

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-1**  
**March 9, 2017**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli**  
**Vice Mayor Pat Keon**  
**Commissioner Vince Lago**  
**Commissioner Frank Quesada**  
**Commissioner Michael Mena**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**Assistant City Manager, Peter Iglesias**  
**City Attorney, Craig E. Leen**  
**Deputy City Attorney, Miriam Ramos**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Sustainability Specialist, Matt Anderson**

**Public Speaker(s)**

**Mark Trowbridge**  
**Simone Schwedel**  
**Rachel Silverstein**  
**Jackson Rip Holmes**

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Agenda Item E-1 [0:00:00 a.m.]

An Ordinance of the City Commission of the City of Coral Gables, Florida, creating Section 74-5 of the City of Coral Gables Code to lower speed limits to 25 miles per hour on residential local roads maintained by the City of Coral Gables, providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date.

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City Commission Meeting  
March 9, 2017

Agenda Item E-1 – Ordinance of the City Commission of the City of Coral Gables, Florida, amending the City of Coral Gables Code by: Creating Section 62-245 “Prohibition on Use of Single-Use Carry Out Plastic Bags” and Creating Article IX “Sale, Use or Distribution of Single-Use Carry Out Plastic Bags by Retail Establishments within the City.”

(Sponsored by Commissioner Lago)

Mayor Valdes-Fauli: Okay, time certain, 9:30. Item E-1, an ordinance of the -- Do you want to read it, Mr. City Clerk.

Commissioner Lago: You want to do the -- you want to do the consent agenda first or...

Mayor Valdes-Fauli: No. I think this is...

City Attorney Leen: No. I think he wanted to go to the time certain.

Commissioner Lago: Okay.

Mayor Valdes-Fauli: Yeah. Let's go to the time certain.

City Attorney Leen: And I typically will read the title, Mr. Mayor.

Mayor Valdes-Fauli: Yeah.

City Attorney Leen: It's an Ordinance of the City Commission...

City Clerk Foeman: City Attorney reads the ordinance.

City Attorney Leen: Of the City of Coral Gables, Florida...

Mayor Valdes-Fauli: Oh, okay.

City Attorney Leen: Amending the City of Coral Gables Code by: Creating Section 62-245 "Prohibition on Use of Single-Use Carry Out Plastic Bags" In Chapter 62, Article VII Special

Events; and Creating Article IX “Sale, Use or Distribution of Single-Use Carry Out Plastic Bags by Retail Establishments within the City” In Chapter 34 entitled Nuisance, of the City Code; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date. This item is sponsored by Commissioner Lago. It’s on second reading. It’s a public hearing item. Mr. Mayor, if I may continue briefly. I wanted to read a couple things into the record. This item is coming before the Commission today, because the City is able to proceed, notwithstanding a state statute that purports to preempt a prohibition on plastic bags. That state statute is 403.7033 of the Florida Statutes. That statute has been declared unconstitutional by the Circuit Court of Miami-Dade County, Case number 2016-018370-CA-01. The reason why it was declared unconstitutional was because if you take a look at the statute, what it essentially does is it says that the Legislature asked the Department of Environmental Protection to undertake an analysis of the need for newer, different regulation of auxiliary containers, wrappings or disposable plastic bags used by consumers to carry products from retail establishments. It asked them to do this by February 1, 2010. Then it says, until such time that the Legislature adopts the recommendations of the Department, no local government, local government agency or state government agency may enact any rule, regulation or ordinance regarding use, disposition, sale, prohibition, restriction or tax of such auxiliary containers, wrappings or disposable plastic bags. There’s also another statute that is similar. What -- the issue with this particular statute is that there was indeed a report that was provided by the Florida Department of Environmental Protection, dated February 1, 2010. It was issued and it gave a number of recommendations about plastic bags. It recognized the harm that they can cause to the environment and that they do cause to the environment, and it proposed a number of recommendations ranging from prohibition to other types of restrictions, to charging a fee for plastic bags, et cetera. There were a number of different recommendations. That was issued in 2010. It’s been seven years. There has been no action by the State Legislature. So, this statute was raised in a lawsuit, as I mentioned, contesting the City’s polystyrene regulations. The City has Styrofoam regulations that were adopted last year, and those were challenged by the Florida Retail Federation, and also by the State of Florida, and also a company called Super Progreso. And in that lawsuit, the plastic bag preemption was raised to try to prevent the City’s Styrofoam

regulations. The City filed what's called a counterclaim seeking to have that statute declared unconstitutional, and here's what the court said. The Legislature was given the report in 2010, and to date, none of the recommendations contained therein have been adopted. The statute provides no guidelines or deadlines with respect to the Department's adoption or rejection of the environmental recommendations, leaving local governments and state agencies in a state of indefinite limbo. Based on that and because of the ambiguity in the statute, the court found that it was unconstitutional. It basically violates something called the non-delegation of legislative power doctrine because the Legislature has essentially delegated to no one all of its power. In fact, if you read the statute on its express wording, it indicates that even the Legislature itself cannot act, except to adopt regulation -- pardon me, recommendation of the Florida Department of Environmental Protection. Because of that, the statute was found unconstitutional, so that's why we are here today. Now, I do have to let you know that there is an appeal pending relating to that lawsuit. It's in the Third District Court of Appeal. The City won that particular lawsuit on a number of grounds. We believe that it will be affirmed, but there is a risk that it will not be. Nevertheless, I want -- I do believe the City can proceed today, because the statute has been declared unconstitutional. It's been done on grounds that are sound, and in my view, the City is very likely to prevail. If the City does not prevail, the City will still at least have the benefit of having plastic bags reduced in the city for a period of time. And in addition to that, the City would assert sovereign immunity as to any claim against it. The City is clearly proceeding based on a determination of the circuit court that this statute is unconstitutional, which the State of Florida has been named in. They actually intervened in the case. So, based on that, in my opinion, the City can proceed. With that, I would like to turn it over to Commissioner Lago, and I know that we have a number of individuals who'll be presenting, including Javier Betancourt, from Economic Development, Matt Anderson, who is in charge of sustainability matters for the City, and Miriam Ramos, the Deputy City Attorney, who substantially participated in drafting this particular ordinance. Commissioner Lago.

Commissioner Lago: Thank you, Craig. Mayor, I'm not going to speak at this moment. I mean, I think we did a lot of discussion at the last Commission meeting. I have just some very brief

comments just to reiterate not only the feelings of this Commission, in my opinion, and I think the direction that we're headed in, but I want to really hear from the public and from staff.

Mayor Valdes-Fauli: Why don't we -- there are several people that have commented and some that do want to speak. And -- is there anybody here opposing the ordinance? Anybody here opposing it? Okay, then we will hear from Mark Trowbridge. And Mark, I will impose a -- you, the first speaker, a ten-minute limit, and then I will impose a three-minute limit for people after - - a three-minute limit for people that come after you.

Mark Trowbridge: My goodness. You are very generous.

Mayor Valdes-Fauli: The people that come after you.

Mr. Trowbridge: Oh, okay. Thank you very much.

Mayor Valdes-Fauli: Because they will be supporting you.

Mr. Trowbridge: I would like to invite up the members of our board that are here, if they would join me. Most of them are not going to speak directly, but I would like them to stand...

Mayor Valdes-Fauli: Sure.

Mr. Trowbridge: With us today. So, if they would head forward. They're lead by John Allen, who serves as our Chair of the Board, and we're also joined today by our Chair-elect, incoming Chair, Martha de la Peña Rojas. So, they're making their way up.

Commissioner Lago: You know, as you bring your board members, especially Chairman Allen, who's done a great job leading the Chamber, I want to congratulate the Chamber in your efforts and really spearheading and helping the City get to the point where we're at today. You know,

the input of the business community was essential, and I wanted to make sure that we didn't move forward without having the Chamber's input.

Mr. Trowbridge: Thank you.

Commissioner Lago: Because, if we're going to make a long-lasting impression and really change our habits, the Chamber and the business community need to lead the way. By the way, the City can only do so much.

Mr. Trowbridge: Sure.

Commissioner Lago: The private sector is what innovates. The private sector is what pushes demand. So, the Chamber's really going to be driving this piece of legislation forward, so thank you.

Mr. Trowbridge: Well, thank you very much. And I believe the Business Improvement District is here also, Mr. Mayor, so they may wish to join us as well, led by Taciana Amador and some of her board members. So, I'll pick up right where Commissioner Lago left off and tell you that shortly after the ordinance was reviewed on first reading, we had a pretty great sit-down with the City Manager, with Javier Betancourt, and of course, with Matt Anderson, who handles the sustainability efforts for the City. And what I would tell you is, is that about nine years ago when the Chamber first created its Go Green Taskforce -- led by Anabella Smith, who is both a resident, a board member of ours, and sits on the City's Green Taskforce -- this was one of the three or four top items that the City, we were hopeful, would adopt at some point, along with, you know, more aggressive commercial recycling, which continues to be a bit of a challenge downtown, and getting folks to make their businesses more sustainable. And so, while that effort continues today, the elimination of plastic bags has been on our agenda for quite some time. I think when I spoke on behalf of our board a few weeks ago, the issue really was just about timing. So, with reference back to the conversation that we had with the Manager, Javier and

Matt, I think we got to that place where we are going to see a yearlong phase in of implementation that will be benchmarked by a pretty significant education process. I don't know exactly what that looks like today. In surveys that we have done along with the BID over the last few weeks. We have gotten, I think, some good feedback that while businesses certainly understand it, their concern is just the timing, especially those on Miracle Mile and Giralda and the surrounding streets that have been affected by the long construction project. Now, we can finally, I think, see the end of the tunnel on the project, but it will take time, even after the streets are open and beautiful again, for the businesses to build back some of their clientele and get back to a place where they had worked so hard post the recession. So, I hope that part of the education process is also helping them as a business to be formidable again. And again, thank you to Javier and folks at his office for putting together, along with the BID and other partners, a project to help businesses make their windows more beautiful and really have them be complimentary to what's happening on the street. But, you see here today a cross-section not only of our board, but of our business community, many of whom have had long discussions with me at our board and executive committee meetings. And again, I think we speak with one voice when we say it really is just an issue of the timing and some of the optics. I feel confident that in sitting down with the Manager and team, that we've been able to address some of that. This isn't about plastic bags, in our estimation. This isn't about doing the right thing in terms of what's good for our current day environment and the future. I love that young people are here. We actually honored two of the students that spoke at the March 14 meeting from Gulliver Schools at our sustainability awards, a week and a half ago. So, we certainly see that. I feel like it's important to remind you that from the earliest days, we have been there in terms of doing the right thing for the long-term sustainability of not only Coral Gables, but all of our waterfront communities. But, with the education process being implemented, the yearlong process of implementing citations, I think we've done a pretty good job with Miriam and Craig and team to come up with a number of exemptions. I have had some residents reach out and question about how they're going to take their older plastic bags that they repurpose at home for, you know, anything from trash and additional pet waste and things like that. And I said, I think, you know, the chances are there may be other places you're still going to get plastic bags, not in Coral

Gables, and we would encourage you always to reuse them. But, it's a single-use carry out bag, so I think it's important that when Miriam reviews the ordinance with you, that we look again at those exemptions, so the folks are aware of it. That's why the education process isn't just about the businesses and what they need to do. It's really also for the residents, because there's some concern about, well, what do I do? I got a bag, but I want to clean up after my dog, and we've got to get there. If you don't think we spent enough time on poop bags, let me tell you, ladies and gentlemen, there is more time indeed. So, I think we'll leave our comments there. I don't know if the BID wants to add anything. Taciana, I think we're on the same page in terms of the timing. I want to thank Commissioner Lago. He has carried the water on this issue from a very, very early time on the Commission. I know at some point we will rekindle our love, and I'm looking forward to that.

Commissioner Lago: (INAUDIBLE) take me out to lunch.

Mr. Trowbridge: But I think, again, just the show of support, I really want to thank our board and our leadership from the Chamber, some of whom are also sitting behind the board of directors here, for their input. This was not an easy process. We understand it. We certainly got plenty of calls from our businesses. The survey, again, would tell you that most are migrating away from plastic bags, Mr. Mayor, but they want to do so kind of on their own terms and also take full advantage of the education process. We also procured from a number of our members some sample bags, which we have shared with both Javier and with Matt Anderson, and hopefully, there'll be an opportunity to do something in a cobranded way, Madam Manager, that we've talked about that for anybody who would like to replace their stock now, they could potentially do that early, or even at the one-year window if they still have some items left from places like Ortanique, who buys them, you know, 10,000 at a time, or a small shop like you would have like Joan Reitsma owns, where folks come in and buy their knitting materials, to Vicky Bakery, which we've been working with not only on plastic bags, but certainly, polystyrene as well. So, anything else folks would like to add? It's great to have Sarah Artecona with us as well, Mr. Mayor, representing the University and one of our past chairs, and they're



certainly aware of how this will impact it, but they, too, have been a strong partner and leader in sustainability for some time now.

Mayor Valdes-Fauli: Thank you, Mark, and thank you very much for appearing, and it's a wonderful thing that, you know, Commissioner Lago spearheaded and that we're passing today. There are other people that wish to speak in support, so I will call them one by one. Simone Schwedel. Simone. Hello.

Simone Schwedel: Hi.

Mayor Valdes-Fauli: Hi.

Ms. Schwedel: Good morning, Mayor and Commissioners. Thank you very much for the opportunity to speak. My name is Simone Schwedel. I'm 12 years old and a current member of the Miami Waterkeeper Junior Ambassador program. Our job, as you can probably tell by the name, is to keep our Miami water fishable, swimmable and drinkable. With that said, I'm super glad to be part of this big step that will greatly benefit the City of Coral Gables and its wildlife. Before I continue, I would like to point out just a few of the many problems plastic bags cause for our community. First, there's pollution. It gets blown out of your hands while on the boat or walking, or whether you decide to leave it in the bushes or et cetera. Plastic bags are everywhere. Most of the plastic bags will probably end up in the ocean. Now, I know you're all aware of the sea turtles mistaking plastic bags for jellyfish. But, did you know it takes one thousand years for a plastic bag to actually fully decompose? That's longer than any turtle which I know of can live. I live alongside a canal. We're right next to (INAUDIBLE) mangroves. So, when the tide gets high, most of the trash gets stuck in the roots and plastic bags and Styrofoam items are mostly the ones that are in there. And sometimes I can't tell what they are anymore because they're in little pieces all over the place. So, I'm super glad that we've passed a ban on Styrofoam in Coral Gables, and I'm so excited about that. Yet, it still ends up in our roots of our precious mangroves where our baby fish are nursed and given shelter. It can take 100,000 years

or more for Styrofoam to decompose. So, according to my research, after many interviews, the majority of stores and restaurants I spoke to said they would not mind switching to paper alternatives. Publix can copy Whole Foods or Trader Joe's and use paper bags. It's not just Publix. There are many more stores that are using plastic bags and it needs to stop. When I grow up, I want my children to grow up in the same, possibly better, magical place that I'm still growing up in. It's my job to help out our waters. It's our job to make the best choice, and using paper bags is the way to go. Thank you.

Mayor Valdes-Fauli: Thank you very much.

(APPLAUSE)

Mayor Valdes-Fauli: Great presentation.

Commissioner Lago: May I address -- Mayor, if I may. May I address for one second?

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Ma'am, could you come back up, please? As you're probably aware, this is a very special topic today for me. And, you know you hit on several points that this Commission has been mentioning for the past year, year and a half, even two years. When you mentioned polystyrene, your research is 110 percent correct. Two weeks ago, I had the pleasure of taking my two young daughters and my wife to the Baynanza Cleanup, which we did at Matheson Hammock, and we spent about four hours out there cleaning the shoreline. And it was pretty impressive, because I saw so many young people out there, you know, a lot of Boy Scouts, Girl Scouts, just community activists, people who just wanted to really understand a bit more about our bay, the beauty of our bay and the importance of why we need to keep the bay intact. One of the things that I noticed that really impacted me and kind of resonated and made a lot of sense in reference to why we're here today was that the bay wasn't dirty. I didn't see massive

amounts of bottles and cans and, you know, tires and that kind of debris. What I saw, which really took me aback, was we spent four hours on our hands and knees basically just picking up Styrofoam, Styrofoam and plastic bottle tops. You know, when you open up a garbage bag, straws -- they were everywhere. They were everywhere. So, the idea that polystyrene or Styrofoam doesn't have an impact on our community -- yeah, you may not see it in big parts, but when you see it, it's everywhere on the shoreline. And the plastic bags, again, it was a similar issue. You saw it in pieces throughout the beach. So, I want to commend you for your commitment to the environment...

Ms. Schwedel: Thank you.

Commissioner Lago: Because, you know, one day we're not going to be here and you're going to be taking this seat. So, I hope that you continue your efforts and lead this community in the future. So, I appreciate your time. Thank you.

Ms. Schwedel: Thank you very much for the opportunity.

Mayor Valdes-Fauli: Thank you, Simone. Thank you very much.

Vice Mayor Keon: Thank you.

(APPLAUSE)

Mayor Valdes-Fauli: Next, we have Rachel Silverstein. Hi.

Rachel Silverstein: Hi. Good morning, Commission, and welcome, Mayor.

Mayor Valdes-Fauli: Name?

Ms. Silverstein: It's wonderful to see you. I'm Rachel Silverstein. I'm the executive director and waterkeeper for Miami Waterkeeper. Simone is one of our Miami Waterkeeper junior ambassadors. She hit on a lot of the points that we would like to make. And I really -- I wanted to come here this morning and to thank you all for your leadership on this issue and bringing Coral Gables leaps and bounds ahead in the sustainability issues and a lot of the preemption issues that you mentioned. I think, you know, that was a great summary of some of the legal issues. And you know, we deal with these preemptions on a wide variety of issues, and you guys have definitely been the leaders in that. And, I want to thank you for standing up for what these local municipalities want and need in our own communities, and you know, really following through on all of these ordinances. And, we're very happy to see that and hope others follow suit. So, thank you so much, and we're in full support of the ordinance. Thank you.

Mayor Valdes-Fauli: Thank you very much. Thank you. And last of the speakers is Rip Holmes, J. Rip Holmes. Three minutes.

Jackson Rip Holmes: Thank you very much.

Mayor Valdes-Fauli: Good morning.

Mr. Holmes: Is the sound good?

Commissioner Lago: Yeah, perfect. Good morning.

Mayor Valdes-Fauli: Your name, first.

Mr. Holmes: Yeah. I'm so grateful for your leadership...

City Manager Swanson-Rivenbark: Your name and your address.

Commissioner Lago: Your name. What's your name and address?

Mr. Holmes: Oh, thank you, sorry.

City Attorney Leen: Name and address.

Mr. Holmes: Jackson Rip Holmes. I live (INAUDIBLE) to Coral Gables, 35 Sidonia Avenue, business owner on Miracle Mile. I'm so grateful to y'all's leadership on this issue. Our lawyers will probably confirm that this is an uphill battle, but it shouldn't be. And it's just such an inspiration that Coral Gables is providing this kind of leadership. But, I want to take it up a notch, as I did once before, because behind this lonely battle, there's money. And for better or worse, as I get to know Governor Crist a little bit, and he has said -- and I got to brag to you for a second. I've made the recent acquaintance of Gwen Graham. I'm going to talk with Gwen Graham about it. I've already proposed it to her. Where's the money behind this? We can be the richest state, the richest place in the world behind this kind of innovation. What they have said is that we have the energy of the future. Think how rich Saudi Arabia is with its petroleum, arguably the richest country in the world. We have invented at Cape Canaveral, Florida by NASA the energy of the future. Fuel cell technology, specifically liquid hydrogen, so every time you see a space rocket go off, that's powered by liquid hydrogen. That's the energy of the future. And we need people like Mr. Lago, like our City Attorney, maybe it'll be Gwen Graham, who say, we're going to cash in on the energy of the future, the clean energy of the future. And we will become the richest place in the world, instead of Saudi Arabia. Thank you.

(APPLAUSE)

Mayor Valdes-Fauli: Thank you, Mr. Holmes. Thank you very much. And I'd like to acknowledge people who have expressed comments, all in favor, except one. In favor, Wendy Cook, Rhonda Anderson, Mary Snow, Taciana Amador, Martha de la Peña. And one opposed,

Alicia Fernandez. Commissioner Lago, do you want to -- I will close the public part of the hearing now. And Commissioner Lago, do you want to say something?

Commissioner Lago: Oh, no. I just -- before -- I guess we're going to hear some comments from staff, correct? I think today's a historical moment. I think that we have an opportunity, as we did on first reading, to really stand tall. We're the first city in the state of Florida that's going to make a historic move. And it's been interesting because, like I mentioned to you before at the Bayanza event, I spoke to a few other municipal elected officials, and I kind of asked them, I see a lot of you have moved in the direction -- for example, the City of Miami, two weeks ago, moved in the direction of a resolution. Why don't we move forward and join the City of Coral Gables in reference to, you know, providing an ordinance, and let's really help us, you know, achieve our goal. And it was an interesting response. A lot of them stated that, no, we support you. We support the ban. We just don't want to incur the cost associated with making this fight. I think we have to fight. I think we have no option, but to fight. If we don't fight for the environment and we don't take this stand, what will we have in 25 to 30 years? It's very easy for the City of Coral Gables, a small city of 50,000 residents, to take this stand, but sometimes we would like the assistance and the aid of our neighboring cities, who again, are going to reap the benefits of hopefully us accomplishing our goal. I just want to make one last comment. And sometimes, there's confusion. And this is not meant towards the Chamber or to the BID or any of the business entities here in the city. We're grateful, and the City of Coral Gables would not be where we are today without these organizations who, again, make up the business community. But, I want to make it clear, capitalism and conservation can not only coexist, but they can thrive. That can happen. I'm telling you, look what's happening in the world today. Like I mentioned to you before, I deal in the construction industry on a daily basis, and we're making significant changes to go green. It is not only the future, but it is the present. If you don't take the necessary steps today to conserve energy and resources and to really understand what is sustainability and what is the importance of making these sacrifices now and bringing forth technology, which will streamline the process and make us a little more sustainable, we will pay dear consequences in the future. So, thank you.

City Attorney Leen: Mr. Mayor...

Mayor Valdes-Fauli: Thank you.

City Attorney Leen: Before they begin, I did want to add one thing. I had spoken with Commissioner Mena last night and he had asked me for my view on one particular issue, which I think they will talk about when they talk about some of the amendments that have been made to address the business community and to help them and to work with them, and that is, I was asked, well, in terms of enforcement, the way it works is that there's a warning that's given and then there's a first violation within a 12-month period, which is a \$50 fine, second violation within a 12-month period, \$100 fine and it escalates. This is intended for -- if Code Enforcement goes out on a given day and sees plastic bags are being used, and then a warning will be given. If they go back another day, a fine will be given. He was concerned that this would not -- for example, if there were 100 plastic bags on one day, would we give them 100 fines. No. I want to be clear. I think that is a very good point, and no, that is not the intent and that's not how this would be enforced. But, I wanted to thank Commissioner Mena for raising that, because I think -- you know, one of the goals that we've had is to have a reasonable enforcement regime, and I believe this does that.

Mayor Valdes-Fauli: Good.

Commissioner Mena: Just to clarify, I think it's obvious that that's what the intent is, but I just wanted to be clear about it. And I think it's important to state that intent just to avoid confusion.

City Attorney Leen: Yes.

Mayor Valdes-Fauli: Of course.

Commissioner Mena: I read things -- I'm a lawyer. I read things in a certain way, and when I read that, I was just concerned that that wasn't clear, and I wanted to make sure that that intent was stated today on the record, so that there wouldn't be any doubt about it.

Mayor Valdes-Fauli: Perfect.

City Manager Swanson-Rivenbark: And Mr...

Mayor Valdes-Fauli: Thank you very much.

City Manager Swanson-Rivenbark: Mayor, if I may. Commissioner Lago, the staff is really proud of the leadership you've provided. We have received calls from several cities throughout the state that want copies of the ordinance, that want copies of the research, and they stand with us, whether it is through an amicus relationship or them trying to pass it themselves. So, I'm not -- I haven't spoken to the immediate neighbors, but we have spoken statewide, and they're looking to the City to move this forward and they're going to join us in that.

Mayor Valdes-Fauli: Thank you. Please.

Deputy City Attorney Ramos: Good morning, everyone. Before I track the ordinance, I'd like our sustainability specialist to tell us once again -- although, I don't know that you can beat...

Sustainability Specialist Anderson: I can't.

Deputy City Attorney Ramos: This amazing young lady that spoke earlier, but -- about, you know, really why this is so harmful and why we need it, and then I'll go into tracking the ordinance.



Sustainability Specialist Anderson: Thank you, Miriam. Good morning, Mayor and Commissioners. Matt Anderson, Sustainability Specialist, with the City of Coral Gables. And yeah, it's hard to follow up this young lady. She covered most of my talking points for the reasons why. I think we covered this at the last meeting, but you know, our dependence on plastic bags is enormous. The US uses over 100 billion plastic bags a year. The average person...

Mayor Valdes-Fauli: A hundred billion?

Commissioner Lago: A hundred billion.

Sustainability Specialist Anderson: Between 300 and -- 100 billion.

Commissioner Lago: You use -- and if I could interject. Use 500 bags a year not even realizing it...

Sustainability Specialist Anderson: Yeah.

Commissioner Lago: Per person.

Sustainability Specialist Anderson: So, it's enormous. And 4 billion of those plastic bags can end up in our oceans, according to most statistics, enough to circle the planet 63 times. So, the impact, like I said, it's enormous that we have on the environment. And, each plastic bag is only used, on an average, for 12 minutes. So, something that's used for such a short period of time, like I said, has such a long-lasting impact. And you know, to add on to your comment, City Manager, I've been reached out by a lot of my counterparts throughout the state, and really commending our city for being a leader in sustainability and a leader on this effort. So --, and you know, last year, we passed a resolution encouraging the State to look at the state statute and to take action on it, and we're not the only ones. Twenty-four other cities throughout the state

have done the same thing, including some of our neighbors: South Miami, Pinecrest, Miami Beach, are all looking at...

Commissioner Lago: City of Miami did it two weeks ago.

Sustainability Specialist Anderson: And City of Miami. So, there's a lot of cities and counties throughout the state that are looking at what we're doing here and want to follow suit. So, I just wanted to add to that. I can go through a number of more statistics of why we're doing this and why we want to look at the more sustainable alternatives. Just one reusable bag has the ability to reduce plastic bag use by; you know, 3, 400 plastic bags a year. So, there's many, many environmental reasons why we're taking leadership on this. And, I'll actually turn it over to Miriam to walk through the ordinance.

Mayor Valdes-Fauli: Yes.

Deputy City Attorney Ramos: Very well. Thank you, Matt, and thank you for all your help on this. I'm personally...

Commissioner Lago: Miriam, can I just interject one thing...

Deputy City Attorney Ramos: Of course.

Mayor Valdes-Fauli: Please.

Commissioner Lago: Because you mentioned about reusable. This is just one company that took the initiative to come down from Chicago -- and you're not going to realize -- this gentleman who owns this company, this gentleman is a Belen graduate. I didn't go to Belen. But this company, we happen to have two of our colleagues here who went to Belen. But it goes to show you that we are country of ingenuity. We are the leaders in the world in reference to

finding a solution for a problem. Again, correct me if I'm wrong, Jessica, Matt. My understanding is that in 2050, there'll be more plastic in the ocean than there will be actual living animals in the ocean. I mean, that, to me, is -- we're in 2017. That's around the corner, if we don't take a stand. So, you tell me, is this worth -- is this fight worth, you know, taking to the Capitol and making sure that other cities feel comfortable in passing this ordinance? This is something incredible. When you talk about plastic bags, this plastic bags, which, if you can smell it, smells like corn -- like corn flakes. It is a corn-based product. It's not the optimal situation. They're refining it, but this product is just a tad bit more expensive than bags -- than plastic bags. It's strong. It's reusable. And by the way, it's combustible too -- excuse me...

Sustainability Specialist Anderson: Compostable.

Commissioner Lago: Compostable. Excuse me, you don't want it to combust. It's not combustible. But, what does that mean? That means that if you throw it away in the garbage, over an extended period of time, in a few months, not years and years and years -- over a few months, maybe six months to a year, this will biodegrade, and this is essential. So, when this gets in the water eventually -- it doesn't biodegrade immediately, but it's much better than having a plastic bag. So, I just wanted to show you an example that already exists that a lot of large corporations are using. It's just transitioning from your existing plastic bag. Just find a company, which fits your best interest and fits the environment.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Keon: It could be fish food.

Mayor Valdes-Fauli: Miriam.

Commissioner Lago: For fish food.

Mayor Valdes-Fauli: Go ahead.

Deputy City Attorney Ramos: I want to personally thank Commissioner Lago for allowing me to draft this ordinance. I'm very, very proud of it. It's one of the things I'm proudest of in my career. With that said, I'll just explain the two things that the ordinance does. The ordinance essentially bans single-use plastic bags in special events, and then it bans single-use plastic bags by retailers, restaurants, supermarkets, you know, et cetera, throughout the City. Single-use plastic bags look exactly like what Commissioner Lago was just handing out, except that they're made of plastic, which doesn't biodegrade. That's the type of bag we're talking about. During a special event, basically, it will be a condition of approval for the special event permittee to proffer that they will not be using these bags. If they are, they'll be asked to discontinue the use immediately. And if they don't, it's cause to revoke their permit and to not give them one in the future. It does not apply -- there's a number of exempt bags, which I'll talk about in a minute. So, those are obviously exempt, and it also will not apply to small events. And the idea was like a kid's birthday party. Nobody wants to take away, you know, like candy bags, okay, so we wanted to make sure we exempted those family reunions, et cetera. The bigger part of the ordinance is obviously under the nuisance provision of the City Code, and that's the one that exempts bags -- that disallows bags by retailers throughout the City. What bags are exempt? A number of bags. If you go to Section C of the -- of that section of the ordinance, you'll see all the bags that are exempt. You know, medication, dry cleaning bags, door hanger bags, pet waste, garbage bags -- and Mr. Trowbridge mentioned earlier that people -- residents were concerned about the bags they already own. Those bags are still permitted. Okay, you can still reuse the bags you already own. In fact, you might as well, because at least you're using them and not throwing them in the garbage. The idea is that we don't continue to contribute to the amount of bags that are out there by having retailers continue to use them.

Commissioner Lago: Just two points. You mentioned about what are we going to do in reference to somebody has a dog and is picking up the waste, and obviously, with this type of bag. Number one, if you drive through the city and you see the pits, they're littered, especially

around the Granada Golf Course. They're littered with 50, 100 bags of people walking their dogs and they don't take those bags home. I advise people, please, we don't want somebody to throw 50 bags of fecal matter, you know, basically on the swale in front of your property. You know, not only is it a health issue, but it's just an eyesore, number one. I think as the City, if we're going to continue to offer pet stations, they should be a hundred percent, you know, biodegradable bags.

City Manager Swanson-Rivenbark: You had us order 90 pet waste stations.

Commissioner Lago: Okay.

City Manager Swanson-Rivenbark: And we're going to be placing them, and they do have the bags that you're talking about...

Commissioner Lago: Perfect.

City Manager Swanson-Rivenbark: Associated with it.

Commissioner Lago: Okay. The second issue -- and this is something that we had discussed and I wanted to bring it up to my colleagues to make sure that you're okay with it, or if, you know, had any opinions in regards to the matter. And it was something that Jessica Keller brought up and it was a very valid point. And that is the issue of those medical bags when you go to, say, CVS, Walgreens and you end up getting your medicine. That bag goes into another bag. So, to me, I'm thinking to myself -- she showed me an example of where they're putting the medicine in a paper bag, a very streamline paper bag. So, why do we need two paper bags? Do you understand what I'm saying? It doesn't make much sense -- or two plastic bags. Why don't we just put it in basically one simple paper bag? And I know maybe Jessica can show the example, and I wish she had -- I had given her upfront notice, so maybe she could print it out, but it

already exists, you know, for medicine. So, you really don't need to have so much, you know, waste.

Commissioner Quesada: So, I was taking a look at the ordinance...

Commissioner Lago: I was going to call you Vice Mayor, but I'm going to say its Commissioner now.

Commissioner Quesada: Not anymore.

Commissioner Lago: Not anymore.

Commissioner Quesada: So, take a look at page 4 of the ordinance.

Commissioner Lago: Yes.

Commissioner Quesada: And this is something that I want to bring up. And I'm fully supportive today of the ordinance, and I don't want to be a naysayer, but look at subsection C, Exempt Bags.

Commissioner Lago: Yes, sir.

Commissioner Quesada: That's where we get into all these exceptions that you're discussing now. And there are a lot that are in there. There are ten different types of plastic bags that are exempt, so they are still allowed within the City. So, what I want to do is, you know, the moment we start enforcement, which is a year away, of this ordinance, I want to make sure that we revisit this ordinance to see which ones we can knock off. And I think our next goal should be to knock off the -- you know, the exemptions as we can, one by one. You know, for example,

(c) (4), you know, exempts a bag designed to be placed over articles of clothing on a hanger, including dry-cleaning bags.

Commissioner Lago: By the way, there's already a dry-cleaning company in Coral Gables -- and I forgot the name of the dry cleaner, but they're already using a very similar product to this.

Commissioner Quesada: So, I'm saying...

Commissioner Lago: The options...

Commissioner Quesada: That should be our next step.

Commissioner Lago: Already exist for, you know, renewable products that are more sustainable and environmentally friendly.

Commissioner Quesada: The point is we shouldn't stop just at these bags. So, I think as far as implementation, I think it's -- we're taking the right first step, but I think, a year from now, we should come back and we should, you know, sustainability, you know, identify which ones we can knock off and let's make it, so there are no exemptions, you know, moving forward.

Commissioner Lago: Maybe we can...

Mayor Valdes-Fauli: Perfect.

Commissioner Lago: Do this with this yearlong educational campaign, which, again, we'll continue to educate businesses probably after that with the assistance of the Chamber and the BID. Maybe we can offer them options and show what other businesses in Coral Gables are doing in reference to -- like, for example, dry cleaners. If the option already exists and it's near

almost the same cost, why don't we move in that direction and say maybe in the following year, we're going to ban X, Y and Z exemptions.

Sustainability Specialist Anderson: And that's something that both Mark -- I've had discussions with Mark and with Javier about having some sort of Green Expo where you have companies come in and talk about what they're doing to be more sustainable and part of the education process to our...

Mayor Valdes-Fauli: Very good idea.

Commissioner Lago: And I'll tell you why it makes sense. Because, I've talked to a lot of the companies that had issues with polystyrene, and there's no issues. We're not getting complaints. People have transitioned, you know, perfectly. It's been an easy transition, and they understand that it's the right thing to do. So, what Commissioner Quesada said, I think we should try to be as aggressive as possible in that sense. And hopefully, not only what we're going to do in the next year, but in two years, try to limit as many exemptions. But, I think that the medical bag to me right now is an easy one. It already exists. It's a simple piece of -- you know, a plastic bag that they can use instead of having to use two different plastic bags. I think that...

City Attorney Leen: Commissioner, we would be removing one of the plastic bags. Are you still concerned about it if it's just the one pharmaceutical bag being put in a paper bag?

Commissioner Lago: Yeah. I think it defeats the purpose. Why do you need double bagging? I mean, it's just waste. We're just so wasteful. We just -- overabundance. We need to have two bags inside of -- you know, to protect it, but what's the purpose? I understand if it's liquid, I got it. If it's liquid and you're planning --, but have you ever tried to open up a medicine bottle? I mean, they're child-proof. It's virtually impossible to open those bottles up. Why do you need two bags, a child-proof bottle? I just...



Mayor Valdes-Fauli: I think we should continue, go ahead with the presentation and then...

Commissioner Lago: Okay.

Mayor Valdes-Fauli: Alright.

Deputy City Attorney Ramos: So, basically you'll see that there's an entire paragraph that talks about how we will work with the Chamber and the BID, who have been partners in this, to help educate the community. Immediately, the special events enforcement will begin immediately upon passage of the ordinance. But for one year, we will only be issuing warnings to businesses while they, you know, become educated and also, so they can get through their supply. They may have ordered bags that'll last another nine months, and we don't want them to have to throw those away. The City's also willing to explore grant opportunities and also partnering with businesses to maybe bulk purchase, so that their bags are less expensive. And, that's essentially it. There were a few things added between first and second, including the compostable bags, which are important; also, the description of paper bags being 40 percent recyclable, because that is also important for the sustainability of the environment in terms of paper bags that are oftentimes not recyclable if you don't get the right ones. And, there was a couple of whereas clauses that were added as well. And, in terms of supermarkets, which I think is where people will feel it the most, you know, Trader Joe's, Aldi's, Whole Foods, as you see in the whereas clauses, have been doing this for years.

Commissioner Lago: IKEA.

Deputy City Attorney Ramos: So, the consumer is already...

Commissioner Lago: IKEA does it.

Deputy City Attorney Ramos: Correct. The consumer is already used to seeing this, so I think it's going to go over smoothly, I believe.

City Attorney Leen: Mr. Mayor, one point to clarify. It does not go into effect for one year, but I want to be perfectly clear. For special events, it goes into effect immediately.

Mayor Valdes-Fauli: Alright.

Commissioner Lago: If I may, I just have one final comment. I'd like to see a strike, the medical/pharmaceutical bags. I move in the direction of paper bags.

Commissioner Quesada: The problem with that is there's pharmaceutical delivery, and when they deliver it...

Commissioner Lago: Do they deliver it in a paper cup...

Commissioner Quesada: No.

Commissioner Lago: Or a plastic cup?

Commissioner Quesada: Some of those delivery companies -- I know this from my in-laws. They will leave it on your doorstep, or they'll leave it on a hanger and it's in a plastic bag, protected. It's almost -- you know the mail received -- that we receive from the City, they leave it completely sealed, so that's my only concern.

Commissioner Lago: So, why not take that paper bag, bend it back, and put a paperclip on it or some sort of binder?

Commissioner Quesada: That's within the plastic bag -- sealed plastic bag.

Mayor Valdes-Fauli: Why don't we continue -- this is a fantastic step forward, and it is something that obviously we'll have to revisit in the future, not necessarily a year, but you know, let's see how this works out. And Commissioner -- are there any other comments from staff?

Deputy City Attorney Ramos: The only thing I'd like to just mention is the City Attorney just said that it's not -- this part is not effective. It's actually effective upon adoption. It's just not going to be cited...

Mayor Valdes-Fauli: Enforced, right.

Deputy City Attorney Ramos: For a year.

Mayor Valdes-Fauli: Commissioner Lago, I want to thank you very, very much for this, a superb effort to protect our community and protect our environment, and it shows the City of Coral Gables in a leadership position, and we're very much a part of that. So, I thank you. And the Chair will entertain a motion. Commissioner Lago.

Commissioner Lago: So moved.

Vice Mayor Keon: Second.

Mayor Valdes-Fauli: Second, the Vice Mayor. You want to call the roll?

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very, very much to everybody who's made this possible and to the support and to the public. Coral Gables is a better city today for this. Thank you, Commissioner Lago.

Vice Mayor Keon: We applaud you for it.

(APPLAUSE)

Mayor Valdes-Fauli: We'll go to the consent agenda now. And C-1. Madam...

City Manager Swanson-Rivenbark: Mr. Mayor, if you'd like the City Clerk to read the entirety...

Mayor Valdes-Fauli: Yes.

City Manager Swanson-Rivenbark: If everyone approves it entirely, then you can have just one vote. Mr. Foeman, can you do that?

Mayor Valdes-Fauli: No, you don't have to read the entirety if you...

Unidentified Speaker: No, correct, correct.

City Attorney Leen: Mr. Mayor, I just want to -- just because this may go into litigation, I just want to put on the record that if anyone wants to look at the effective date, it's in Section 8 of the ordinance, which is attached. Let me just read it, to be perfectly clear.

Mayor Valdes-Fauli: Alright.

City Attorney Leen: This ordinance shall become effective upon adoption and enforcement shall begin immediately with the issuance of warnings. Citations will not be issued for one year after said date to allow for education and the transition to alternative products. In the case of special events, enforcement shall commence immediately with all new applications. And then on February 27, 2017, the court entered an order in Florida Retail Federation, Incorporated and Super Progreso, Incorporated v. City of Coral Gables, Case number 2016-018370-CA-01, finding Sections 403.708(9) and 403.7033, Florida Statutes relating to plastic bags and packaging unconstitutional thereby clarifying the City's ability to pass the ordinance. Thank you.

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: Thank you.

Vice Mayor Keon: Thank you.