

CITY OF CUPERTINO SUSTAINABILITY COMMISSION

Teleconference meeting without a physical location.

Thursday, January 20, 2022, 4:00 p.m.

MINUTES



At 4:07 p.m. Chair Swaminathan called the meeting to order.

ROLL CALL

Commissioners Present: Chair Vignesh Swaminathan and Commissioners Anna Weber, Gary Latshaw, and Meera Ramanathan. Absent: Vice Chair Ram Mohan.

Staff: André Duurvoort, Sustainability Manager; Iqraam Nabi, Innovation Technology Technician; Toan Quach, Innovation Technology Technician, Ursula Syrova, Environmental Programs Manager; Nicole Lee, Environmental Programs Assistant; Susan Michael, Capital Improvement Programs Manager; Ryan Do, Project Manager; Karen Chen, AmeriCorps CivicSpark Fellow; Gilee Corral, Climate and Utilities Analyst.

Guests: Members of the public.

APPROVAL OF MINUTES

1. Subject: Minutes from October 21, 2021 meeting

Commissioner Latshaw moved and Commissioner Ramanathan seconded to approve the minutes. The motion carried unanimously with Vice Chair Mohan absent.

POSTPONEMENTS

None.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Gilee Corral, Staff Liaison, acknowledged one item received for Written Communications.

STAFF AND COMMISSION REPORTS

Staff updates: André Duurvoort, Sustainability Manager, gave brief reports and answered clarifying questions from Commissioners:

- Sustainability Division is recruiting a part-time intern, please notify your networks of the job posting.
- Climate Action Plan (CAP) Update project: adding California Environmental Quality Act (CEQA) qualification to the project and conducting the administrative review of the draft CAP; the project team incorporated public comment, strengthened some measures, and adjusted others. This will trigger another round of public engagement and likely an additional Council Study Session. Clarifying questions:
 - o More information on what is being focused on for CEQA services, relationship with the Housing Element (Swaminathan). Duurvoort further explained the CEQA streamlining project, briefly explained ways that the CAP and General Plans would interact, and noted that climate adaptation work will be incorporated directly into the General Plan when the

Safety Element is updated.

- Require all buildings to be retrofitted to eliminate natural gas, should this be discussed as part of the CAP (Latshaw). Duurvoort: existing building electrification is part of the CAP Update core strategy, and staff are proposing a related project as a FY23 Council Work Program project.
- Timing of public draft release (Weber). Duurvoort: targeting March for publishing the public draft document, along with an updated engagement schedule.

Commission updates:

- Chair Swaminathan and Commissioner Ramanathan made brief comments to acknowledge Commissioner Latshaw's service and impact on the Commission as a founding member. Commissioner Latshaw thanked the Commission.
- Commissioner Weber reported on a recent Mayor's Meeting. Other commissions are working on their work program suggestions. Mayor's State of the City address is on January 29 at 2 p.m., current plan is in-person with agencies tabling. Introduce the new City Attorney and City Manager at this address.
- Commissioner Ramanathan reported that the Single Use Plastics Subcommittee met with Environmental Programs staff to review the comprehensive report.
- Chair Swaminathan reported on the CAP Update Subcommittee meeting. He noted that the VTA Citizen Advisory Watchdog Committee is still recruiting members and encouraged people to apply.

OLD BUSINESS

None.

NEW BUSINESS

2. Subject: Mandatory KnowBe4 cybersecurity training from the City's Information Technology Department

Iqraam Nabi, Innovation Technology Technician, presented information on mandatory cybersecurity training. He noted major ransomware attacks on companies in 2021. He encouraged the Commission to take the training via the link sent to their cupertino.org address. Iqraam Nabi and Toan Quach, Innovation Technology Technician, answered clarifying questions from the Commission, provided examples of cybersecurity attacks locally and examples of common methods of cyber-attacks, and explained the ReAct tool.

3. Subject: Consider draft ordinance language and phasing for a Single-Use Plastics Ordinance

Ursula Syrova, Environmental Programs Manager, presented the goal of the ordinance, an overview of the progress, and the draft policy options being considered. Summarizing the results of the business outreach, there was interest in exploring reusable to-go services, and although there were some concerns, there were potential solutions to address these concerns. The outreach consultant contacted close to 51% of local food businesses with the survey. Customers were strongly supportive of limiting single use plastic foodware. The Single Use Plastics Subcommittee met to review phasing and options and their recommendations were incorporated in the draft language. Draft ordinance includes:

- June 1, 2022: Accessories only upon request in alignment with AB1276
- June 1, 2023: Prohibit use of non-compliant foodware, only items accepted for recycling and compost

- Adjusted this phasing with feedback from the Subcommittee
- June 1, 2023: Reusable foodware required for dine-in with dishwashing capacity required
- June 1, 2023: Cup and container charges/credits - \$0.25 charge or credit
 - Subcommittee suggested leaning more towards a credit. Syrova noted that other jurisdictions that have adopted incentives have usually gone with a charge, which from research has been shown to be more motivating than a credit. A majority of businesses surveyed were opposed to both charge and credit, based on concerns related to COVID, set up, and customer satisfaction. However, customers surveyed reported that an incentive would help motivate them to bring their own containers.
 - For clarification: just cups or both cups and containers?
- June 1, 2023: No sale of non-compliant foodware
 - Syrova noted that the Subcommittee suggested phasing this ban, first the compostable plastics and then the remainder of the items. She clarified an error in the staff report relating to Mountain View's recently adopted ban covers the sale of bioplastic and traditional plastic foodware accessories only, e.g. straws.
- June 1, 2024: Require reusables at large events of 100 or more people
 - Syrova noted the Subcommittee supported this
- June 1, 2023: Ban local sale of certain packing materials and other non-foodware items
 - Syrova noted the Subcommittee supported this

Subcommittee recommended technical assistance for businesses to comply with requirements. The draft ordinance will include language for exemptions, e.g. economic hardship, disability accommodation, and unique packaging hardship. Although not in the draft ordinance, the Subcommittee supported restrictions on City purchasing single-use water bottles. Syrova noted topics related to economic impact on businesses for consideration. There was strong interest in technical and financial assistance, from the outreach survey and the Subcommittee. This could potentially be provided within current budget.

Syrova summarized outstanding questions for Commission discussion: charge vs credit, charge for just cups or cups and containers, and whether to phase in the ban on the sale of traditional single-use foodware or ban traditional and bio-based at once.

The Commission asked clarifying questions and made comments, including:

- Charging a fee is better than giving credit (Latshaw)
- Options other than fee or credit (Swaminathan)
 - Syrova: could encourage voluntary uptake rather than mandate. She noted that the credit/fee is known to motivate behavior change. She briefly described ways to educate around COVID concerns and safety in using customer-brought cups.
- Reusable cup companies, innovative practices (Swaminathan)
 - Syrova: gave examples of reusable subscription models and noted that a pilot could be considered with interested businesses
- Idea to implement a reusable subscription via major employer, e.g., Apple (Swaminathan)
- Questions re retailers that sell to businesses, issues with bioplastics (Swaminathan). Syrova provided clarification.
- If biodegradable bags for produce are considered (Ramanathan)

- Syrova: not in the draft language, which is more angled towards serving prepared food
- How has COVID changed single use items, dining in and takeout (Swaminathan)
 - Syrova: disposable masks / gloves are not in draft language. Currently allow bags for takeaway food, reconsider this. Nicole Lee, Environmental Programs Assistant: generally, if a business used single use plastics before, they continued using them during COVID.
- Consider including plastic takeout bags and increase in popularity in cafeteria-style businesses and “ghost” kitchens catering to food delivery services (Swaminathan)
 - Syrova: language can cover the prepared food at supermarkets if the store packages the food themselves
- If packaging from home delivery can be considered (Latshaw). Syrova: goods delivery is outside of this ordinance’s scope.
- Thanked Syrova for the presentation and incorporating the Subcommittee’s feedback, clarify how the credit would work, how \$0.25 was determined (Weber)
 - Syrova: credit would be passing along savings to customer for not needing to provide a single use item. Under the current bag ordinance, the fee for the bag is kept by the business. She explained that the fee level was based on some other jurisdictions, which set the fee at \$0.10 or \$0.25. Lee: noted in the survey that those in favor of a fee preferred \$0.10.
- Idea for a point system run by the City, could feed into a purchase of reusables (Swaminathan)
- Request to show in the analysis the comparison of the cost of trash fees to process to-go containers that are improperly cleaned compared with implementing a reusable container (Ramanathan)

Public Comment:

- Gwyn Azar, representing Cupertino Youth Climate Action Team, supports the ordinance, which she advocated for previously. Asked how the ordinance would relate to schools, noting a high amount of single use items in schools and litter.
 - Syrova answered that the City can motivate and support schools but cannot cover them in the ordinance.
- Dino Sakkas supports the consideration of thin plastic bags. Asked if Styrofoam packaging that comes in shipping can be added to the shred and waste day event.
 - Syrova can reach out to Recology for the question on Environmental Day items, but those events are specifically for recycling and shredding, not for disposing of trash, and foam packaging is not recyclable locally.

The Commission discussed the topic and ordinance options. Themes and topics raised included:

- Supports a charge, back up with analysis of cost savings from avoided trash fees (Ramanathan)
- Next step for the project: will go to City Council March 1 for a study session
- Supports banning the sale of plastic foodware items used in Cupertino, don’t have a large supplier in the city that would be directly affected (Swaminathan). Phase in the ban rather than immediate enforcement for equity concerns (Weber)
- Clarification and discussion on the types of items covered, e.g., self-serve cups for condiments.
- Support a charge for cups and to go containers (Weber)
- Support phasing of the ban of sale of items by 2023 (Weber, Swaminathan, Ramanathan)
 - Ensure that guidance is provided ahead of implementation (Ramanathan, Swaminathan)

- Include all materials being used for takeout, including the plastic bag (Swaminathan). Syrova noted that addressing plastic bags would affect the existing bag ordinance
- Concern not to burden a business when surrounding communities may have different requirements, how does this track with neighboring cities (Latshaw). Syrova gave examples of similar ordinances in the Bay Area, with variation in details. There was a County-led model ordinance effort, however, COVID stalled this.
- If foam trays used to package food can be banned from entering the city (Weber). Syrova noted that technically this is possible, could do direct outreach and education to stores to source other packaging.

Commissioner Weber made a motion to recommend to Council the draft plastics ordinance as presented by staff for Council consideration. Commissioner Ramanathan seconded with a friendly amendment to the motion to add technical training for businesses prior to implementation. Chair Swaminathan suggested a friendly amendment to the motion to include bags for takeout and food delivery. Commissioner Weber accepted the friendly amendments to the motion.

Syrova asked for clarification on the charge for cups and containers question. Commissioner Weber amended her motion to add a recommendation for a charge for both cups and containers and ban on the sale of plastic foodware effective June 1, 2023.

Commissioner Weber's motion as amended: Recommend to the City Council to adopt the draft single use plastics ordinance as presented by City staff with the following amendments: addition of technical training for businesses prior to ordinance implementation, recommend a charge for both cups and containers, and phase in a ban on the retail sale of plastic food service ware effective June 1, 2023; additionally, recommend to City Council that the current bag ordinance should be amended to ban plastic bags from takeout and food delivery. The motion was seconded by Commissioner Ramanathan and passed unanimously with Vice Chair Mohan absent.

Commissioner Latshaw advised to continue tracking what is going on in surrounding communities. The Commission thanked staff for their efforts. Chair Swaminathan commented that the Commission and Syrova's team should be proud of this ordinance effort, noting that Cupertino is one of the most progressive cities in the Bay Area on this topic.

4. Subject: Update on sustainable infrastructure projects, including energy efficiency and solar projects for city-owned properties with Public Works

Susan Michael, Capital Improvement Programs (CIP) Manager, introduced herself. Andre Duurvoort gave a brief presentation on CIP and other municipal projects in planning and in the pipeline:

- Expand city-owned public electric vehicle (EV) charging ports
- Study to update streetlights for energy savings and compliance with dark sky ordinance, aiming for completion by end of 2022
- Assess deferred maintenance and energy and resilience opportunities via an energy service company; City has a Silicon Valley Clean Energy (SVCE) grant of \$256,000 to support energy resiliency
- Solar carports and photovoltaics (PV) potential for facilities, identified about one megawatt potential
 - o Awaiting to see the results of the California Public Utilities Commission's Net Energy Metering 3.0 decision, as this will impact economics of solar

- Gave examples of potential solar capacity, noting areas where trees would need to be removed.

The Commission asked clarifying questions and provided feedback on the plans. Topics / questions raised included:

- Duurvoort noted that all projects would be permitted and go through the Planning Commission (response to question from Ramanathan)
- Rooftop solar easier for economies of scale than carports (Latshaw)
- Support for the locations being proposed for municipal EVSE citing; idea to get public access to privately owned EV chargers while not in use, e.g., Apple chargers on Bubb Road (Swaminathan)
- If proposed EV chargers would be free or charge user fees (Ramanathan). Duurvoort: plan to charge fees and update the fee structure
- Consider disruption to wildlife when selecting lighting for replacement, some wavelengths are more disruptive to animals and people (Latshaw)
 - Michaels: noted that the Dark Sky Ordinance regulates the wavelengths and temperature of lighting and the survey will evaluate the current lighting to align with these requirements
- Recommend selecting alternating current/Level 2 rather than direct current (DC) for EV chargers, majority of hybrids cannot use DC chargers. Consider on-street parking for charging overnight or visiting, covering multiple city destinations and more of the city in general. More sustainable infrastructure (Swaminathan, Weber supporting)
- Partner with the neighborhood schools, cite chargers to benefit locals in the neighborhood (Weber)
- For retail and restaurant sites, combine EV and plastics protocol; can use the port to promote this message: Overall green restaurant, green city, green lifestyle (Ramanathan)
- Michaels asked if any concerns from the Commission for the City to work with third party vendors, e.g. Tesla, that will install EV infrastructure build out at no cost to the City
 - Potential issues for a private entity using a public right of way: what is the agreement length? Are they renting the space? Allowed to use their logo? (Swaminathan). Michaels noted that logos are not allowed
- Idea to install solar PV over sidewalks rather than using carports (Ramanathan, Swaminathan supporting)

5. Subject: Earth and Arbor Day planning

Karen Chen, AmeriCorps CivicSpark Fellow, presented a brief overview of recent past festivals and an update on 2022 festival planning. This year's festival will be held on Saturday, April 23 in Library field. She reviewed the updated festival website: cupertino.org/earthday. Now recruiting sponsorships and tabling partners, please spread the word. Also seeking suggestions for activities or performers to participate in the festival. Chen answered clarifying questions from the Commission, including:

- If a virtual component to the festival (Swaminathan). Chen: current plan is for in person only
 - Commissioners briefly commented on willingness to attend in person, generally were willing but some concerns raised, e.g., managing booths, giveaways, COVID safety protocols. Chen noted that staff are looking into COVID safety guidelines. One of the reasons for relocation to Library field was to have more space for the booths.

Public Comment:

- Gwyn Azar, representing Cupertino Youth Climate Action Team, noted that her group loved being a part of the virtual festival last year and would love to be part of this year's festival.

The Commission provided feedback on the plans. Topics raised included:

- Supports a virtual component to be inclusive, e.g., live camera to livestream booths (Swaminathan, Ramanathan supporting)
- Concern that people may not feel comfortable attending in person, ideas to mitigate concerns: control the flow of attendees at different times. Suggest having a COVID booth showing how life has changed from a sustainability perspective (Ramanathan)
- Consensus for the Commission to table at the festival. Corral will coordinate Commissioners to cover the tabling shifts.
- Have QR codes at booths. Due to COVID, even more important reduce handouts, plastics. Provide masks and a way to dispose of them. Talk about current best practices e.g., sustainable masks (Swaminathan)

Commissioner Latshaw gave closing comments on how much he has enjoyed the festival over the past six years. Chair Swaminathan thanked Commissioner Latshaw for inspiring him, commented on the value of Latshaw's connections to organizations in the community to the Commission. Commissioners Ramanathan and Weber thanked Commissioner Latshaw for his service.

FUTURE AGENDA SETTING

This item was not discussed.

ADJOURNMENT

Commissioner Latshaw left at 7:01 p.m.

A motion to adjourn was made by Commissioner Weber and seconded by Commissioner Ramanathan. The motion carried unanimously with Vice Chair Mohan and Commissioner Latshaw absent. Meeting adjourned at 7:02 p.m.