

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-5**  
**March 14, 2017**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

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

**Public Speaker(s)**

**Natalie Olijslager**  
**Stan Olijslager**  
**Mark Trowbridge, President of Coral Gables Chamber**  
**Kelly Cox**  
**Michael De Filippi**  
**Jayson Koch, Surfrider Foundation**  
**Marilu Flores, Surfrider Foundation**  
**Caiti Pomerance, Debris Free Oceans**  
**Erin Clancy, Tropical Audubon Society**  
**David Doeblen, Volunteercleanup.org**

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Agenda Item E-5 [1:27:32 p.m.]

**Time Certain 12:30 p.m.**

An Ordinance of the City Commission of Coral Gables, Florida amending the City of Coral Gables Code by creating Section 62245 "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 Nuisance, of the City Code; providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Cason: I know we are hungry, but we’ve had people waiting who are hungry outside as well from 12:30, so let’s move onto Item, what is it?

City Attorney Leen: E-5.

Mayor Cason: E-5 – and I’m going to...

City Attorney Leen: So Mr. Mayor, do you want me to read it in?

Mayor Cason: Yes, go ahead and read it in.

City Attorney Leen: Mr. Mayor this is Item E-5. It’s an Ordinance of the City Commission of Coral Gables, Florida amending the City of Coral Gables Code by creating Section 62245 “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 Nuisance, of the City Code; providing for a repealer provision, severability clause, codification, enforceability and providing for an effective date; sponsored by Commissioner Lago. It’s a public hearing item. I just like to make one note for the record. The authority to go forward with this ordinance, it’s obviously a policy matter within the Commission’s sound discretion, but the authority to be able to go forward with it comes from the court order entered in Florida Retail Federation Incorporated and Super...Incorporated v. City of Coral Gables, Case No. 2016-018370 CA-01, which finds sections in addition to the polystyrene regulation statute which was found Unconstitutional. It also found Sections 403.7089; pardon me, 403.708 subsections 9, and 403.7033 of the Florida Statutes related to Plastic Bags and Packaging Unconstitutional. There is also a final judgement stating that as well. So this gives the City Commission the authority to go forward. I will note for the record that there has been an appeal filed as to both the order and the final judgement. In my opinion the City Commission is free to proceed. Oh, I’m sorry Mr. Mayor; you may want to say a few words first. I know Ms. Ramos drafted the ordinance, so she’s prepared to speak if you would like.

Mayor Cason: Go ahead.

Deputy City Attorney Ramos: The ordinance does two things; one, it prohibits essentially plastic bags to be used during City special events; and two, it prohibits plastic bags to be given out by vendors throughout the City. It's important to define what a plastic bag is for purposes of the ordinance. We are talking about single use plastic bags that have handles; similar to what you see when you go to a drug store or supermarket. The whereas clauses in the ordinance layout how harmful plastic bags are for the environment, truly what a problem it is that they are causing for our marine life as well as throughout the City and how long they take to basically breakdown. In terms of the special events, it basically requires that they not be used by any special event vendor that has a permit with the City, and it does exempt bags for someone, for example, is having a children's birthday party at a park, so goodie bags and things of that sort would be exempt. In that case where we hold the permit, we give them one hour to replace the bag and if they don't do so then we can ask them to stop operating in the special event. The second part of the ordinance, as I mentioned, is our nuisance section of our Code, Chapter 34, and it explains again what a plastic bag is, which I just explained for purposes of the ordinance, and it also has a number of exemptions which I think is important to put into the record. It exempts plastic bags that are used to project food to stop them from being contaminated, for example, at a supermarket.

Commissioner Keon: I'm sorry, could you repeat that.

Deputy City Attorney Ramos: It exempts plastic bags that you might use to prevent food from being contaminated. So if you are using a reusable cloth bag and you had bought chicken and you wanted to make sure that the chicken didn't leak onto a vegetable, for example, you would be able to wrap them in a plastic bag similar to a produce bag, so it doesn't count for that, and produce bags are porous. It accounts for bags that dispense or are used in prescription medications, so those little bags that you get when you go pick up your prescription. Also bags that go over clothes hangers, so whether you are buying purchasing a dress or whether you are going to the dry cleaners those bags are exempt. It exempts door hanger bags, newspaper bags, garbage bags, pet waste bags, yard waste bags, and bags that a customer previously owned that they take to the establishment. So if a customer previously owned a typical plastic bag and they wanted to bring it back and reuse it that would be permissible. It also requires that the retail establishment either provide a recyclable paper bag, so if a customer didn't know or didn't bring their bag, they would be provided a recyclable paper bag or they would be given the option of purchasing a reusable bag for ten cents a bag. There are fines prescribes, they are exactly the same as our polystyrene ordinance, so it's 5,100, 500, and 1,000. There is an educational campaign that's made part of this ordinance, as we did with polystyrene to make sure that everyone is aware and while enforcement begins immediately, we will be issuing warnings for the first six months and not ticketing people, so that would allow also for vendors to go through the stock that they might have that they've already purchased. Florida is behind the ball on this

kind of legislation, it's in many other states, and we've drafted ours very similar to how many other states have drafted theirs and they seem to work in those places; and I'd also like to mention that there are many places now that without this already have kind of this model. Whether it's for environmental reasons or otherwise, when you go to Costco you don't get a bag, when you go to Whole Foods you only get the paper bag, and there is a new supermarket Aldi that's open, they don't provide bags. So this is something that I think people are aware of and that is relatively easy to comply with.

Commissioner Lago: Thank you Miriam.

Mayor Cason: OK. Thank you. Please when you speak try to do it in two minutes; some people have some films they want to show, I hope they are like a minute or two, because we have an Executive Session, we have another couple of things, and we have to go to a funeral at 3 o'clock, so we have a lot of things to get through. So let's start off with the Kingdom of the Netherlands asked if they could go first, are they still here?

City Attorney Leen: Mr. Mayor can I note one other thing, I'm sorry, I just stepped out briefly. I'm not sure if you said this Ms. Ramos, but you know the City did meet with the business community. One point I wanted to make is, and is up to the Commission what to do as a policy matter here, but I do want to make a pledge that the way that this has been drafted is if there is a legitimate exemption to be brought up we will put it in there and we've been very flexible with both the timeframe for enforcement and also with the exemptions. The goal was to basically exempt all of these types of plastic bags that serve this purpose that's needed, but not the primary bag, which is the one with handles which is causing the problems. Now ultimately, it's the Commission's decision whether to do this business regulation or not, but I wanted to be clear, if you do have us go forward, we are going to work with the business community to put whatever exemptions are necessary into the ordinance.

Commissioner Lago: I'm going to discuss those issues and I'll memorialize them after we have a little bit of public input.

Mayor Cason: OK. Kingdom of the Netherlands. How are you? Good to see you again.

Ms. Olijslager: Good to see you. Honorable Mayor, Honorable Commissioners, I actually also brought the next generation. I myself am Natalie Olijslager, I am the Consul General for the Kingdom of the Netherlands, parts in Europe and parts in the Caribbean, so we do know a lot about plastic bags in the ocean, and that's why we organize an event last year together with....and some others, to raise awareness; and my son and his friend, they will introduce themselves, made it their community project in their school, so maybe you can say your names.

Mr. Olijslager: Hi, my name is Stan Olijslager and I go to Gulliver, Grade 8, and we are here to speak about plastic.

Speaker: [Name]...Stan's friend, 8<sup>th</sup> Grade, Gulliver.

Ms. Olijslager: So the first step that we did was we went to do a beach clean-up, so can you tell maybe the Commissioners and the Honorable Mayor what you found in the beach clean-up.

Mr. Olijslager: So when we went to the beach clean-up, we were very surprised and affected by what we saw, because this is just plastic bags, but there is way more than just plastic bags. We saw toothbrushes, we saw all types of bottles, and especially in the plastic bags when we saw them in the water, they looked a lot like seaweed, so it's easy for any marine mammal or a bird to confuse it and that's how most of the casualties happen.

I was really, really shocked by how much plastic bags there were because I didn't understand like how bad it was, because I knew it was a problem, but I didn't know how bad it was, and I don't think anyone understands how bad it is until they go and clean. So I saw things that I would never expect to have seen and I saw so many plastic bags like it's hard to believe.

Ms. Olijslager: And do you know how many plastic bags are used approximately?

Mr. Olijslager: So use – there are up to 500 billion, yes, 500 billion; 500 billion bags are used per year and per minute one million, sorry, 500 billion, billion plastic bags are used per year and one million bags are used per minute.

Mr. Olijslager: And Stan do you know how many are recycled?

Stan: Only one percent of all the plastic bags that are used are recycled, so that's really a big problem.

Ms. Olijslager: Yes. So to be short, I don't want to take more of your time, but in the Netherlands we ban the use of free plastic bags, but we did want to be considerate for retail as well, they might want to service their people with using a bag, so you can buy a bag. So when we got here, when we started living in this beautiful City, Coral Gables, which we enjoy a lot, I brought my own supermarket bags because this is the type you buy in the Netherlands and you go shopping with these bags; and I must say in the beginning they really look strange at us when we took out these bags and started to wrap our groceries in this, but now I see more and more

people do it, so I think the awareness is already there and I hope that for this generation we will change it and you will make this law. Thank you.

Mayor Cason: Thank you all for coming, appreciate it.

Commissioner Lago: To these two gentlemen here, you make me very proud to be a Gulliver Raider, so you are the future on all aspects so hopefully one day we'll have you sitting up here. By the way, you took up a lot of my presentation, just so you know...along with Miriam, so another interesting fact, just so you know that in every square mile in the ocean there is 46,000 pieces of plastic floating; and I had the pleasure of boating with the Vice Mayor about a year ago and one of the things we did notice was the amount of plastic that was in the ocean, either by fault or by carelessness, but you are a great example to follow, so I commend you.

Mayor Cason: Thank you. Thank you. Mark Trowbridge.

Mr. Trowbridge: Good afternoon everybody, Mark Trowbridge, President of our Chamber of Commerce here in Coral Gables, 224 Catalonia Avenue. I've spoken to most of you, so I appreciate the opportunity to address you here at today's Commission meeting, and I want to thank both City Attorney and Miriam and certainly Commissioner Lago for inviting us to a meeting last week to talk a little bit more in depth about the ordinance that we are talking about today, and I'll share with you what I shared with them at that time. The Chamber worked very closely with the Commission on the polystyrene ordinance, we were in lock step to move that forward, and came up with a number of recommendations over a series of meetings from the business community. We've not had that opportunity yet with this issue. We've done some cursory discussions with them, and for the most part we get much more pushback than we did, as you can imagine with polystyrene. Many of the restaurants that we talked to on that issue had already moved away from that to alternatives. They had not necessarily done that with plastic bags and that relates more, I guess, to takeout and some items like that. So our issue is that I think, to quote you Commissioner Lago, we are going to end up at the same place when the time comes, but the process, I think we would ask for a little bit more time consideration, and if you pass the item on First Reading today, then I would just ask that maybe what is now listed as a six month period of pre-enforcement or education be extended. When you think about the polystyrene ordinance, we began that process in November of '15, concluded it in February. Something significant has happened in our City since then and that is the streetscape project, and I don't think at that time we could have predicted how challenging that was going to be for our restaurants and many of our retailers on Miracle Mile; and so the one's we've talked to feel very burdened. They use words like, you know they are not paying attention to us, and we are being over regulated, and we are being assaulted. I know that is not the will of this Commission or anybody who is here today. I think we work very well together and you look at the ordinance and

it talks about vendors, which is a very benign word, I'd like you to substitute the real word for that, it's the businesses, it's not just vendors, that's kind of a nameless, faceless word. It's the business community, and I'm sorry a lot of them can't be here today, its unfortunately a 12:30 time certain where our restaurants and retailers are busy in their shops; and I know that we have a narrow window to do this today, so I think you are going to get a lot of great input. I think the Chamber has been a leader in our community on sustainability practices. We had a committee and an action group long before the City had their Board, and so we've worked very closely with you on a number of items and we are continuing to work with Matt Anderson and the team on green pledges and recognizing businesses for outstanding green practices; and I suspect one day that will include that they don't give out plastic bags, but I just ask you to be sensitive to that. I think that's one of our roles as a Chamber is to give you all sides of the issue and knowing that where it will get to today may take a little bit longer, certainly please after the streetscape project is fully completed, because the businesses are suffering. Thank you all very much.

Mayor Cason: Thank you Mark.

Commissioner Lago: Mark if I may just address this Mayor, just one second. Again, I'm very grateful as always for your input, your guidance, your leadership in this community; it's never to be down played. Just like the polystyrene, I think we'll end up in the same location.

Mr. Trowbridge: Sure.

Commissioner Lago: I agree with you wholeheartedly in reference to having an extended educational campaign which leads us into, hopefully the end of the streetscape project. The last thing we want to do is hurt any of the business community here in Coral Gables who depends on us so much. So I think that once we have that extended educational campaign, I expect that the business community will see, just like polystyrene, for example, Vicky Bakery and other businesses in this community that depend so much on polystyrene have already started to emulate sustainability practices and they see the value in that; they see the value in really, not only offering a great product, but also at a sustainable level, it just sets them apart. I want you to understand that if we do pass this on First Reading today, my colleagues do support this issue, we will discuss it thoroughly with the business community, the Chamber, I had a meeting with Vinny yesterday, I had another meeting with the Chairman of the C-Green Committee this morning for breakfast, they all had their statements to say in regards to how long we should have in reference to education and discussion. It will be robust and I hope that we can get to a common ground before we even bring it to Second Reading.

Mr. Trowbridge: I'm confident we will and you know, I appreciate the restaurants that have gotten back to us really in the last 24 hours, and they run the gamut, to the restaurateur who feels

that it's very much a death by a thousand cuts, if you will, today it's this, tomorrow it's that. We are talking internally, as you know the City Attorney office about some other opportunities that are coming along the line. What Chambers do are promote a positive business climate, we have a great business climate here, and I would never want there to be anything that would take away from that, in the way we recruit from the smallest businesses to the large multi-national firms. The good news, we have some folks that are already leading in that area and we can lean upon folks like a Green Gables Café, who use a paper product, but she wrote in the P.S. by the way, when it rains it falls apart and then they get a complaint from the person who did the takeout. Not everybody takes a canvass bag to a retailer or a restaurant, that's more likely to a local grocer, so maybe that's part of that education process; and we know there are some other options out there, so maybe they can help each other. You know Flemings use paper bags as well, but if somebody spills in that bag it gets all over the car, they have a high-end client; they get the call and the complaint. We've got to find that sort of happy medium.

Commissioner Lago: Thank you Mark.

Mayor Cason: Kelly Cox.

Ms. Cox: Good afternoon Commissioners. Thank you for giving us the opportunity to speak today, my name is Kelly Cox; I'm a Staff Attorney and Program Director at Miami Water Keeper. Miami Water Keeper is a local non-profit organization dedicated to keeping South Florida's waterways swimmable, drinkable, and fishable. I'd like to speak in favor of Commissioner Lago's proposed ordinance banning single use plastic bags in Coral Gables. These bags are not only an eyesore when they wash up on our beaches, but they are an ecological threat. Studies have shown that plastics are regularly found in the guts of sea birds, fish, turtles, and other species throughout the world. We aren't sure how the toxins from plastics bio-accumulate in these species that we consume regularly, but we do know that plastics act as a sponge for all sorts of contaminants and that we are putting that in our bodies. The damage caused by plastics for our tourism, fishing, and shipping industries cost billions of dollars annually threatening marine eco-systems and food security. Plastic bags never degrade, they are made from fossil fuels which contribute to climate change and it cost money to dispose of and clean recycling facilities even though it's here in Miami-Dade County cannot accommodate single use plastic bag recycling. Not to mention that the bags that aren't cleaned up often end up in our waterways or our storm drain system exacerbating flooding in our communities, which is already a very extreme problem here in Miami; and the region has seen a direct impacts of climate change. It's more important than ever to transition from the disposable economy to a sustainable future. At Miami Water Keeper we believe that this ordinance is a great step in that direction; across the world governments and private industry have found great alternatives for plastic bags, including bio-degradable and reusable options. We firmly believe in the



municipalities Home Rule authority, and we congratulate the Commission their recent success with the Styrofoam ban. Municipalities should decide how they deal with solid waste. On behalf of Miami Water Keeper we support this proposed ordinance and commend the leadership of this Commission on this issue. Thank you for your time and consideration.

Mayor Cason: Thank you. Michael De Filippi.

[Applause]

Commissioner Lago: If you could do me a favor just for time let's hold all applause to the end. Thank you.

Mayor Cason: Go ahead Michael.

Mr. De Filippi: Good afternoon, my name is Michael De Filippi, I am actually a Miami Beach resident and I've worked extensively on this issue and also the polystyrene issue, myself and Commissioner...and some others were the ones that kind of spearheaded that over here and I applaud you on your leadership for taking on that issue, and I'm really excited that you guys are taking this on. It's almost like a dream come true, because I've been going up to Tallahassee every session for the last like two or three years, and it's been impossible to make any headway on this issue, because of the influence of the special interest with Publix and the other retailers. It's a disgusting situation and we are trying to do something really good here by protecting our environment. I organize cleanups and I can't even tell you how many – I've literally pulled thousands of plastic bags out of our waters and that's not even an exaggeration. If you go anywhere where there are mangroves or riff-raff which is like rocks on the shoreline, the plastic bags are everywhere. So this is a real issue, I commend you on your leadership, because what you are doing here is going to have an influence around the State of Florida. I've been in contact with municipalities all up and down the coast east and west, and people are excited and you are going to see a real expansion of this environmental movement and you are going to be remembered for that and I applaud you for it and I thank you so much for your leadership.

Mayor Cason: Thank you. Jayson Koch.

Mr. Koch: Good afternoon Honorable Mayor and Commissioners, thank you for the opportunity to speak today. My name is Jayson Koch and I'm the current Chair of the Surfrider Foundation Miami Chapter and I'd like to introduce the "Bag Monster" also a key member, this is Mike Gibaldi. As the Gulliver students mentioned, there are billions of bags that are used per year, but when we bring this down to a personal level, the average consumer uses 500 bags a year. So aside from myself and a nice number of folks, we definitely are onboard to use reusable bags, but

this is how many bags that consumers in the area, say for example, use and that's a lot of bags, that's way too many. So that is the "Bag Monster." And what I'd like to share are a couple of comments from the Surfrider Foundation in support of the ordinance to eliminate single use plastic bags. A little bit about us, the Surfrider Foundation maintains a large network of more than 250,000 supporters, 84 Chapters and over 50 academic clubs nationwide, we have 11 Chapters throughout the State of Florida. Our members come from all walks of life; we are surfers, paddle-boarders, beachgoers, young families, retirees, but the one thing that we love to do is protect our oceans, waves and beaches. As you may already know, the ocean is turning into plastic soup and a lot of that land pollution eventually ends up in our waterways, and because a lot of steps and things have already been mentioned, I'm going to bypass that and just kind of hit on a few key points. For example, once these plastic bags make their way into the ocean, a sea turtle, for example, does not know the difference between a jelly fish and a plastic bag. We found more often than none, large whales are washing up on the shores because they are ingesting, they are in taking different type of plastic, including plastic bags. Out in the Middle East in the dessert, camels actually, they take in plastic bags as well, and one by one, Mayor, they are being eliminated which is pretty sad, and that brings us down to us humans. I think we kind of become lazy after a while with the idea of using plastic bags more often than we really should. For example, when I go to Publix to shop, I'll highlight that when the cashier, she'll ask or he'll ask is plastic OK?- and I keep telling them it's not OK, we need to use reusable bags or something that does not need to be used as a one item each time, that's very important. You also may know that the Miami-Dade County does not allow plastic bags in recycling. They have a laundry list of things that they do accept, but that's one key thing mainly for cost of destroying their separating machines and other various factors, so right on board the County doesn't accept it, but they don't have a solution to actually capture that; and as others have mentioned earlier, overall there is a very small percentage of plastic bags that are recycled each year and that does not come close to the amount of harm that it does to our environment and to society, it just doesn't make sense; and also as a local realtor, I sell a lot of property in this area, and I'm always promoting because I work with a lot of buyers from out of this community, and I shared with them that you are moving into a very beautiful area, we have beautiful coastlines, parks and so forth, but it's very aggravating that seconds later a plastic bags flies in front of me down the road as I'm with my clients. So it's an issue, it's definitely an issue. In close, I'd like to share that I have about two or three dozen reasonable bags that we are willing to pass out to whoever would like one, to use as a starter kit for those that are typically using plastic bags, you've got something that, OK, I can start going to the markets or retail shops and use this reusable bag in an ongoing effort courtesy of the Surfrider Foundation. To close, Surfrider Foundation supports your efforts in reducing single use plastic bags and we are on full board to support you however we can.

Mayor Cason: Give one of those to the "bag man." Thank you. Thank you very much.

Mr. Koch: Thank you.

Commissioner Lago: Thank you for being here.

Mayor Cason: Marilu Flores.

Ms. Flores: Good afternoon Commissioners, Mayor, I'm also with the Surfrider Foundation, I'm the Vice Chair and basically my colleagues here have pretty much touched upon every issue, but if I can say in regards to the Chamber of Commerce's concerns is that business owners may feel assaulted, but plastic bags have been assaulting our environment and killing our protected wildlife and polluting our oceans for decades. The great marine biologist Sylvia Earl put it best when she said, "without our blue there is no green." If our oceans begin to further deteriorate our tourism dollars will leave South Florida and these businesses will be further impacted.

Mayor Cason: Thank you. Caiti Pomerance.

Ms. Pomerance: Good afternoon Commissioners and Mayor, I'd like to thank you for the opportunity to speak today. I am Caiti Pomerance, I am the Co-founder and Board Director of Debris Free Oceans, we are a Miami based non-profit that inspires local communities to respond to manage the life cycle of plastics and waste. Thank you Commissioner Lago for presenting this ordinance, it's really truly a stepping stone to protecting our environment and our economy and our public health. I know my friends here have touched on quite a few subjects, so I will be brief, but I just wanted to break this down into what this might mean for the City of Coral Gables. Every person in the City of Coral Gables is using 500 bags per year that means that 25 million bags per year are being entered into the waste stream from the City of Coral Gables. We took just a modest portion of that, that may be entering our streets and our waterways and our parks that would say one percent that means that a quarter of a million plastic bags are floating around Coral Gables every year. A personal story: I went out with a group called Sea-A-Shore Alliance that tags manatees, just recently two weeks ago, these are the same manatees that go up that Riviera channel and I'm sure you are all familiar with, and I was literally standing by the woman as she pulled a plastic bag out of the manatee's mouth, permitted of course, they were allowed to interact with the manatees, but this is something that seriously impacting our marine environment right now. I also want to talk a little bit about the public health impacts. As you know, plastic is a bi-product of oil and it does not biodegrade, in that same meaning, it just photo degrades and it breaks down into smaller pieces over time. By 2050 it's anticipated that there will be more plastics in the ocean than fish by weight – that being the fish will be consuming these plastics, the toxins will be moving up the food chain and onto our dinner plates. So this is a very important motion toward getting plastics out of the ocean and I deeply appreciate your concern on this matter. Thank you.

Mayor Cason: Thank you. Erin Clancy.

Ms. Clancy: Hi, Erin Clancy here with the Tropical Audubon Society. I actually wasn't going to speak, but I'm here in support of the ordinance and to congratulate the Commission and the Mayor for taking such a courageous stance in both this and the polystyrene ban. Thank you for your leadership and we in the environmental community appreciates it and certainly the bird community and birding community appreciates your efforts. Thank you.

Mayor Cason: Thank you. David Doeblen.

Mr. Doeblen: Good afternoon Mayor, Commissioners, thank you for the time and the opportunity to speak. I am Co-founder of Volunteercleanup.org; we are a non-profit that educates people about the problems of plastic trash in our waters through education, activism and action. Instead of giving out some numbers and figures, what I'd actually like to do is show you what I see. Last year our organization has lead over 250 plants within South Florida and we've pulled out over 35,000 plastic bags from our shorelines. So I'd actually like to show a video on what I see and so it's a 60-second video.

Mayor Cason: OK.

[Video Presentation]

Mr. Doeblen: On that one cleanup we picked up over 1,000 plastic bags from the Julia Tuttle Causeway and that is because all of these plastic bags that are littered end up going through our storm drains which create flooding issues, but whatever is not captured in the pollution control devices go straight out to the Bay. So thank you for considering this issue. I appreciate it very much.

Mayor Cason: Thank you. Four other people sent e-mails into the City Clerk, Ron Anderson, Michelle Seigway, Mia Emonen, and Wendy Cook, all of whom supported the ordinance. And the last speaker card we have is Josie Correa.

Ms. Correa: Good afternoon Mayor and Commissioners, thank you for giving me the opportunity to be here this afternoon to speak in opposition of this ban. This is an important issue that deserves full and complete vetting. To rush through it would be a disservice to the local business community in this City, by not giving them the opportunity to provide the City with meaningful feedback on this issue. The businesses along the Miracle Mile area, as some of my colleagues have said, are going through a really, really difficult time and adding something like this will just

add another burden and an additional cost to their cost of doing business. Plastic bags are 100 percent recyclable and serve some of the same purposes as some of the bags that are going to be exempted such as the pet waste bags. At the very least, I believe the City should wait until there is a final resolution with the lawsuit. To enact an ordinance before that time requires local businesses to spend time and money needlessly. Plastic bags are manufactured in the State of Florida and provide good jobs right here in our state. It sends the wrong message to ban something and products that are produced right here in our community. We agree that it is important for all bags of any material to be disposed of properly and to be recycled. Many of our retailers provide recycling containers at their stores. We would welcome the opportunity to share with you, the City, our success in this area and to help your understand that our retailers do take our role as environmental stewards very seriously. Thank you for your time.

Mayor Cason: Thank you.

Commissioner Lago: Can I ask you some questions. First of all, I appreciate you being here, thank you. Who do you represent, if you don't mind me asking?

Ms. Correa: Florida Retail Federation.

Commissioner Lago: Florida Retail. I would like for Craig just for one moment to give us a synopsis in regards to where we are with the lawsuit and you did an appeal, correct?

City Attorney Leen: Yes. So the City filed – well the City adopted polystyrene regulations, we did that before the state enacted a statute. The state went forward and enacted a statute that the Florida Retail Federation believes preempted our ordinance, and I'm talking about polystyrene. The Commission then adopted two ordinances; one, which change the date, the effective date of our polystyrene regulations to the date of First Reading; and the second of which nullified or conflicted with to the extent they did conflict and we did not concede or agree that they did conflict, but to the extent our ordinance conflicted with preemption statute, we invoke the Miami-Dade Home Rule Amendment to say that it was essentially an invalid law, as it applied to Coral Gables, because we were being treated differently than every other city in the state. At that point, the Florida Retailer Federation and a company called Super Progresso sued the City of Coral Gables in the Circuit Court. The City and the defendants went back and forth with court filings, the State of Florida eventually intervened. We got to a motion for summary judgement where both sides filed summary judgement motions, the City also filed a counter claim where we sought to have all three statutes declared Unconstitutional under something called the Non Delegation of Legislative Power Doctrine, which essentially says that the State can't just say that they are preempting the field and delegating authority to an administrative agency without giving them regulation. What it's intended to do is prevent the state from doing these sorts of fake

preemptions where they are not really preempting; they are not adopting a body of regulations to take over the field. Like for example, with traffic, Uniform Traffic Code, that's an area where the state government has preempted the cities, they've adopted a Uniform Traffic Code. With firearms even though it's controversial, the state has adopted a preemptive statute as to firearms and has adopted their own regulations. The problem with plastic bags and polystyrene from a legal perspective was that the state was not adopting any regulations as to those two things. Instead the state, there was an absent of regulation and the state was preempting with polystyrene to the Department of Agriculture and with plastic bags, they were asking the Department of Environmental Protection to come back with a study and then they basically tried to tie the hands of the Legislature by saying that until the Legislature adopts that study, as if the Legislature had to adopt the study, there can be no regulation.

Commissioner Lago: And what were the findings of that study?

City Attorney Leen: The findings of the study were generally against plastic bags, but there were a number of findings, so I don't want to... The long and short of it is they were generally, they had a number of different options for addressing plastic bags, some were like more toward a total ban, some were more with regulations, but they were generally negative toward plastic bags. Anyhow, so what the court did was issued an order; the court ruled for the City on a number of grounds. We raised sovereign immunity, we raised the Non Delegation Doctrine, the Miami-Dade Home Rule Amendment, but as to the plastic bag statute, the court found that it was essentially ambiguous, void for vagueness, that it wasn't clear what it was doing, that it did not give adequate guidance to cities and counties and put them in a legal limbo, and the court found that to be Unconstitutional. Then what happened was the State of Florida – the court entered a final judgement finding those three statutes Unconstitutional. In the time since that occurred Super Progresso and the Florida Retail Federation have filed an appeal to the Third District Court of Appeals and the State of Florida just filed an appeal as well. So the legal issues in that case are going to go up to the Third District now. I will say that the City, I stand by the judgement, I think it was the correct judgement, but the City won on a number of grounds, I just want to be clear about that, it wasn't just on one ground. The City won this case on like, maybe six or seven grounds don't hold me exactly to it, but we won on a number of grounds, this was one part of it, the City won on a number of other parts as well.

Commissioner Lago: I just want to be very clear in regards to where the City stands and I'm going to give you my own opinion of why we are continuing to move forward with this. I'm a firm believer in capitalism, my parents immigrated to this country and they came here with nothing, literally with whatever they had in their pocket, like a lot of individuals in this room. So we've had extensive conversations with Mark Trowbridge and the Chamber and the B.I.D, and a lot of entities who do business here in the City in regards to polystyrene; and I've had several

meetings with them currently in regards to plastic bags and we will continue to have more meetings and I understand that the last thing we want to do is hurt the business community, especially during the streetscape project, so we are going to be extremely flexible. I think that this City and this Commission has always shown that they are flexible and we don't want to drop the hammer on anyone, but I have to proceed with this ordinance because it's my duty as an elected official to do what I believe in my heart is correct, and this is something that is correct. Every moment that I can or every moment that I have the opportunity to invite myself onto somebody's boat, for example the Vice Mayor, or another friend of mine who has a boat, I take an opportunity and the amount of plastic bags and the amount of pollution that I've seen out in our lakes, rivers, and streams is baffling, is baffling; and when I have a serious conversation with my two young daughters, because I've talked to them about recycling and they are so efficient that it puts a lot of adults to shame and I have a plastic bag for an item that my wife brought home from a store or whatever reason why we have plastic bags at home, and they tried to put it into the recycling bin and I have to explain to them that less than one percent of plastic bags are recycled and they asked me, but why?- and I say well, because it takes 85 times more energy to recycle the bag than it does to create it, which again makes it unprofitable in the same situation as polystyrene. They don't understand that, so I have as a leader in this community I've got to take measures, which again, in certain eyes may not be positive or may not be politically savvy, because I've had people tell me, Vince, that may not be in your best interest politically, but I think it's what's in the best interest of the environment, and we in the City of Coral Gables have taken significant measures over the last six years from the White Paper that the Mayor has been instrumental in leading in regards to sea level rise, to our new building code in reference to sustainable construction, to purchasing 100 percent electric vehicles, charging stations, to buying parts, planting over 4,000 trees, I mean the list is ongoing. We need to take a stand and I won't do it on the back of the businesses because I feel that the businesses in this community will not only survive, but they will thrive, because I won't do business and I won't shop somewhere that does not put the environment first. I shop at Whole Foods, I take my bag with me, not this one, but the one that I have at home, or I get a paper bag, which again paper bags are recycled 20 to 25 percent more. So there are options out there and businesses are thriving. For example, Trader Joe's doesn't give out plastic bags, Whole Foods doesn't give out plastic bags, even when you buy milk, even when you buy seafood, even when you buy items that are wet, we have to be more conscious of the fact, and I promise you and I give you my word like I've given Mr. Trowbridge. We are going to properly vet this in between First and Second Reading, we are going to do the same thing that we did in reference to polystyrene and we'll allow the businesses to use up all of their existing inventory, and then we'll streamline into paper bags, there are options right now, there are businesses here that are using a type of material which is corn based, which is 100 percent bio-degradable, you can watch the videos online, they degrade in a day or two instead of spending 500 years, 1,000 in landfills, clogging up the landfills, clogging up our aging infrastructure, which again Coral Gables is revamping all the infrastructure on Miracle

Mile as you know, but you find all these plastic bags in our infrastructure. So in my opinion, I'm 100 percent grateful for you being here, but I feel that we can both co-exist. I feel that the business community can adapt and the business community can not only adapt, but they can thrive. So give us a time, we are going to be considerate of the business community, we are going to move forward in a direction, which again, doesn't hurt the business community, but benefits the environment.

Mayor Cason: Thank you for your presentation.

[Applause]

Mayor Cason: And that's the end of our speaker cards, so we'll close the public hearing.

Commissioner Lago: Would you like to remark or...

Mayor Cason: Only for something new.

Commissioner Lago: Jessica or anybody who want to put some input in regards to Sustainability Advisory Board, you are good? Mark?- not Mark, excuse me, Matt?

Mayor Cason: Let me only say this that we've got to go into an Executive Session and have to be at a funeral at 3, so be like really concise.

Mr. Anderson: I think we've covered, everyone that spoke today has covered all the statistics out there with regards to the harm of plastic bags and we are in full support.

Mayor Cason: OK. Alright. Any discussion?

Commissioner Lago: Listen, if anybody would like a Coral Gables special bag courtesy of the City Manager and staff, who's done a great job, they are in our offices, go see Martha – Oh, they are in the back of the room right there, so you can pick up a Coral Gables....

Mayor Cason: Let's give one to the "Bag Man."

Vice Mayor Quesada: Can we actually before you make a motion, because we are sensitive to the business community. I want to make sure that we have a meeting that maybe it's after hours, we figure out a time that works with the Chamber, and the B.I.D., Business Improvement District, to discuss any implementation issues or anything prior to Second Reading, assuming it



passes on First Reading today, so that we can get that done, so it's not in the middle of the day sometime have access.

Mayor Cason: And I think we also need to make sure we reach out to the residents make them aware of why we are doing this and get their feedback and hopefully they'll understand and go along and participate, but at any rate let's make sure that the campaign reaches out to our 51,000 residents as well.

Vice Mayor Quesada: But in addition to that, I'm sensitive to what the businesses are going through right now with Giralda and with Miracle Mile, but again I'm over the top supportive of Commissioner Lago's in this item. Being a very bad surfer, I've experienced them in the water, but just because I'm bad doesn't mean I don't see them. I just want to make sure is, can we put together maybe the Economic Development Department, maybe through Javier's team, can we work together to get a list to every business where they can find alternatives and maybe some of the speakers today can please talk to Javier Betancourt in the back, he's got the beard, lacking in hair, but I think you can talk to him about what are the alternatives, because some of the conversations...Italian restaurant that wraps up some pasta, they use a plastic bag and then they put it in a paper bag. I know there has got to be alternatives that are economically feasible for them; they don't know what they are. If you guys can work with us to help us inform and educate these restaurants to show that, hey look, it's not going to be more expensive, a few pennies, whatever it is, you guys are more in tune with it than we are, so please help us achieve that goal, so when we go knock and see the retailers and we give them these alternatives and we show up with the buyer who the sellers are and the different options that they have to make it very easy for them to make that transition. Again, we don't want to make that transition and now all of a sudden a business that may be struggling with the streetscape improvements that we are making; now we are giving them additional burden. So I'm looking at you guys that spoke, please talk to Mr. Betancourt and...

Mayor Cason: And one other point too. Also California has done this and I'd like to get lessons from California on how they handle some of the issues – solutions I'm sure they've implemented and they've been doing it for quite a long time, there's a lot we can learn, so I'd like to get that information.

Commissioner Lago: Mayor you have Delaware, Maine, North Carolina, California, Massachusetts and Washington have enacted some sort of legislation, but we have the information now. I can show you the website which basically is a company which is already being used by some of the businesses here locally, which produces a bag made of corn product which is exactly, looks exactly like a plastic bag with handles. It's here. The issue is two-folding, filing options and really reprogramming ourselves to not look for the easiest way out.

Mayor Cason: Can you make tortillas out of those? (Laughter)

Commissioner Lago: Actually one of the videos, the gentleman eats the plastic bag to show you how safe it is.

Commissioner Slesnick: What's the website?

Commissioner Lago: Martha has it, I'll ask her to bring it in now.

City Manager Swanson-Rivenbark: And Mr. Mayor regarding the meeting with the business community before Second Reading, I had a very good conversation with Mark Trowbridge this morning with a commitment that our office will be involved to facilitate to make sure that that kind of collaboration will occur before we bring it back to Second Reading. It's not just information, education, it's also collaboration and we are confident we'll be able to work with the business community on ironing out these issues.

Vice Mayor Quesada: If we can ensure that we get those alternatives for the retailers prior to that meeting. We'd like to have an easy information sheet, maybe some of those vendors if they can fly in and be at that meeting, say hey, we are happy to sell you plastic bags alternatives.

City Manager Swanson-Rivenbark: Understand. Understand.

Commissioner Lago: As a matter of fact, I think we had a meeting with one a few months ago.

Vice Mayor Quesada: We've got to have more than one; we've got to have 10-15....

Commissioner Lago: This is my last point. Always remember when we started discussing polystyrene, some of the businesses were up in arms in regards to how that would affect their bottom line. They've all complied and they've probably actually gotten more business because people say, I'll shop at this location knowing that they are being environmentally conscious. I'm getting the information; Martha is getting it right now.

City Manager Swanson-Rivenbark: In terms of the cost with polystyrene, we did have some merchants genuinely concerned when we worked with them online, we found a penny a container was the economic impact. So we will work with the community.

City Attorney Leen: I'd also just like to mention, regarding the polystyrene, it's been in effect now since January 1<sup>st</sup> in terms of us citing and we've done a tremendous compliance, and Publix as well has voluntarily complied. I remember when they sent us the e-mail through or when

Javier told us that they were and how exciting that was for us. So you know what, I would like to thank Publix for that; hopefully they'll end up agreeing to this as well.

Commissioner Lago: You asked me the question, the name of the company is called Renew Packaging, they are out of Chicago. The gentleman who is actually sending me a sample, his name is Camelo; they are going to send me a sample of the products that they have which mimic exactly plastic bags. I'll have them and I'll give them to the Manager so that they can be disseminated to the business community and we can have it here kind of a show and tell for the Second Reading whenever it happens. Its 100 percent combustibile bags and we are meeting with them probably within the next few weeks when they come down from Chicago.

Commissioner Keon: Renew Package.

Commissioner Lago: They are bio-degradable, they are 100 percent within weeks, you can actually eat the bag.

Commissioner Slesnick: Review Packaging, that's the name of it.

Commissioner Lago: Renew Packaging.

Commissioner Slesnick: Renew Packaging – Renew.

Commissioner Keon: I notice that at Publix they have a bin there where you can bring back your plastic bags. I know we don't have the capacity through our garbage and trash or whatever to recycle bags. Can somebody find out what they do with those bags that they take back in, if they somehow recycle them or do they just throw them away?- or what they do with them?

Mr. Anderson: The last conversation we had with Publix about a year ago, that they get shipped to, I think central Florida, to their main and then get recycled, but as statistics show, it takes a lot of energy...they get disposed of or recycled.

Commissioner Keon: Get disposed of.

Mr. Anderson: Yes and when they do get recycled its 85 times the amount of energy than....

Commissioner Lago: Recycling a plastic bag takes 85 times more energy than creating; recycling involves essentially remelting the bags and recasting the plastic, all according to U.S. EPA Manufacturing new plastic for recyclable plastic requires two-thirds of the energy used in virgin

plastic manufacturing. The quality isn't as good as the second time around; the polymer change often breaks down leaving to a lower quality product.

Commissioner Keon: Could you ask them for their progress, could you ask them to tell us what they do with all those plastic bags that go back to them?

Mr. Anderson: Of course.

Mayor Cason: Alright. Do we have a motion on E-5?

Commissioner Lago: I'll make the motion.

Mayor Cason: Commissioner Lago makes the motion; Commissioner Keon seconds it – City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 2:19:11 p.m.]