

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 1/3/2005	Department ID Number: CS05-002

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: JIM B. ENGLE, DIRECTOR, COMMUNITY SERVICES *JBE*

SUBJECT: ADOPT RESOLUTION NO. 2005- 1 ENTITLED, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, PROHIBITING THE USE OF EXPANDABLE POLYSTYRENE (COMMONLY REFERRED TO BY THE TRADE NAME "STYROFOAM") FOOD SERVICE PRODUCTS WITHIN CITY FACILITIES AND AT CITY-SPONSORED EVENTS"

RECEIVED
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA
 2004 DEC 21 A 9:03

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: It is being proposed that Resolution No. 2004-21 prohibiting the use of Styrofoam food service products in city facilities be amended to allow an exemption in the city's Senior Nutrition Program.

Funding Source: N/A

Recommended Action: Motion to:

Adopt Resolution No. 2005- 1, entitled, "A Resolution of the City Council of the City of Huntington Beach, California, Prohibiting the Use of Expandable Polystyrene (Commonly Referred to by the Trade Name "Styrofoam") Food Service Products within City Facilities and at City-Sponsored Events", which amends Resolution No. 2004-21 by allowing the use of Styrofoam for the city's Senior Nutrition Program.

Alternative Action(s): Do not adopt the Resolution allowing the use of Styrofoam food service products in the city's Senior Nutrition Program, and allocate \$11,532.64 from the general fund to offset the additional expense of using an alternative product.

E-2

REQUEST FOR ACTION

MEETING DATE: 1/3/2005

DEPARTMENT ID NUMBER:CS05-002

Analysis: On April 19, 2004, City Council adopted Resolution No. 2004-21 prohibiting the use of Styrofoam food service products within city facilities and at city-sponsored events. It is important to mention that the littering problem that this resolution was designed to curtail is not generated by the Senior Nutrition Program in Huntington Beach.

It was brought to the attention of the City Administrator and city staff that the ban on the use of Styrofoam food service products on city property would have a negative impact on the Senior Nutrition Program operated at both the Michael E. Rodgers Seniors' Center and the Seniors' Outreach Center. These programs serve approximately 75 congregate meals per day, and deliver daily meals to an additional 149 homebound seniors.

City does not currently pay for the Senior Nutrition Program. Feedback is funded through the Older Americans Act and donations. The city's share is provided as in-kind services including volunteers who deliver the meals. If Styrofoam products are banned from the Senior Nutrition Program, Feedback can accommodate our special request, but there will be a charge to the city for materials and labor based on the direct costs.

Meals to Home

Materials: \$.08/meal x 149 meals/day x 242 days =	\$2,884.64
*Labor: \$20/day x 242 days =	4,840.00

Congregate Meals

Materials: \$.18/meal x 75 meals/day x 242 days =	3,267.00
Labor: (not applicable; Huntington Beach volunteers)	0

Feedback Administrative Overhead** =	<u>541.00</u>
--------------------------------------	---------------

TOTAL ADDITIONAL COST: \$11,532.64

**Additional labor is the time required on assembly line to change over to non-Styrofoam products and delays caused by this change over.*

***Administrative overhead is the extra time required to cover incidentals, such as shopping for non-Styrofoam products.*

Staff recommends Council adopt the resolution allowing the use of Styrofoam food service products in the Senior Nutrition Program. San Clemente and San Juan Capistrano have also implemented a Styrofoam ban. While San Juan Capistrano has included its seniors meals program in this ban, San Clemente is seeking alternatives to address the issue and have not implemented the ban in its seniors meals program. The Older Americans Act has not increased its funding to Feedback in over five years. If the city decides to enforce the Styrofoam ban in the Senior Nutrition Program, an additional \$11,532.64 would be needed to cover the direct costs.

Environmental Status: N/A

E - 2.2

REQUEST FOR ACTION

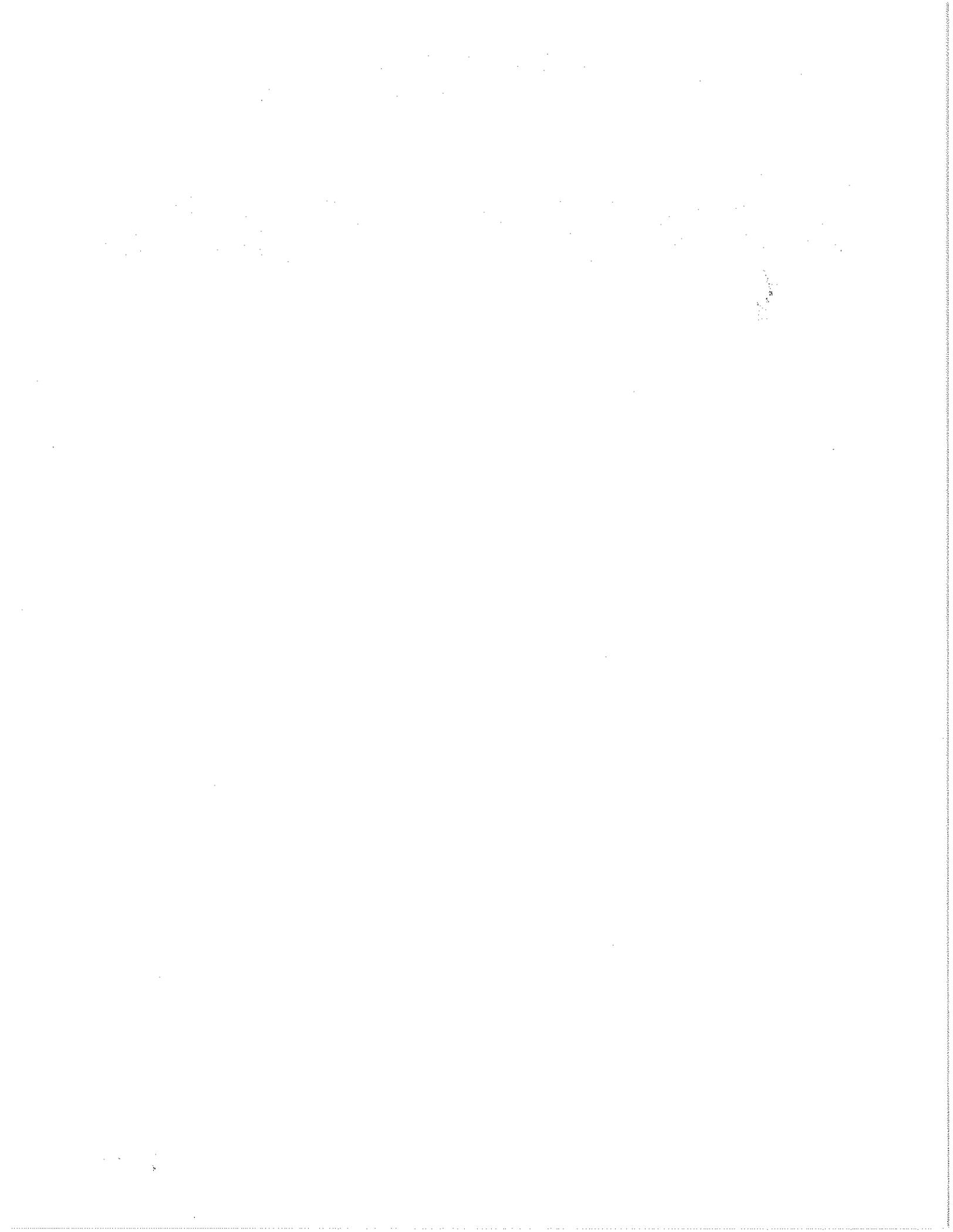
MEETING DATE: 1/3/2005

DEPARTMENT ID NUMBER:CS05-002

Attachment(s):

City Clerk's Page Number	No	Description
48	1.	Resolution No. 2005- <u> / </u>
	2.	Letter from Feedback Foundation

E-2.3
-3



ATTACHMENT #1

E-2.4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, CALIFORNIA, PROHIBITING
THE USE OF EXPANDABLE POLYSTYRENE
(COMMONLY REFERRED TO BY THE TRADE NAME
"STYROFOAM") FOOD SERVICE PRODUCTS WITHIN
CITY FACILITIES AND AT CITY-SPONSORED EVENTS.

WHEREAS, the City of Huntington Beach has a duty to protect the natural environment for present and future generations; and

WHEREAS, the litter problem resulting from expandable polystyrene is becoming increasingly difficult to manage and has costly negative implications for tourism, wildlife, aesthetics and most recently, public storm drain systems; and

WHEREAS, expandable polystyrene, a petroleum based product that is frequently used for food service purposes, enters the various water bodies from both direct as well as indirect sources (such as storm conveyance systems), and negatively impacts the overall quality of ocean waters and adjacent beach areas; and

WHEREAS, expandable polystyrene does not effectively biodegrade in the environment, but merely breaks down into smaller particles, that litter the City's streets, parks, public places, open spaces, beaches and ocean; and

WHEREAS, a deterioration in the quality of the City's ocean waters and beaches threatens the public health, safety and welfare and negatively affects tourism and the local economy which depends on tourist trade; and

WHEREAS, expandable polystyrene waste poses a risk to the fragile ecological balance, since marine and land wildlife often perish as a result of ingesting expandable polystyrene products; and

WHEREAS, the 1999-2000 Orange County Grand Jury report entitled "The Rainy Season's First Flush Hits the Harbors of Orange County", strongly recommended that the County of Orange and the cities within it, institute a procedure to substantially reduce the use and sale of disposable plastics and expandable polystyrene within its jurisdiction; and

WHEREAS, expandable polystyrene contributes to urban blight as litter especially due to its lightweight nature as it floats in water and/or is easily blown in the wind from place to place even when disposed of properly; and

WHEREAS, expandable polystyrene food service products, by their nature, have a useful life that can be measured in minutes or hours, yet it takes several decades to hundreds of years to deteriorate in the environment or landfill; and

E - 2.5

WHEREAS, the City of Huntington Beach is mandated to meet the California Integrated Waste Management Act (AB 939, Sher, Chapter 1095, Statutes of 1989 as amended), which required that all cities and counties in the State divert fifty percent (50%) of discarded materials from entering landfills by December 31, 2000, and ultimately, most single-use throwaway consumer and commercial plastic products end their life in a landfill; and

WHEREAS, there is currently no meaningful recycling of food service expandable polystyrene products, due in part to contamination from food residue; and

WHEREAS, alternative products, which are bio-degradable, reusable and/or recyclable are readily available at reasonable cost; and

WHEREAS, the City of Huntington Beach desires to exercise environmental stewardship by reducing the amount of expandable polystyrene debris that enters the City's storm drains, watershed and coastal environment and reducing the amount of expandable polystyrene that enters our waste stream.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

Section 1. The City of Huntington Beach shall not prospectively purchase or acquire food service products which are produced with expandable polystyrene. Prohibited products include, but are not limited to, expandable polystyrene food service items such as cups, plates and trays.

Section 2. All future rental agreements for usage of any City-owned property or facility shall require that contracting parties assume responsibility for preventing the utilization and/or distribution of expandable polystyrene products by any attendee or vendor at the associated function. The rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the Community Services Director, or his/her designee, determines that such products were utilized in violation of the rental agreement.

Section 3. The use or distribution of expandable polystyrene products at all future special events that are sponsored or co-sponsored by the City of Huntington Beach shall be prohibited. This prohibition shall apply to the event organizers, agents of the event organizers, event vendors, and any other party (including non-profit organizations) who enter into an agreement with one or more of the co-sponsors of the event to sell goods or beverages at the event or otherwise provide an event-related service. The prohibition on the use of expandable polystyrene products will not be enforced upon individuals who are attending the function solely as a visitor or spectator.

All future written agreements with any vendor, including non-profit organizations, to sell goods or beverages at a City-sponsored event, shall specifically prohibit the usage and distribution of expandable polystyrene food service products and shall indicate that the violating permittee's security deposit will be forfeited if the Community Services Director, or his/her designee, determines that such products were utilized in violation of the rental agreement.

E-2.6

Section 4. The provisions of this Resolution shall not apply to the City's Senior Nutrition Program.

Section 5. All individuals, groups, businesses, non-governmental and other governmental entities are strongly encouraged to assist in preserving the environment by ceasing to purchase and use expandable polystyrene food service products.

Section 6. Resolution 2004-21 and any other resolution in conflict with this resolution are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____ 2004.

City Clerk

Mayor

INITIATED, REVIEWED AND APPROVED:

Penelope Cullum Craft
City Administrator

APPROVED AS TO FORM:

Jennifer W. Smith
City Attorney
11/1/04

10/27/04

E-2.?

E-2.8

ATTACHMENT #2



* Feedback has updated its data since this 6-11-04 letter. RCA reflects correct data.

FEEDBACK FOUNDATION, INC.

Serving Seniors and Their Families

BOARD OF DIRECTORS

BARRY ROSS
President
St. Jude Medical Center
Vice President, Healthy Communities

PEGGY WEATHERSPOON, MSG
Vice President
California State University, Fullerton
Institute of Gerontology
Lecturer

JIMMY GASTON
Co-Treasurer
Church of Christ
Preacher

FRANK DOMINGUEZ
Co-Treasurer
Community Relations Consultant

PAULINE ABBOTT, Ed.D.
Executive Secretary
California State University, Fullerton
Institute of Gerontology
Director

BEN JASPER, ESQ.
President Emeritus
Jasper Law Firm

CARINA FRANCK-PANTONE
Senator Joe Dunn's Office
Field Representative

DEV GHOSE
Tatum Partners
CFO Partner

NANCY GOETSCH, R.N. M.S.H.S.
Albert Medical Group
Senior Services Advocate

JON HILL
Jefferson Wells International
Director, Southern California Operations

JOHN KUMBERA
Retired Executive

DON LEWIS
Private Practice
CPA

MAUREEN McCARTHY
Assembly Member Lynn Daucher
Field Representative

BOBBY McDONALD
Black Chamber of Commerce of
Orange County
Executive Director

MARY JO MURSA, PHN, BSN, MBA
Kaiser Permanente
Continuing Care Services Administrator

ROSEMARY NIELSEN
City of Buena Park
Social Worker

MIKE SMITH
HEHR International
Corporate Manager

ARLENE SPIELMAN
Business Owner

TOM TROIANI
Craft Strategies
CEO

MINH-LE VU
Wells Fargo Bank
Branch Manager

RET WIXTED
Executive Director
Feedback Foundation, Inc.
feedback@oco.net

June 11, 2004

Dr. Penelope Culbreth-Graft, City Manager
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

RECEIVED

JUN 16 2004

CITY OF HUNTINGTON BEACH
ADMINISTRATIVE OFFICE

Dear Dr. Culbreth-Graft:

As you are aware, the City of Huntington Beach has supported an initiative to ban the use of Styrofoam in your city. We understand that this action is intended reduce litter in your community, particularly on the beach. We are aware of the good intentions and support the effort.

However, the ban on use of styrofoam on City property will have a very negative impact on the Senior Nutrition Program, which serves close to 100 seniors noon meals Monday through Friday at the Michael Rodgers Seniors Center. Feedback also provides meals for Huntington Beach's Home Delivered Meals Program, which serves over 120 homebound elders. Feedback has estimated that the increase in cost would average .18 cents per meal. We currently serve 53,000 meals that would be affected by the initiative. We estimate that new paper products would cost over \$9,540 annually.

In addition to the cost factor, we are concerned about safety. Paper or plastic products are not as strong and stable as what is currently used. Paper products are not insulated. Carrying a paper plate of hot food or drinking hot coffee could prove to be difficult for many participants. We would also add that the littering problem does not come from your senior population.

We would like to request a waiver for the meals provided by the Elderly Nutrition Program in your facilities. San Clemente has granted such an extension to South County and we hope you can as well. We appreciate the ongoing support of the City Council and the staff. We consider our partnership with Huntington Beach one of the best.

Please feel free to contact me should you have any questions. Thank you in advance for your consideration of this request.

Sincerely,


Ret Wixted, Executive Director
Feedback Foundation, Inc.

RW:blh

c: Board of Directors
Ryan Okita, Field Services Manager, Feedback Foundation, Inc.
Pat Mullins, Site Manager, Feedback Foundation, Inc.

E-2.9

ADMINISTRATIVE OFFICE: