

COMMITTEE MEMBERS

Edi E. Birsan, Chair
Carlyn S. Obringer, Member

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



**Annotated Agenda
Regular Meeting of the
Policy Development &
Internal Operations
Committee**

Wednesday,
May 9, 2018

5:30 p.m.

Garden Conference
Room, Wing A
1950 Parkside Drive

AGENDIZED ITEMS – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee’s consideration of that item. Each speaker will be limited to approximately three minutes.

- 1. **ROLL CALL:** All present
- 2. **STAFF PRESENT:** Kathleen Tropa, Assistant City Manager; Laura Simpson, Planning & Housing Manager, Michael P. Cass, Principal Planner; Jessica Gonzalez, Assistant Planner.

PUBLIC COMMENT PERIOD: See public comments below

3. REPORTS

- a. Developing a framework for a citywide ban on polystyrene foam food service ware. **Report by Jessica Gonzalez, Assistant Planner.**

ACTION: Assistant Planner Jessica Gonzalez presented the staff report, providing general information about the direction from the City Council on a citywide polystyrene ban, previous State-wide legislative efforts, and an overview of other Contra Costa County jurisdictions’ regulations. Staff focused the presentation on the proposed framework for a citywide ban on polystyrene foam food service ware. Following the presentation, the Council Committee discussed potential inclusions to the ban,

timelines, impact on staff resources, and potential increased costs to garbage customers if separate curbside polystyrene recycling efforts were added.

After staff's presentation and questions from the Council Committee, two members of the public spoke in opposition of a polystyrene ban.

Speakers listed below, gave their public comments after the staff report was presented:

-Alison Piccoli, California Restaurant Association. Spoke in objection of a citywide ban on polystyrene, mainly focused on cost of alternative products and financial impact on Concord restaurants and businesses.

-Josh Rosa, Dart Container Company. Spoke in objection of a citywide ban on polystyrene, concerned with banning specific products.

The Council Committee directed staff to draft an ordinance to ban polystyrene foam food service ware as described in the staff report for consideration by the full City Council.

6. ADJOURNMENT at 6:30 p.m.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council
Valerie Barone, City Manager
Susanne Brown, City Attorney
Kathleen Salguero Tropa, Assistant City Manager
Joelle Fockler, City Clerk



SPEAKER'S CARD

We welcome your comments on all public issues. The information provided below becomes a public record and may be subject to disclosure under the California Public Records Act.

Name: Josh Rosa
(Please Print)

Address: 915 L Street

City: Sacramento Zip: 95814 Tel: 916-531-5723

Are you representing an organization or business? Yes No

Name of organization/business: Dart Container

Date: 5-9-18 Agenda item number: 3

Subject: Polystyrene

Should you desire to submit your questions or comments in writing, please see the City Clerk.

josh@elevatepublicaffairs.com Over...

CC-15-1 MAY2013

Email P.P.



SPEAKER'S CARD

We welcome your comments on all public issues. The information provided below becomes a public record and may be subject to disclosure under the California Public Records Act.

Name: Alison Picouli
(Please Print)

Address: PO BOX 1010

City: Pacifica Zip: 94044 Tel: 650-288-8235

Are you representing an organization or business? Yes No

Name of organization/business: California Restaurant Association

Date: 5/9/18 Agenda item number: 3

Subject: Polystyrene

Should you desire to submit your questions or comments in writing, please see the City Clerk.

Over...

CC-15-1 MAY2013

apicouli@calrest.org

From: Sheila Hill [<mailto:sheilahill65@gmail.com>]
Sent: Tuesday, May 08, 2018 5:55 PM
To: Concord City Council; City Clerk
Subject: Polystyrene Ordinance for City of Concord

Dear Mayor Birsan and Member of the Council:

Thank for moving forward with the polystyrene ordinance all councilmembers previously agreed was going to happen in Concord once the City wrapped up other ongoing issues. Many Concord residents have expressed their eagerness for this to happen, and I have attended council meetings where numerous people spoke in favor of a ban, and never heard a Concord resident or business oppose it.

Eating or drinking out of a container with carcinogenic properties is not in anyone's best interests. The production of this product is a huge environmental problem, causing both air and water pollution. It is a common litter problem in our city, and ultimately it ends up in our watersheds and oceans. Eliminating this toxic product (brought to us by Dow Chemical) from the wastestream is logical pollution prevention. All food packaging should be recyclable or compostable.

Creating a citywide polystyrene ordinance for take-out drink and food containers is the right thing to do, and I implore this council to do it. Our local hospital and entire school district did it years ago to protect the people it serves, despite the cost. Effective alternatives are now priced much more competitively. All decisions can not be made on a cost basis alone, there are many factors to consider, including public health, so please make a choice that protects the people in the community that you serve - Concord residents.

Restricting the use of styrofoam may cause a change in the composition of the wastestream and litter, and that is a positive outcome. Paper litter that makes its way to the ocean is far less harmful than polystyrene - paper and cardboard items will break down and decompose whereas styrofoam will photodegrade into little pieces that get digested by marine life - and ultimately the humans at the top of the food chain!

Resistance did not stop our neighbors in Martinez, Pittsburg, Walnut Creek and Lafayette from joining the 100+ cities that have taken this important step to protect the health of its residents, our wildlife and our drinking water - and I hope you won't let it stop you either.

Please make Concord a part of the solution and not a part of the problem

Sincerely, Sheila Hill

30 Year Concord Resident

Director, Generation Green

Consultant, Contra Costa Climate Leaders

Co-Founder, Sustainable Contra Costa



May 8, 2018

The Honorable Mayor Birsan and Councilmembers
City Council of Concord
1950 Parkside Drive
Concord, CA 94519

Dear Mayor Birsan and Councilmembers,

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members within the City of Concord, I respectfully submit this letter to share with you our objections over the proposed ban on local restaurant use of polystyrene food service packaging.

The restaurant community continues to be actively concerned about safekeeping our land and marine wildlife from litter and routinely participates in reduction and abatement efforts both at the state and local levels. Pollution is a serious issue, and is the responsibility of all members of the Concord community. However, singling out a product to eliminate is a discriminatory approach, and has proven to be ineffective.

When litter reduction occurs, of course, the amount of debris polluting our rivers, streams, and ocean is ultimately reduced as a result. Comprehensive efforts should be aimed at reducing all litter, not solely individual products. Focusing on all types of litter will then allow the amount of pollution harming our marine wildlife to reduce.

For example, in 2008 the City and County of San Francisco banned polystyrene containers. Unfortunately afterward, paper cup litter increased after this ban was enacted, as was reported in a later litter audit.

In these cases, bans simply change the composition of litter instead of reducing the amount of litter as it was intended to do. For this reason, the CRA has long-supported packaging mandates requiring all food packaging to be recyclable or compostable, both avoiding discriminatory bans and improving environmental conditions.

Furthermore, polystyrene foam containers remain among the most effective for keeping foods fresh, leak-free, and most importantly keeping food hot or cold. Improperly stored food spoils faster, thus being thrown away at a faster rate or being wrongfully ingested at the risk of a foodborne illness. That's why this material is a often for leftovers and frozen food or drinks. That is also why it is a popular product among many independent ethnic restaurants, who find that the product is best used to keep hot soups and sauce-based dishes. Many restaurants choose to use this product because of this functional value.

The restaurant community is one that is characterized by razor thin profit margins of about 5% on the dollar – in a sound economy. For this reason, cost has always been a significant factor in the consideration of a product on top of the functional value. Schools, hospitals, nursing homes, non-profit food programs, delis, and family-owned restaurants are often reliant on these products for its insulation properties and economical price. Alternatives to polystyrene can be double (or even triple) the cost, and do not carry the food efficiently. Cost differences are felt differently by different sizes, types, and locations of restaurants and therefore have a differing impact on the local restaurant community.

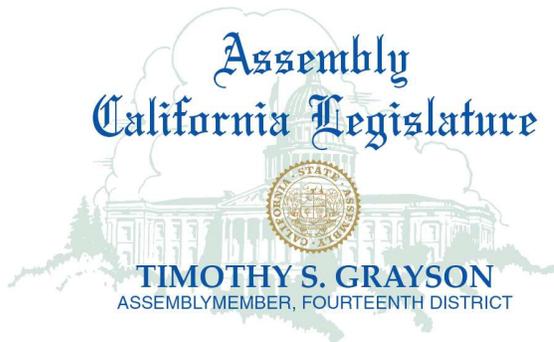
The CRA continues to support the recyclability and composability of food packaging materials, and advocates for such policies statewide. We believe that attempts to ban single products undermines the greater effort that such bans set out to achieve. A more effective approach would be to look at current litter practices within the City, and promote better education, prevention, and clean-up activities, as well as liability on those people who litter.

Thank you for your consideration. If you have any questions, please contact me at (650) 288-8235 or apiccoli@calrest.org.

Sincerely,



Alison Piccoli
Director, Local Government Affairs – Bay Area Region
California Restaurant Association



May 9, 2018

Council Committee on Policy Development and Internal Operations
City of Concord
1950 Parkside Drive
Concord, CA 94519

Dear Committee Members,

I am writing in regards to the staff report for developing a framework for a citywide ban on polystyrene foam food service ware.

I commend the City Council and Staff for taking steps to address unnecessary waste in our landfills. However, it is my belief that before this recommendation is forwarded from this Committee to the full Council for review, there should be greater consideration given to possible alternative policies and more opportunity for stakeholder input.

In particular, I would encourage the City to investigate and consider the possibility of engaging in a recycling program that would not only keep single-use polystyrene products out of landfills but would allow them to be repurposed for other use. Companies in and around Concord may be interested in current technology that could make recycling polystyrene a profitable venture. There are also many small businesses, especially food services and restaurants, that operate in Concord that would be greatly affected by an outright ban.

Again, I commend the City and Staff for conducting outreach to various business groups, including chambers of commerce and the Todos Santos Business Association, but it is very possible that the majority of businesses that would be impacted by this ban are unaware the City is considering implementing it as policy.

Allowing more time for stakeholder input and consideration of possible alternatives to an outright ban would ensure the City is embarking on the path that best protects both our natural and business environments.

Thank you for allowing me the opportunity to share my thoughts on this important matter.

Sincerely,

A handwritten signature in black ink that reads 'Timothy S. Grayson'. The signature is written in a cursive style with a large, prominent 'T' and 'G'.