

City of Coral Gables City Commission Meeting
Agenda Item C-1
October 23, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Sustainability Specialist, Matt Anderson

Public Speaker(s)

Mark Trowbridge, President of Coral Gables Chamber of Commerce

Agenda Item C-1 [9:19:30 a.m.]

Mayor's Comments:

Discussion regarding regulation of plastic beverage straws
(Co-sponsored by Commissioner Lago)

Mayor Valdes-Fauli: The first item is discussion regarding regulation of plastic beverage straws. Under the leadership of Commissioner Lago, we took action regarding plastic bags, we took action regarding Styrofoam and one of the biggest scourges we have is plastic straws. And, I would like to consider regulating/banning of plastic straws in Coral Gables; and Commissioner you want to say a few words and then we have, I think, some people that probably wish to speak.

Commissioner Lago: Yes. I wanted to have Mark Trowbridge come up and before I spoke and just give a quick breakdown of where we are today. I wanted to hear from our City Attorney, so that she may provide us with a little guidance and give us an update in regards to where we are in reference to plastic bags and polystyrene.

City Attorney Ramos: So our plastic bag ordinance was challenged, as most of you know by now, we won with an extremely favorable order of the Circuit Court level and that order went so far as to find that the plastic bag preemption was also unconstitutional. Based on that it opened the door to allow us to ban plastic bags. So we have done both. The Circuit Court order was appealed to the Third District Court of Appeals. We had oral argument in December of 2017 and we continue to await ruling. In the meantime, we have a valid Circuit Court order that's allowed us to proceed with both. Enforcement had a grace period to allow for businesses to consume the items that they had already purchased and plan for compliance with the ordinance. That always makes me happy to go to the Publix right across the street and be handed a paper bag. So it's been extremely, extremely well received by the community, we did work with the community in implementing it, and Code Enforcement who had citations have been few and far between and compliance has been obtained very quickly. So all in all, it's been quite a success. We continue to hold our breath as we wait for the ruling from the Appellate Court.

Commissioner Lago: Great. Thank you. Thank you to everybody in the City Attorney's Office.

Mayor Valdes-Fauli: Mark, you want to come up. I have a story to tell. I saw Mark at the pumpkin patch festival, whatever it was at Pitman Park, and there were a lot of pumpkins and there were a lot bales of straw; and he started to talk to me about coming up today to talk about straws or whatever and I kept looking around about the bales and I said, Mark, I haven't the slightest idea what you are going to talk about. What do we have to do with straw except for these bales. He said, no, no, it's a different type of straw. Go ahead.

Mr. Trowbridge: That was a greatly awkward moment, so I appreciate you reminding everybody about that Mr. Mayor. And, thank you both for your continued conversation on this subject. I think I came and spoke before you all a few months ago when this came up as we were rolling out the business coordinates, which I think Matt is also going to give an update on, but we are working diligently toward that rollout in January, and so, one of the things that is included in that incentive based program is to no longer either provide or offer straws in our restaurants; and so, I think our goal is to give that an opportunity to move forward, see how that goes. Matt and his colleagues have also offered to do a parallel program that would be to kind of skip the straw, I think that's sort of – Oh, you are over here. Come on up here young man – to skip the straw, to also further incentivize and encourage our restaurants to not even provide that. I had suggested in an e-mail string over the weekend that we continue that conversation. I think there are still some issues related to ADA, so I hope you'll involve your ADA Coordinator for the City on this issue. There are some related to hygiene. I know that upset Commissioner Quesada the last time I spoke with regard to why would there be a hygiene issue, but you know, even as best as you clean a glass, you know it's used by a few people. We've all have gotten a glass with lipstick still on it.

Mayor Valdes-Fauli: What about paper straws and there are restaurants that offer paper straws.

Mr. Trowbridge: One of the things that we have learned is that those haven't quite become as widespread in the market as we would hope, and so the cost is still somewhat more cumbersome. It's a little different than I think going from plastic bags to paper bags or going to polystyrene products to other types of products. Just because they are kind of making a comeback, I think over a little bit of time we'll see better products like that. Some places are already using them, like if you go to Books and Books they use a paper straw, but I also think from an inventory standpoint, I'd rather see us focus on the incentives and take it from there.

Mayor Valdes-Fauli: Thank you.

Mr. Trowbridge: Ask Matt to say a few words too.

Mr. Anderson: I think we are definitely focusing on the incentive side with the Green Business Program, as Mark said, we are looking to launch that January 1; and also, something that we can also consider is the City to lead by example and maybe we prohibit them in our City facilities, in our City parks and any special event permits, I think could be a good compromise on that as well.

Commissioner Lago: Mayor if I may, just to give you a quick update, because I've been dealing with a few outside individuals who have been given a little guidance in regards to this issue. Mentioned that Miami Beach banned straws, they didn't take the steps that we did in reference to polystyrene and plastic bags. In that instance, I thought it was appropriate to ban, because we needed to take that measure, that hard measure. For so many years, special interest groups have fought moving in that direction. What I want to see is, what I would like to see, I want to see how my colleagues how they feel, I don't think maybe a ban is appropriate. What I think is a program that you are saying is an incentivized program to get us across the finish line. What Miami Beach did was they banned it in any, like you mentioned before, any City events. They haven't taken it to the business sector. What they are doing is they are incentivizing them to take that measure. I'm already seeing it across different restaurants, they are using up their inventory and they are moving towards either not offering straws or paper products or some sort of different material that, again is bio-degradable.

Mr. Anderson: And within our Green Business Program, one of the baseline requirements in addition to obviously complying with our plastic bag ordinance and our expanded polystyrene is that and also encouraging businesses not to do auto straw, which is just give a straw to everybody that comes into the business. Actually have them ask for it, because you are going to reduce a large percentage of the amount of straws you are distributing as a business just by doing that. So, one of the requirements of the Green Business Program in order to be certified as a

Green Business is you are not auto straws and if you are giving out a straw, it's a sustainable alternative, whether it be paper, bamboo, metal, so on and so forth.

Commissioner Lago: Mark brought up a very good point, the issue of ADA, on the issue of how we are going to cross that hurdle. So, I want to see how the incentive program works out starting in January, but I'd like to see, if the Commission agrees, I'd like to bring it up at the next Commission meeting some sort of legislation that mimics what the City of Miami Beach did, where in City events and City buildings that straws are not offered or an alternative is offered. But, we use the incentive program to achieve our goal in the public sector, in the private sector, excuse me.

Mr. Anderson: And we can certainly even talk about providing exemptions. Some communities are providing exemptions for those that are disabled to be able to if they need to still use a plastic straw, that's a relatively small amount compared to the overall amount they're giving out...

Commissioner Lago: Do you want to go over what the incentives are so people understand – business owners would say, OK, I want to move in this direction because there is an actual benefit to doing it, not only when you are talking about the environment, but there's a financial benefit.

Mr. Anderson: Some of the benefits that we have within the Green Business Program, obviously we go through the process of verifying, they fill out an application and then they'll submit it to our office and through the partnership of the Chamber and the Sustainability Advisory Board in our office, we'll go out and verify that they are doing everything that they checked off on their list and then also use it as an education opportunity to talk directly to the business on additional measures that they can take, and if they qualify as a Green Business, we bring them to Commission, we recognize them on social media and then also, I think Mark may be putting a financial incentive in there as a discount on a Chamber membership. We are also exploring the addition of financial incentives, so we do have a lot of incentives included in there.

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

Commissioner Keon: I was at an event at the University of Miami recently and there was a bar that was open and available, somebody ordered a mixed drink or whatever and he asked them for a stirrer and he said on the University of Miami campus they have banned straws and stirrers and all those things. He said to him, how am I supposed to stir it. He told him his finger. (Laughter). I think as you go forward in doing these things we should move a little cautiously and understand that there are a lot of other implications. I know for you who have little children, I know for myself that have grandchildren that a lot of times at restaurants they serve them a cup with a top

on it and they put a straw on it, because invariably children knock over their drink and at least it's somewhat contained within that...

Mayor Valdes-Fauli: ...paper straws and that's all there was and they worked perfectly well.

Commissioner Keon: Right – but the problem is that, that inventory of paper straws is not so available any more, people have bought large amounts of them, so they need the same transition periods to move out of what they currently have and to move back into...A product will develop, if they are banned, a product will be developed that can work, but I think you need to give it some thought as we move forward to give them the opportunity to take a little bit of time in transitioning to that.

Vice Mayor Quesada: Mr. Mayor if it's OK, a few quick points. I'm fully supportive. I want to be more aggressive about it. I think we should be a little heavy-handed with it. My parents have fortunately lived on the water for about 20 years and its crazy when I go and take my kids now, you see a lot of plastic bottles and bags and you see straws in the mangroves. This is in the Coral Gables neighborhoods, so I want to be a little heavy-handed with it. Obviously, Mark is right and there are ADA considerations that we have to realize that there are certain situations. I don't know if it's still allowed to do it, but maybe charge like a City tax on it, not to make money, but just to try to financially disincentivize them from doing it. I don't know if that's the answer to it. I know we have discussed this in the past. I would love to see a sustainability website for the City, different options and just put it out there and say hey, here are a few paper straw vendors that have reached out to us. I know we cannot promote anyone one business, but I know – I went to a restaurant recently in New York that they did it with pasta, there was some type of pasta. People complained because the paper one's dissolve, but the pasta one was kind of fun. So there are a lot of different options. I would love to ask for at least provide those options on our sustainability portal.

Mr. Anderson: So last week, we've been working with an organization called the Debris Free Oceans and they actually have an updated list of all types of products that are used in restaurants, and we got that list from them last week. We can certainly, I can run it through the City Attorney's office and make sure that everything is OK with that.

Vice Mayor Quesada: I just want to have a blanket policy when it comes to sustainable products is, if you are a vendor, if you are a company that sells these, if you let us know we'll put it on the website, so it's a resource. So, when someone starts a new business maybe there's a pamphlet in the Building Department that says hey, go to this website to check out all the different options so you can be sustainable. Let's make it easier for people educating them. I understand the legal issues because we cannot promote a certain type of business, but if we say you reach out to us, we'll put it up there.

City Attorney Ramos: We just need a disclaimer that says that the City of Coral Gables is not endorsing this business.

Vice Mayor Quesada: So let's just make it easier for people.

Mayor Valdes-Fauli: I fully agree with you.

Commissioner Lago: So let me ask you, kind of verbal consensus here really quickly. I'm going to present, maybe not the next Commission meeting, but the following, I want to give our City Attorney some time so you can draft something together, where at all City events we are no longer going to have plastic straws, correct?- and at all City buildings and City functions. So, I think that's the same step the City of Miami Beach did. There wasn't much clarity in regards to that it was at City events. There was this thought that it's at all, the entire City, it's not. We are the City who have taken the necessary steps in regards to plastic bags and polystyrene, that was a major, major step, both from the public and private sector. I want to make that very clear. I don't have an issue with banning plastic straws at all, I am ready to ban, but the issue is I don't know if the answer is banning everything, let's just ban, ban, ban, ban. I want to be careful. I had a long conversation with Mark and giving me the other side of the coin. I think that we need to make it as easy as possible for businesses to transition and if it doesn't work, if this program – I'm going to be very clear about this. If this program does not work let's say by three or four months of it being implemented in January, I'll move to like what Vice Mayor Quesada said, to a stronger alternative. But, I'm already seeing it happen in certain restaurants. I went to a restaurant in Coral Gables this Sunday and they gave us paper straws.

Mayor Valdes-Fauli: They had paper straws.

Commissioner Lago: They had paper straws. So they are moving in that direction. The cost is going down, people are understanding that people are more conscious of the fact that when you are having a drink or when you need a straw, people have that attitude that they don't want a plastic straw, they want a paper straw because they realize like the Vice Mayor stated, it's just better for the environment.

Mayor Valdes-Fauli: Thank you very much everybody.

Commissioner Lago: So...

Mr. Anderson: I was just going to say and to point out at our City facilities we haven't been using straws at Venetian Pool for the last decade, so we've already started taking that measure even ten years ago.

Mayor Valdes-Fauli: Great.

Mr. Anderson: So, I'm going to present...

Commissioner Lago: Not at the next Commission meeting, at the following some legislation to move in the direction that I mentioned. I ask you to please if anybody wants to co-sponsor with me you are more than welcome – what?

Mayor Valdes-Fauli: This is a joint effort.

Commissioner Lago: Yes, whatever you want to do and I want to make sure that we can have input, please push it through either Jessica, Matt, the City Manager or our City Attorney, so that we can really make a robust piece of legislation that has teeth on it. I want teeth. If it doesn't work, I'll come back and we put something in that's more drastic.

Mayor Valdes-Fauli: Thank you very much.

[End: 9:34:36 a.m.]