Council Agenda: 01/10/12
Agenda Item: 2.3(b)

REGULAR MEETING OF THE SAN JOSE TRANSPORTATION AND ENVIRONMENT COMMITTEE

SAN JOSE, CALIFORNIA **MONDAY, DECEMBER 05, 2011**

The Transportation and Environment Committee of the City of San José convened in Regular Session at 1:35 p.m. in Conference Room 120, Council Wing, City Hall.

PRESENT: Council Member Sam Liccardo, Chair, Council Member Rose Herrera, Vice Chair, Council Member Xavier Campos and Council Member Donald Rocha.

ABSENT: All Present.

STAFF: Assistant to the City Manager Ashwini Kantak, Senior Deputy City Attorney Kevin Fisher, Policy Analyst for Mayor's Office Christina Fernandez and Deputy City Clerk Susan M. Davis.

REVIEW OF WORK PLAN

(1) Storm and Sanitary Sewer Initiatives. (Public Works/Transportation)

Action: Deferred to February 2012. The Transportation and Environment Committee in January 2012 was cancelled.

CONSENT CALENDAR

(1) Status Report on Mitigation Monitoring. (Planning, Building and Code Enforcement)

Documents filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated November 17, 2011, recommending acceptance of the report.

Public Comments: David Wall pointed out that the Eco Pass Program was not properly monitored and will not be continued.

CONSENT CALENDAR

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti stated that Staff do as much mitigation monitoring as possible and are currently working with the City Manager's Office on the Eco Pass issue to see if the program can reinstated.

Action: The Committee accepted the report.

REPORTS TO COMMITTEE

(1) Regional Transportation Activities Quarterly Report. (Transportation)

Documents filed: Memorandum from Director of Transportation Hans Larsen, dated November 15, 2011, recommending acceptance of the report.

Director of Transportation Hans Larsen presented the report.

Public Comments: The following speakers presented comments about the benefits of the underground tunnel option in lieu of the aerial option for the High Speed Rail project and expressing support to bringing BART to San José were: Scott Knies, San José Downtown Association, David Wall, Roland LeBrun and Ross Signorino.

Action: The Committee accepted the report.

(2) Trash Load Reduction Plan. (Environmental Services)
(3) Stakeholder Process for Prohibition of Expanded Polystyrene Food Ware. (Environmental Services)
Items (2) and (3) were heard together.

Documents filed: (1) Memorandum from Council Member Liccardo, dated December 5, 2011, recommending acceptance of the Staff report with further actions. (2) Memorandum from Council Member Rocha, dated December 5, 2011, recommending deferring action on specific recommendations to the full Council, with further direction to Staff. (3) Memoranda from Acting Director of Environmental Services Kerri Romanow, dated November 15, 2011 and November 17, 2011, recommending acceptance of the report, provide input to Staff on potential priorities and trash reduction actions to include the City's final Trash Load Reduction Plan to be submitted for City Council consideration in January 2012. (4) Staff presentation dated December 5, 2011 summarizing the Trash Load Reduction Plan. (5) Staff presentation dated December 5, 2011 outlining the Expanded Polystyrene Food Ware Litter Policy Analysis. (6) Letters from Amalia Chamorro, Director, Local Government Affairs, California Restaurant Association, dated November 22, 2011 and November 30, 2011, transmitting on behalf of the California Restaurant Association, enclosed letters from constituents to be included in the agenda packet for the Transportation and Environment Committee meeting on December 5, 2011. (7) Letter from Mark Murray, Executive Director, Californians Against Waste, dated December 4, 2011, expressing support to the prohibition.

REPORTS TO COMMITTEE

(2)(3) (Cont'd.)

Documents Filed: (Cont'd.)

(8) Letter from Leslee Hamilton, Executive Director, Guadalupe River Park Conservancy, dated December 2, 2011, strongly supporting a city wide ordinance that would move to replace foam food and beverage containers with products more easily managed by municipal recycling facilities. (9) Letter from James Duran, Chair, Hispanic Chamber of Commerce, dated December 5, 2011, expressing opposition to the prohibition of expanded polystyrene food ware. (10) Letter from Keith Christman, Managing Director, American Chemistry Council, dated December 5, 2011, expressing opposition to the ban unless amended.

Acting Director of Environmental Services Kerri Romanow presented introductory remarks. Deputy Director of Environmental Services Melody Tovar and Program Manager Elaine Marshall presented the reports.

Public Comments: Virginia Palafox, GreenTeam of San José, pointed out that the food contamination is cross contaminating to their paper, creates food contamination and odor which makes it difficult to market.

Pat Sausedo, San José Silicon Valley Chamber, stated that the bigger issue in San José today for business is the accumulation of government mandated additional costs, fees and taxes and requested staff continue to explore and study other alternatives, if any.

David Wall stated that street sweeping would not solve the problem and suggested people are needed to pick up the litter.

Allison Chan, Save the Bay, spoke in support to the Staff recommendations and urged the Committee to direct Staff to return with a draft ordinance by June 2012.

Michael Gross, Zanker Road/Green Waste, expressed support to the Staff recommendations.

James Duran, Chair, Hispanic Chamber of Commerce, expressed opposition as the ban does not address the true problem of littering nor is a ban a necessary strategy to meet the compliance requirements set forth by the Regional Water Quality Control Board.

Miriam Gordon, Director, Clean Water Action, urged the Committee to move forward immediately with no further delays and requested the Committee support the Statewide ban AB 568 in order to create a level playing field in California.

Ed McGovern, American Chemistry Council, expressed opposition to the ban and supports efforts to reduce litter and disposal through enhanced recycling and litter reduction programs.

(2)(3) (Cont'd.)

Public Comments: (Cont'd.)

Michael Westerfield, Dart Container Corporation, pointed out that his company has been trying to work with the City of San José since 2008 to find a solution and submitted a proposal to the Committee.

Ross Signorino suggested starting an education program to teach people to recycle polystyrene and find a way to chemically get rid of the polystyrene once it has been used and/or contaminated.

Acting Director of Environmental Services Kerri Romanow, Environmental Services Program Manager Elaine Marshall and Acting Assistant Director of Environmental Services Jo Zientek responded to Committee questions and concerns.

Extensive Committee discussion ensued.

Action: The Committee accepted the memorandum from Council Member Liccardo, dated December 5, 2011, accepting the Staff report and recommendations, including: pending return of the proposed ordinance in August 2012, Staff was directed to investigate means by which a buyers' cooperative could be established, possibly with assistance of the City, participating chambers of commerce or with environmental advocacy groups, for bulk purchases of alternative food service ware for distribution to small businesses; the memorandum from Council Member Rocha, dated December 5, 2011, with Staff directed to provide the following information, as well as a professional recommendation in a supplemental memorandum in advance of Council action: (1) Recommendation of an alternative. (2) Additional analysis of the three most effective alternatives, considering cost, implementation, impact to businesses and consumers, and capacity to reduce litter. (3) Additional information on the projected feasibility and effectiveness on recycling expanded polystyrene food ware in San José, providing case study information when appropriate. (4) Total budget allocation available for Trash Load Reduction efforts and the source(s) of funding. (5) Information on potential shifting of costs, savings or additional expenditures from current actions or programs if the recommended alternatives are selected. (6) Past conversations with both the container industry and the California Restaurant Association regarding partnership and joint effort opportunities, as well as additional opportunities for partnership with both groups moving forward. Staff was further directed to add the discussions from the Committee meeting today, including a list of mitigations with percentages and to return to Transportation and Environment Committee in February 2012.

REPORTS TO COMMITTEE

(4) San José/Santa Clara Water Pollution Control Plant – Project Update on Regional Odor Assessment Study and Odor Reduction Project Timing. (Environmental Services)

Documents filed: (1) Memorandum from Acting Director of Environmental Services Kerri Romanow, dated November 15, 2011, recommending acceptance of the report. (2) Staff presentation dated December 5, 2011 highlighting the Odor Study Update.

Supervising Environmental Services Specialist Kirsten Struve provided the staff report.

Action: The Committee accepted the report.

(5) December 2011 Quarterly Energy Update. (Environmental Services)

Documents filed: (1) Memorandum from Acting Director of Environmental Services Kerri Romanow, dated November 15, 2011, recommending acceptance of the report. (2) Staff presentation dated December 5, 2011 summarizing the Fourth Quarter Energy Report.

Acting Director of Environmental Services Kerri Romanow provided introductory remarks. Program Manager Mary Tucker presented the report.

Action: The Committee accepted the report.

(6) Status Report on Fleet Pilot Program. (Public Works)

Documents filed: (1) Memorandum from Director of Public Works David Sykes, dated November 22, 2011, recommending acceptance of the report and to provide input to Staff as to the next steps. (2) Staff presentation dated December 5, 2011 highlighting the Fleet Pilot Program.

Director of Public Works David Sykes and Deputy Director of Parks, Recreation and Neighborhood Services Matt Morley presented the report

Council Member Herrera left the meeting at approximately 4:05 p.m.

Council Member Campos requested that Staff provide a schedule to the Council Offices when available.

Public Comments: David Wall spoke in opposition to the Staff recommendations.

Action: The Committee accepted the report.

OPEN FORUM

(1) David Wall presents comments on various issues such as requesting a quarterly report as to the status of the qualified active low income business groups and their structures.

(2) Roland LeBrun shared his views on using high speed rail funds for local transportation projects.

(3) Ross Signorino pointed out that the businesses that are closing are causing blight and asked whether the street vendors are hurting the small businesses.

ADJOURNMENT

Council Member Liccardo adjourned the meeting at 4:29 p.m.

Council Member Sam Liccardo, Chair
Transportation and Environment Committee

sl/smd