntary actions taken by stores, the bag industry, various community groups, and City Staff. The Task Group brainstormed ideas to promote reusable bags and they fell into these areas:

i. Public Outreach
ii. Positive Incentives
iii. Store Employee Training

A detailed list of the ideas generated by the Task Group is contained in Tables 2-4. Those ideas favored by a majority of the store representatives participating are shown with an asterisk (*). Because these programs are voluntary, work to refine the ideas will continue and the programs are not cast in concrete. City Staff has been implementing many of the ideas already through the 2008 Bring Your Own Bag Campaign. City Staff would continue to implement similar activities in the future and time special events to correspond to the regulatory actions.

E. *City Policy on Plastics*

Although the City does not, generally speaking, distribute single-use plastic bags at City Facilities or City events, it is important to insure that this does not occur, and a policy to that affect is being developed. It appears appropriate to deal with other types of single-use plastic containers in that same policy. Therefore Staff are including polystyrene food containers and plastic beverage containers in that same policy.

Mountain View Bag Survey

Purpose: The survey was conducted in conjunction with the BayROC regional Bring Your Bag Campaign. A pre-campaign survey was conducted at grocery stores in various Bay Area cities in July. A post-campaign survey is to be conducted at the same locations, on the same day and time as the pre-survey, to determine if there has been any change in behavior.

Guidelines: This was an observational survey conducted on July 25, 2009 from 11 am to noon. Volunteers from Green Mountain View observed shoppers at five Mountain View markets and tallied the number of plastic, paper and reusable bags leaving the store over a one-hour period. One surveyor was assigned to each store exit, except at Miramonte Safeway, where only one exit was observed.

Stores Surveyed: Shoreline Safeway, Miramonte Safeway, Nob Hill, Trader Joes, Mi Pueblo

Results: 922 shoppers were observed. 109 shoppers (12%) had reusable bags (sometimes in conjunction with single-use bags). A total of 1,861 bags were counted. Of this total, 252, or 13.5%, were reusable bags. The remainder were plastic or paper.

Mountain View "Bring Your Bag" Print Ad Published in Voice, on Website and KMVT
September/October 2009

Ukiah Wal-Mart is kicking the plastic bag habit

By GLENDA ANDERSON
THE PRESS DEMOCRAT

Published: Wednesday, October 14, 2009 at 7:57 p.m.
Last Modified: Wednesday, October 14, 2009 at 7:57 p.m.

Wal-Mart has begun eliminating disposable shopping bags at its Ukiah store and two others in California, a move that environmentalists hope will spread nationwide and lead to the demise of the bags that are clogging landfills and littering highways and oceans.

"The potential to really drive this across the retailing supply chain is pretty extraordinary," said Michelle Harvey, the Environmental Defense Fund's project manager for corporate partnerships who has been working with Wal-Mart on its green projects.

The giant retailer this month quietly stopped stocking plastic bags in its stores in Ukiah, Citrus Heights and Folsom. The pilot programs will continue through 2010 and determine whether Wal-Mart expands the program to all of its U.S. stores.

The policy already is in place in some of its stores overseas where disposable shopping bags are on the way out.

"We're committed to reducing the plastic bag waste by one-third by the end of 2013. This test could help," said Wal-Mart spokeswoman Amelia Neufeld.

When the bags in the three pilot stores run out, shoppers who don't carry their own shopping bags will have the option of buying one of several reusable Wal—Mart bags, which sell for 15 cents, 50 cents and $1.

That's already the case at some of the Ukiah store's checkstands and the store anticipates phasing the disposable bags out entirely by Oct. 25.

Wal-Mart may seem an unlikely environmental hero, but environmentalists are hoping the powerful retailer's clout will help push disposable plastic shopping bags into oblivion.

The company already has pressured its suppliers to reduce packaging and lessen the amount of mercury in fluorescent lightbulbs, Harvey said.

If Wal-Mart succeeds in convincing shoppers to abandon disposable bags, other stores are likely to follow, she said.

"The ripple effect is just outstanding," Harvey said.

The idea of banning or limiting disposable shopping bags is not new.

About 20 other countries, including China, have banned or curbed the use of disposable plastic bags, Harvey said.

In the United States, IKEA stores have begun charging for disposable bags, effectively reducing their use.

San Francisco has banned disposable plastic shopping bags at large retail and grocery stores. However it allows paper bags, which some argue are as bad or worse than plastic.

Other local governments in Sonoma and Mendocino counties have been leery of mandating restrictions on disposable bags because manufacturers have threatened to sue.

The least expensive reusable bags the super store is now offering for 15 cents are made from polypropylene and can be reused about 75 times.

They're washable and can hold up to 100 pounds, Harvey said. When the bags wear out, they can be returned to Wal—Mart for recycling.

Wal-Mart's goal of reducing its plastic bag waste around the world by 33 percent by 2013 would eliminate 135 million pounds of plastic bag waste and reduce oil consumption by 678,000 barrels of oil every year, Neufeld said.

Motion—M/S Means/Kasperzak—Carried 7-0—Authorize the assignment of staff and other resources for an application at 425-455 West Evelyn Avenue for a General Plan amendment and an amendment to the Evelyn Avenue Corridor Precise Plan; authorize the assignment of staff and other resources for an application for a General Plan amendment and an amendment to the San Antonio Center Precise Plan; and authorize the assignment of staff and other resources for an application at 1200 Villa Street for a General Plan amendment and a Precise Plan amendment to amend the Villa-Mariposa Precise Plan.

7.2—DRAFT MODEL SINGLE-USE, CARRY-OUT BAG ORDINANCE—REVIEW AND COMMENT

The Solid Waste Program Manager stated the issue at hand is the reduction of single-use, carry-out bags which are bags provided free of charge at the point of sale and can be made of paper, plastic or a compostable material. She added that this does not include plastic bags that protect produce, meat, greeting cards, etc. She noted that the Council is being asked by the Santa Clara County Cities Association to adopt a resolution supporting a County-wide effort to address single-use bag reduction. She pointed out that the resolution recognizes that there are a number of options available, so by adopting the resolution, the Council would not be taking a position on the option to use, but would recognize that a regional effort would lead to greater consistency for customers and retailers throughout the County.

She continued that the second request, from the Recycling and Waste Reduction Commission (RWRC), is to comment on a draft model ordinance with a goal to reduce waste, energy consumption and litter associated with single-use bags. She pointed out that the primary provision is to collect a fee from customers of $0.25 for each single-use, carry-out bag used.

One Councilmember asked how the proposed ordinance would affect the Farmer's Market and the Solid Waste Program Manager responded that the definition was written with the grocery store model in mind and this might be an appropriate comment to send back to the RWRC to work out.

The public input period was opened.

Bruce England, Mountain View, stated that Green Town, a citizen-led group in Los Altos, is continuing to pursue this in hopes that the town's EPC will continue to work on it. He added that he believes San Jose and Palo Alto are looking at outright bans but, even if some of the surrounding cities do not agree with this, Mountain View should provide leadership in this area.

Cornell Fowler, Mountain View, noted that he helped to write the ordinance in San Francisco which banned plastic bags. He stated that while San Francisco was first in approving an ordinance like this, it was not done completely right because paper bags were not banned and they have as much of a footprint on the environment. He applauded the Council for taking a step and noted that whether it is a fee or an outright ban, there are many alternatives and it is important to educate people to change habits and encourage them to bring back their bags.

Ryan Kenny stated he is representing most of the industries impacted negatively by this ordinance, including convenience stores, grocery stores, bag manufacturers, etc. He informed the Council that one of their coalition members obtained 71 letters of opposition and asked the Council to consider other pro-environmental alternatives. He noted that some of the negatives are that they are imposing a fee during a recession and that costs would be substantial to the City to collect the fee. He pointed out some of the other cities that are not supporting this type of ordinance and asked that Mountain View also not support taxes or fees but, instead, support recycling bags which his coalition can provide assistance with.

Janis Zinn, Chair of Waste Reduction-Recycle Subcommittee, urged the Council to look at a regional solution to this problem, stating that her research showed that the average American uses 623 plastic bags per year and the cost to the City is about $0.17 per bag at a cost of over $1 million per year to the City for cleanup and other issues.

David Oliver, member of Waste Reduction-Recycle Subcommittee, noted that when plastic bags were banned in Ireland, the littering of plastic bags throughout the country went down and it was accepted very easily across every socio-economic group.

Seeing no one further wishing to speak, the public input period was closed.

One Councilmember commented that the fee is the wrong way to go and there are other ways to do it.

A Councilmember expressed support for the ordinance, noting that the first step is the hardest and that a lot of this is behavioral change because we are such a disposable society.

Another Councilmember commented that they need to do something and so he will support this but noted he does not think this is the best way to do it. He suggested that maybe canvas bags could be subsidized temporarily and that this should be a County-wide effort, adding that he would like it to be an evolutionary process.

A Councilmember stated that he cannot support the resolution as proposed because it is an enormous burden on the carry-out industry.

One Councilmember stated he would support the resolution without the first two whereases, adding that the ordinance has too many loopholes and suggested taxing the bags through a County ordinance.

A Councilmember explained that this is not a tax but, instead, is a user fee to help pay for cleanup of the bags. She agreed that it should be regional but, even if a couple of cities do not agree with it, Mountain View should still move forward. She expressed concern with how this will affect the Farmer's Market and proposed that they come up with some kind of solution.

A Councilmember stated that she supports the regional approach and the resolution but is concerned that it does not clarify their approach and would like to say that they want to work with the Commission's proposal. She added that she does not look at the fee as a tax but more of an incentive for a behavioral change and suggested that they might consider the businesses keeping the money so the City will not be burdened with the added bureaucracy. She feels that recycling costs as much, if not more, than the administration of the $0.25 fee.

Another Councilmember questioned whether this was to raise money or stop people from using bags and another Councilmember responded that the purpose is to reduce single-bag use and they are trying to see what can be done to this ordinance to make it as palatable as possible.

A Councilmember commented that the resolution does not have a goal and they should not single out certain stores, but it should be imposed on all stores.

Resolution No. 17383—M/S Macias/Kasperzak—Carried 5-2; Inks, Means no—Waive reading and adopt A RESOLUTION IN SUPPORT OF SANTA CLARA COUNTY CITIES ASSOCIATION REGIONAL EFFORTS RELATED TO SINGLE-USE, CARRY-OUT BAGS.

8. COUNCIL, STAFF/COMMITTEE REPORTS

Councilmember Means reported that he (along with the Mayor and Councilmembers Inks, Kasperzak and Siegel) recently attended the California League of Cities (LCC) New Mayors and Councilmembers Academy and he visited the Wildlife Conservation Board. He also commented that after 10 years something might finally be built at Alma Plaza.

Councilmember Kasperzak stated that in addition to the LCC New Mayors and Councilmembers Academy, he attended the Revenue and Taxation policy

COUNCIL REPORT

CITY OF MOUNTAIN VIEW

AGENDA: January 27, 2009

7.2

CATEGORY: New Business

DEPT.: Public Works

TITLE: Draft Model Single-Use, Carry-Out Bag Ordinance—Review and Comment

RECOMMENDATION

1. Adopt A RESOLUTION IN SUPPORT OF SANTA CLARA COUNTY CITIES ASSOCIATION REGIONAL EFFORTS RELATED TO SINGLE-USE, CARRY-OUT BAGS, to be read in title only, further reading waived; and

2. Review and comment on the draft model single-use, carry-out bag ordinance proposed by the Recycling and Waste Reduction Commission of Santa Clara County.

FISCAL IMPACT

There is no fiscal impact associated with these actions. If the Council considers adopting a single-use, carry-out bag ordinance in the future, the fiscal impact of the ordinance would be presented for City Council consideration at that time.

BACKGROUND AND ANALYSIS

Recently, the Santa Clara County Cities Association recommended each city adopt a resolution supporting actions to eliminate litter and waste caused by single-use, carry-out bags (Attachment 1). In addition, the Recycling and Waste Reduction Commission of Santa Clara County (RWRC) prepared a draft model ordinance with the goal of reducing the litter, energy consumption and waste production associated with single-use, carry-out bags. The Council is not being asked to adopt an ordinance at this time, but rather to provide comments to the RWRC regarding the feasibility of implementing the draft ordinance in Mountain View from an administrative and legal perspective (Attachments 2 and 3).

The RWRC plans to consider all comments at their February 25, 2009 meeting. If the RWRC recommends the County and the cities adopt an ordinance, then each would need to adopt the ordinance independently.

Draft Model Ordinance

The main provisions of the ordinance are summarized below. The December 10, 2008 RWRC staff report describing alternative ordinance provisions is provided in Attachment 4.

- Prohibits all stores from providing a single-use plastic or paper carry-out bag at point of sale unless the store charges and collects a Bag Pollution Clean Up Fee of Twenty-Five Cents ($0.25) from the customer;

- Defines "store" as any retail establishment that provides single-use, carry-out bags to customers other than restaurants, take-out food establishments or any other business that receives 90 percent or more of its revenue from sales of food prepared or packaged at the establishment;

- Exempts bags that are used to protect meats/fish/poultry and produce in grocery stores and small "header" bags meant to protect greeting cards from food damage;

- Caps the fee at Two Dollars ($2.00) per transaction until January 1, 2014;

- Allows the store to retain a portion (five or ten cents depending on bag type) of the fee to reimburse the cost of collecting the fee, promote reusable bags, donate reusable bags to community organizations and nonprofits;

- Requires the remaining fee to be remitted to the City quarterly for deposit in a Bag Pollution Clean-Up Fund. Moneys in the fund may be used to reimburse the cost of administering the ordinance and for programs that encourage and support bag recycling and bag pollution prevention, clean-up abatement and outreach programs.

The RWRC is requesting comment on the following specific aspects of the ordinance: outreach, education, enforcement, litter abatement, administration and CEQA review. Staff provided some guidance on these topics below, but there may be other points the Council wishes to discuss.

Outreach. Some stakeholder input was sought in the development of the ordinance, mostly from industry representatives and large retailers. Does the Council believe the RWRC should conduct additional outreach and, if so, to what extent? Would the Council want staff to engage in further outreach with local businesses and residents if an ordinance is considered and, if so, to what extent?

Education. Adoption of a bag fee ordinance in Mountain View would require staff to educate retailers and residents on the provisions of the ordinance. It would also be desirable to partner with some large retailers on a reusable bag campaign (such as bag give-aways). While some of this could be accomplished collaboratively with other cities and the County,

staff believes a substantial effort would be required the first year following adoption. The Council should consider the need for such an effort relative to other potential sustainability activities.

Enforcement. The primary consideration regarding enforcement is whether each city would want to retain enforcement control or enter into an agreement for enforcement with the County. One proposal is for the County Division of Weights and Measures to handle enforcement on behalf of all the cities. This division's existing responsibilities give them oversight over most retail establishments (those with any monetary transactions that use weight, measure or count). Enforcement at the County level would ensure greater consistency and efficiency and possibly less expense, but would remove most of the City's discretion to decide the level and method of enforcement that is most appropriate for local businesses.

Litter Abatement. Implementation of a bag fee ordinance could be an important component of a comprehensive litter control program. Proposed changes to the Municipal Regional Storm Water Permit (MRP) would require the City to implement additional litter control activities to prevent litter from reaching local waterways. These control activities include litter prevention, as well as physical and mechanical litter collection and removal. Mechanical litter controls require installation and maintenance of litter-capture devices within the storm drain system, are staff intensive and will require substantial capital and maintenance funding. Fees collected could be used to fund future expenses associated with additional trash control requirements of the MRP.

Administration. According to sales tax records, in Mountain View there are 88 businesses in the "food and drug" category and 963 in the "consumer goods" category. Not all of these businesses would be subject to the ordinance, but staff believes this represents the maximum number. Collection of fees from retailers would be handled by the Finance and Administrative Services Department in a manner similar to the transit occupancy tax. Although the administrative costs could be reimbursed by the fees collected, the staff time necessary (up to 40 hours quarterly) would probably need to be absorbed because the cyclical nature of the work would make it difficult to hire additional staff. Staff does not currently have adequate information to estimate the amount of fees that might be collected annually.

CEQA Review. Staff has not completed a full review of the legal issues related to CEQA analysis. The cities are considering how to approach the issue of whether CEQA review is required and, if so, the level of review necessary. The expense and effort of performing this analysis could be shared by the cities. Of note, Oakland enacted an ordinance banning the use of plastic bags and found it to be exempt from CEQA review. Opponents of the ban successfully filed a court challenge and the court ruled in that case that the ordinance was subject to CEQA review. Oakland did not appeal the decision.

Other Local Efforts

The preparation of the draft model ordinance benefited from stakeholder involvement processes undertaken by the cities of Palo Alto and San Jose. The staff of these two cities had received prior council direction to explore single-use bag options. Both of these efforts sought the involvement of a large number of stakeholders, including industry representatives such as the California Grocers Association, American Chemistry Council, California Retailers Association and California Restaurant Association, and local retailers such as Target, Safeway, PW Markets, Whole Foods, Longs and Walgreens.

Other State, National and International Efforts

Attachment 5 provides an overview of some of the many actions taken regarding single-use, carry-out bags in California, the United States and around the world.

Current and Pending Legislation

State-wide legislation (Assembly Bill 2449, now Public Resources Code Sections 42250-57) requires certain retail stores implement an at-store recycling program. The stores must collect plastic bags for recycling, print plastic bags with a recycling message and sell reusable bags. This law prohibits local jurisdictions from imposing additional recycling or reporting requirements or imposing any plastic bag fee on these stores, provided the stores are in compliance with the recycling program provisions. In the case of the proposed ordinance, the fee would be placed on the consumer, not the store. Should it be determined this is not consistent with the intent of the law, the RWRC may recommend a different provision for the stores (groceries and large pharmacies) covered by AB 2449 (e.g., a ban on single-use bags with the option for the store to voluntarily charge a fee to opt out of the ban).

Assembly Bill 68 was introduced in December, but has not been heard in any committees yet and will likely be modified. The bill is similar to the model ordinance and would require certain stores, such as food stores and pharmacies over 10,000 square feet, to charge a fee for a single-use, carry-out bag starting July 1, 2011. The bill would require the Department of Conservation to administer and enforce the provisions and all fees would be paid to a State Bag Pollution Fund.

Public Input

The Mountain View Chamber of Commerce and the Central Business Association were provided copies of the draft model ordinance and background information, including an FAQ (Attachment 6). These organizations have been asked to provide written comments for the Council's consideration in time for the January 27, 2009 Council meeting.

The following organizations presented letters or testimony to the RWRC at the December 10, 2008 meeting regarding single-use, carry-out bag regulations:

- American Chemistry Council, representing plastic bag manufacturers (opposed—letter also signed by Neighborhood Market Association, 7-Eleven Convenience Stores, California Independent Grocers Association and People's Advocate)
- *Savetheplasticbag.com* (opposed)
- California Grocers Association (opposed, but believes the draft is respectful of grocers)
- California Retailers Association (opposed)
- California Restaurant Association (opposed)
- Vietnamese-American Chamber of Commerce of Santa Clara Valley (opposed)
- Goodwill Industries of Silicon Valley (opposed)
- United Food and Commercial Workers Union, Local 5 (concerned about impact on members who will be tasked with collection and enforcement)
- Gilroy Chamber of Commerce (opposed)
- Milpitas Chamber of Commerce (opposed)
- Paper Bag Council (requests exemption for paper bags that meet environmental performance criteria)
- Nancy Miller, Sunnyvale business owner (opposed)
- Cornell Fowler, Mountain View resident (supports)
- Californians Against Waste (supports)
- Roplast Industries, maker of reusable plastic bags (supports but favors recycling)
- Save the Bay (supports)
- Sierra Club (supports)

PUBLIC NOTICING—Agenda posting.

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Attachments:
1. Resolution Supporting Regional Approach to Eliminating Single-Use, Carry-Out Bags
2. Letter from Jamie McCleod, RWRC Chair, dated December 10, 2008
3. Draft Model Single-Use, Carry-Out Bag Ordinance
4. RWRC Staff Report dated December 10, 2008
5. Single-Use, Carry-Out Bag Ban and Fee Regulations
6. Single-Use, Carry-Out Bag Ordinance FAQ

City of Palo Alto "Bring Your Own Bag" Program

City of Palo Alto staff recruited businesses to participate in a Bring Your Bag program with the goal of increasing reusable shopping bag use to 30% by December 2009. Surveys indicate the level of reusable bag use in February 2008 was 19% for grocery stores and 5%for pharmacies, up from 9% and 2% respectively from February 2008, just prior to the start of the program. Shoppers opting for "no bag" increased from 8% to 16% at grocery stores and from 25% to 28% at pharmacies over the same time period.

Participating retailers (currently 24) agree to offer an incentive to shoppers who bring their own bag. The incentives vary by store, but include a small monetary credit for each bag ($0.05 to $0.25 per bag), a small donation to a local non-profit, a small percentage discount on the purchase, and entry into a drawing for goods, or a giveaway.

When the campaign first began, Palo Alto advertised the program in the local papers and elsewhere. This provided different levels of "free" advertising for the retailers depending on what level they were participating (selling reusable bags, offering incentives, training their staff, wearing buttons, etc.)

Palo Alto has created outreach and education tools retailers can use to help shoppers remember their reusable bags, which they are generously making available to other communities. See examples next page.

Why do shoppers BYOB?

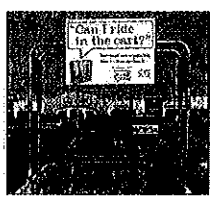
When shoppers use a reusable bag, they're helping the community achieve its Zero Waste goal. Reusable bags are durable and over their lifetime can replace thousands of paper and plastic bags, and reduce the environmental and resource impacts associated with their production.

Why do businesses BYOB?

When shoppers bring their own bags, it means fewer paper and plastic bags that you need to purchase and distribute. Just like shoppers, you are also helping the community achieve its Zero Waste goal and reducing the environmental and resource impacts of paper and plastic carryout bag production.

To let shoppers know you encourage the use of reusable bags and to help shoppers develop the habit of remembering them, Zero Waste Palo Alto is offering helpful tools (e.g., cart corral signs, posters, and reminder kits) for use at your store. There is no cost for the tools and we'll even put them in place for you.

The following tools are free for participating Palo Alto retailers:



Cart Corral Sign

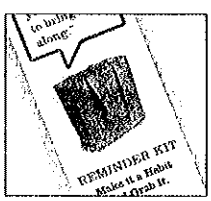
These signs fit onto your cart corral, reminding shoppers to bring a reusable bag as they leave the car.

Floor Decals

Located near the front door, checkout, or throughout the store, floor decals remind customers to bring a reusable bag every time.

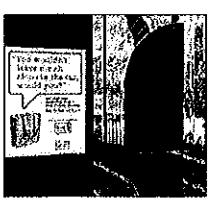
Parking Lot & Planter Sign

H-Frame signs are placed in parking lot medians and planters, reminding customers before they reach the store.



Reminder Kit

Handy reminder kits can be given out at counters or checkstands for shoppers to take home.



Store Entrance Sign

These posters are designed for your front window or door, a reminder to shoppers as they enter the building.

zero WASTE PALO ALTO

Achieving zero waste together

www.cityofpaloalto.org/zerowaste
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