

Councilmember Martin concluded that it was between A. J. Bolino and Rachel Cauteruccio.

Mayor Keener responded affirmatively.

Acting City Clerk Coffey stated that for the Economic Development Committee, Rachel Cauteruccio received three selections and A. J. Bolino received two selections.

Mayor pro Tem Vaterlaus moved that they appoint Rachel Cauteruccio to the Economic Development Committee; seconded by Councilmember Digre.

5-0

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Deirdre Martin, Councilmember
<b>SECONDER:</b>	Sue Digre, Councilmember
<b>AYES:</b>	Keener, Vaterlaus, Digre, O'Neill, Martin

**STUDY SESSION ON EVALUATING STRATEGIES TO REDUCE LITTER**

- 12. Evaluate Strategies, Including Potential New Ordinances, Related to Reducing Litter  
**PROPOSED ACTION:** Consider and provide input on the below summary report about current laws and practices in Pacifica related to reducing litter and provide direction to the City Manager regarding next steps.

Asst. City Manager Hines presented the staff report.

Mayor Keener opened public comments.

**Alejandra Warren, Pacifica**, stated she was talking for her son, Drake, who was a ten-year-old and had to go to bed and his father had to take him home. He wanted to say that he has been using reusable straws for about five years without any problems. He brought his straws that he carries everywhere. She stated that if a ten-year-old can do it, why can't adults.

**Alejandra Warren, Pacifica**, stated that now she was speaking for herself. She stated that she was a zero waste specialist and works with companies doing outreach to educate communities of the importance of recycling and composting correctly. She also worked greening events like concerts, art fairs, festivals by divergent landfill waste and composting or recycling at least 80% of the waste generated. She stated that one of the main reasons why it was difficult to reach zero waste goals was single use plastic. She stated that individually wrapped snacks, plastic straws, etc., are neither recyclable or compostable. She stated that they have noticed significant waste reduction in cities where single use plastic restrictions are applied. She stated that, from a professional and a personal plan of view, she recommended Pacifica move forward with the implementation of a single use plastic ban. She stated that it has been proven harmful to marine life, wild life and human health. She stated that plastic straws, lids and cutlery are among the top ten items collected in cleanups. She stated that, if you join a beach clean up in Pacifica, your chances of finding single use plastic are 90%. She stated that she hears people say that plastic takes 400 years to biodegrade but it was not true as plastic does not biodegrade at all but breaks into smaller and smaller bits that are showing up in increasing numbers in oceans and lakes and are being eaten by seabirds and fish. She stated that in November 2016, California banned single use plastic bags and the bans had many critics arguing that reusable

bags would create epidemics of salmonella, E. Coli, other food borne illnesses and they also claimed that it would be an unnecessary burden on consumers. She stated that none of that happened but now we have eliminated the use of 13 billion plastic bags every year with the ban. She stated that critics of the straw ban claim that they are not considering disabled people but she said that was far from true as the ordinance would clearly state that restaurants and coffee shops must provide plastic straws to disabled people. She stated that critics also claim a ban will be an economic burden to restaurants and food providers but the cost of paper straws will be offset once they provide paper straws only upon request. She follows the cities like Malibu and San Francisco and she know that, if implemented, the ban will require outreach and education efforts but she knows Pacifica can do it. She stated that the last thing is they had the chance to collect signatures in the Eco-Fest with the Pacifica Beach Coalition and they collected over 300 signatures, and 200 were Pacificans. She stated any ban they can help them with would make a difference.

**Vickie Flores, Pacifica**, stated that she was on the Pacifica Beach Coalition Board. She stated that the Pacifica Beach Coalition would like the Council to become more involved and aware of corporations' responsibility to our community. She thought they were aware that the Taco Bell at Linda Mar removed all of its trash cans as they have decided to rebrand themselves as a cantina. She stated that the Beach Coalition spent many hours and days cleaning up Taco Bell's parking lot and surrounding area which were filled with plastic cups and straws. She stated that these items have been seen blowing off their back deck directly onto the beach daily. She stated that Taco Bell has also decided to stop using paper cups and go strictly to plastic beverage containers. She stated that they didn't feel they were being a good corporate citizen to the community. She stated that the Pacifica Beach Coalition has also found plastic cups and straws from Starbucks and McDonald's in these areas. She believed that because of City Council and Pacifica Beach Coalition's recent efforts, some of the trash cans have been put back, but this will only be until October when the rebranding is expected to be completed. She stated that some shopping centers in Pacifica like Pedro Point that does not have any garbage cans or the shopping center in Manor that only has a few can do a better job in keeping the areas clean from garbage by removing the overflowing trash cans in a more timely manner. She stated that they bring this concern to City Council as the conditions in some of these locations are getting worse and in some cases the amount of garbage that the Pacifica Beach Coalition picked up in a week is now being picked up in one day. She stated that a few minutes throughout the day by businesses and shopping center owners will make Pacifica more welcoming for all. She asked that we not end up like our neighbor in San Francisco who have been publicized recently for how littered the city is. She stated that they know you can't tell these establishments how to run their business but they are the voice for our community and they would like them to raise a concern on our behalf to these organizations and start a Help Keep Pacifica Clean campaign like they did a few years ago.

**Ron Maykel, Pacifica**, thanked Asst. City Manager Hines for the great report. He stated that he had an epiphany, thinking about sea level rise, 1.7 million tons of trash that get into the ocean and he thought that was why the ocean was rising. He concluded that if they could get rid of the trash, all floating objects, boats, ships, and all the oil rigs they could lower the sea level by 6.2 inches in six months. He asked that they consider that and incorporate it into the plan. He referred to the storm drains, stating that there was one at the corner of Oceana and Manor in front of Mazzetti's Bakery with a nice grill over it and it keeps trash from getting into the storm drains. He stated that all the storm drains empty either into a creek or the ocean. He mentioned another example on the corner of Clarendon and Francisco and at the North Coast County Water District property there was a storm drain with a retrofitted grill. He thought this was something to consider as a pilot program. He stated that they have huge pipes that drain

into San Pedro Creek with a resurrection of the San Pedro Creek Watershed Coalition and there was a 5-6 foot high drainage pipe that drains into San Pedro Creek east of the Sanchez Art Center and he thought it was an imaginative idea to put a cage around it as a pilot program and when the first rains come and you check to see how much stuff is coming off the streets of Linda Mar. He felt this was something to consider.

**Cynthia Knowles, Pacifica**, thanked them for the wonderful report and she thanked Alejandra and Vickie for their wonderful arguments. She echoed those arguments in support of a ban on single use plastics and overall to address the problem of sustain ability we need to reduce our consumption overall but banning single use plastics would be a step in the right direction. She was a member of the Parks, Beaches and Recreation Commission and the Beach Coalition and takes pride in a beautiful and clean Pacifica. She thanked them for placing that receptacle along the coastal trail at Rockaway Beach. She stated that she made a comment at the Commission one night and she was too late and someone had already taken leadership and placed that receptacle there. She stated that the Beach Coalition cigarette butt subcommittee placed a beautiful painted cigarette bucket there and it was trashed in that spot and the city placed a brown large receptacle for trash. She felt that they needed for businesses to take more leadership on the issue of playing a role in maintaining their areas. She stated that businesses do a lot for the city and they also pay to have trash picked up. She asked that they prevent it from getting onto the ground and potentially into the storm drain and into the ocean. She thought there needs to be a requirement that they place more receptacles in their areas. She stated that there appears to be inconsistency and lack of coherence in ownership of shopping centers and no consistency in waste management and people patronizing the businesses have no where to throw their trash. She stated that the Beach Coalition has placed cigarette collection containers around the city and they get trashed in areas where there is a lack of receptacles for trash. She advocated for a campaign for reducing plastic bottles and rely more on reusable bottles.

**Tygarjas Bigstyk, Pacifica**, stated that after they had discussed plastic straws he ran across an article which he was going to read. It stated McDonald's had become an unlikely ally to the anti-plastic movement as it announced it would switch to paper straws in all of its 1,300 UK locations starting in May and customers will have to ask for a straw if they want one. He thought that McDonald's should be easily able to accommodate two stores in Pacifica if they already have 1,300 in the UK and they can put Taco Bell to shame who should already be ashamed of themselves. He felt there might need to be an ordinance that, if you have a business on the beach, you must provide trash receptacles. He stated that the first time he spoke before the city was to ban single use plastic bags since the byproducts of the petroleum industry, including plastic, immediately relates to the rise in cancer rates. He was proud of the county and then the state when they decided to ban plastic bags and now they had the opportunity to continue that innovative process. He referenced the comment in the staff report about Seattle's ten-year implementation which he didn't think was necessary. He stated that it was great to ban plastic straws but he then thought about plastic ware, cups, etc. and thought we could ban all of them in the span of three years.

**Jim Fithian, Pacifica**, thanked them for taking this on. He stated that he has been doing Beach Coalition for 20 years. He echoed some of the sentiments of prior speakers. He felt you can't take all of that at once but you take one at a time. He mentioned his family going to a beach in Florida in 1998 and when they got their sodas without straws or lids, they asked why and were told that nobody needs them and they just make trash on the beach. He stated that straws break down to microplastics and are the 7<sup>th</sup> most common trash collected on beaches in 2017 and are called the world's most wasteful commodity and we don't need them. He mentioned all

the businesses who are using metal straws. He stated that it is easy to do and he asked that we ban at least plastic straws in Pacifica as the other options are all being done and are upsides. He asked that we join this movement and he would love to see us beat San Francisco. He felt we can live without plastic straws.

**Lynn Adams, Pacifica**, stated that it is time for a sea change and we have the residents, the petition that 300 people signed that not only supports straw ban but cutlery, etc. She stated that during this summer they did 16 clean ups, many after the Saturday clean up and the day after the other give back and she stated that there are 16 billion disposable coffee cups used every year worldwide and they come with plastic lids and we don't need them. She mentioned some of the businesses such as Taco Bell that have gone all plastic, and she stated we don't need plastic cups, cutlery and we can bring our own. She stated many were in the plastic wrapper and not used. She mentioned bottle caps, etc. She added that in addition, when these plastic products are made they create methane gases and global climate change and when they break down they also release methane. She was tired of subsidizing the plastic industry, and tired of everyone subsidizing the plastic industry. She wants to be in Pacifica when we do this ban.

Mayor Keener closed public comments.

Asst. City Manager Hines stated that he wanted to provide clarification on one of the points during the power point. He stated that in the code section 6-5.403, we have a ban which says all food vendors using any disposable food service ware shall use biodegradable compostable reusable or recyclable food service ware, but there is also all food vendors are strongly encouraged to use reusable food service ware in place of disposable food service ware. He stated that one reason for the first bullet is that they have a code section that lays the framework for this action they are thinking about and it's there but just providing more clarity as to whether it's a shall or a strongly encouraged and are we going to call out plastic products specifically or keep it in the general sense of biodegradable, compostable, reusable food service ware. He hoped he was able to drill it down a little in making the mechanism for their decision a little easier.

Mayor Keener meant to look it up and he asked if the food vendors are normal restaurants or food trucks or what.

Asst. City Manager Hines stated he was looking for a definition. He stated that food vendor means any and all sales outlets, stores, shops, vehicles or other places of business located within the City of Pacifica which operate primarily to sell or convey food or beverages directly to the ultimate consumer which food or beverages are predominantly contained, etc.

Mayor Keener thought that was clear. He stated that the section requires food vendors using any disposable food service ware which includes plastic straws and lids to use biodegradable, compostable and reusable. He thought that was a shortened form of what the actual code reads like.

City Attorney Kenyon stated that she can read what the actual code says, which says that all food vendors using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food vendors are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on premises.

Mayor Keener concluded that reusable would be the typical implements that go through a

dishwasher and they reuse them.

City Attorney Kenyon responded affirmatively.

Mayor Keener stated that it sounds like they already have an ordinance that requires vendors of takeout to use biodegradable, compostable, reusable and they are not going to use reusable or recyclable food service ware. He stated that the only gap he sees is the recyclable food service ware and you can argue that the plastic is recyclable and that is something we don't want so biodegradable and compostable.

City Attorney Kenyon stated that she and staff agree, if Council wants to make a more definitive statement of banning plastic straws, this section should be modified to make that more clear. She stated that no where in this section are plastic straws referred to specifically.

Councilmember Martin mentioned packet page 142.

Asst. City Manager Hines stated that was inferred because of the description.

Councilmember Martin asked if it was not an exact quote from the code.

Asst. City Manager Hines responded affirmatively.

Mayor Keener stated that the City Attorney read them the exact code.

Councilmember Martin stated that those two sentences don't jive for her.

City Attorney Kenyon stated that the way they do make sense is that in the first sentence they are referring to if you are handing out disposable ware then it has to be compostable or reusable.

Mayor Keener added recyclable. He stated that he wants to flag that because recyclable can be plastic and you are supposed to throw it in a recycle can but they know a lot of it ends up on the beach.

City Attorney Kenyon stated that the second sentence says if you are using disposable food service ware on premises which is different than the first sentence which is using it most likely in takeout, then you are strongly encouraged to use reusable food service ware.

Mayor Keener understood where the strongly encouraged came in.

City Attorney Kenyon stated that the ban is not as strong when you are eating on premises as opposed to takeout. She stated that there was a decision made to not impose this ban strictly on sit down restaurants.

Mayor Keener asked if she knew when this code section was enacted.

City Attorney Kenyon stated that she did not know.

Asst. City Manager Hines stated that it was effective January 1, 2010.

Mayor Keener stated that it was time to extend their deliberation time. He asked if an hour

would do it.

Councilmember O'Neill moved that they adjourn at 12 midnight; seconded by Mayor pro Tem Vaterlaus.

5-0.

Councilmember Martin stated it was all good news. She stated shame on all of them for not picking up on that. She stated that she read through it but assumed that we didn't have anything in place because they have been talking about it for so long. She stated that there was obviously little to no enforcement if this is the code. She stated that tonight was not just about plastics. Regarding the plastics, she almost cried when she saw all that garbage. She stated that it passes through her hands all the time, but when they see it like that, she almost cried for tears of joy because of all the passion that was present behind this. She commended Alejandra for taking the initiative and talking to people at the Eco-Fest and gathering signatures. She stated that there are other community members who have reached out. She stated that, because of the buzz around plastic straws in particular, there was a lot of counter arguments, and one was that only 1% of the ocean plastic comes from straws. She stated that, as Tygarjas mentioned, it starts somewhere. She stated that Alejandra gave the statistics today on plastic bag ban and she stated that it has to start somewhere and 1% today is not 1% in a few years. She supported a single use plastic ban and she thinks that, if they revise some of the existing code it almost covers it. She felt it was about marketing and there will need to be marketing money to spend. She stated that there are still some places in Pacifica that use single use plastic bags and some who still use Styrofoam takeouts. She felt it was up to us as a community to be good stewards and remind them in a friendly way about our city code. She thought the section of 6-5.403 covers plastic straws, lids on coffee cups and utensils and plastic stirrers. She stated that Starbucks put the little stirrers in the plastic lids. She mentioned that you can't get away from straws, and they also put lids on it. She stated she was trying to teach her child that they don't need straws and it starts with us. She has other comments on the other parts of the presentation, mention of Taco Bell, and conditions at shopping centers.

Councilmember O'Neill stated that he had no problem banning plastic straws. He would like to adopt San Mateo County's ordinance so they have some uniformity with the county, adding that the state law comes in also. He would also say that, if Taco Bell is going to get a liquor license which was his understanding of a cantina, now might be a good time for the city to send a letter to the Alcoholic Beverage Control that they want it served in paper cups. He thought, if they are requesting a license, that's when you can actually do something. He knew when they went through the garbage can thing they discovered that a condition of their operating permit was that they had to have garbage cans and if the operating permit we have requires garbage cans, he asked how they can get rid of them if it is a cantina. He asked if those requirements would need to be in the new version of beer and wine or do they have to get a new operating permit from the city.

City Attorney Kenyon stated that they would be bound by whatever regulations we have in place.

Councilmember O'Neill stated that according to one of the speakers what Taco Bell did was got rid of the garbage cans that they had already and they were planning on getting rid of them when it was a cantina. He stated that, even though it is now a cantina serving beer and wine, he assumed they are still going to be bound by the original permit.

City Attorney Kenyon responded affirmatively.

Mayor Keener asked if Planning Director Wehrmeister could talk about which permits they have and will need as his understanding was that they will need a new permit. They have an alcohol permit already but it was only for inside. He thought they will have to get a new use permit from the Planning Commission in order to serve alcohol on their deck.

Planning Director Wehrmeister stated that the history of the permitting is that in the 1970s, there was a use permit and site development permit for a restaurant to go there, including the back deck. It was not Taco Bell at that time and Taco Bell took over in the 1980s under those permits. At some point after Taco Bell took over, they started to use the outdoor deck for outdoor dining, and at some point there was the pass through window. She stated that, under the ordinance, any outdoor use in a commercial zone needs a use permit. They did not get a use permit for the outdoor dining. They have requested from the city a use permit to legalize their outdoor dining. She stated that separately they have applied for ABC license for alcohol sales. She stated that the code permits bars in the zone in which it is located and it is not an issue of use for the alcohol permits but just reviewing the ABC license. At the time that the first ABC license came through, the Chief of Police requested that ABC conditioned the license to not allow alcohol sales on the deck and he can explain his concerns. She stated that they are now seeking to legalize outdoor dining and they intend to re-request that ABC reconsider that condition on the outdoor consumption of alcohol. She hoped she was clear.

Mayor Keener stated that she was a lot clearer than he was.

Planning Director Wehrmeister stated regarding the garbage can question, the original permit from the 1970s does not have a specific condition about how many garbage cans you can have and there is no requirement that she is aware of that if it is a cantina you cannot have outdoor garbage. She has never heard of that before and she wasn't sure that it was a corporate requirement of Taco Bell cantina. She stated that the requirement in the Municipal Code, absent of a condition of approval for which this is the case, is that the site needs to keep itself clear of litter and they can do it in a number of ways, such as an employee posted out there picking up litter or they can put out garbage cans so their customers can throw away their garbage properly. When they do not take care of their litter problem, that was when code enforcement can get involved and they need to take steps to control their litter.

Mayor Keener asked, since they have to apply for a use permit to serve food outdoors on the deck, if that can be conditioned with garbage cans.

Planning Director Wehrmeister responded affirmatively.

Councilmember O'Neill stated that, if they are going to be asking on the deck, should there be some requirement, since the wind will blow and the paper will be there, for a screen type of thing. He thought it was a railing and open. He stated that the papers will get caught and blow on the beach and he asked if there was a sort of screen.

City Attorney Kenyon stated that this was probably not an appropriate discussion for this study session item. She asked that they not discuss the particulars of a permit that may or may not come before the Council.

Councilmember O'Neill asked if it was possible for Council to have some sort of fast food fee to cover the litter. He stated that most of the garbage is probably from the Subways, McDonald's,

Starbucks, Taco Bell, and the money can be used for garbage clean up citywide.

City Attorney Kenyon stated that there was an option in the staff report about an excise tax which would require a vote of the people. She mentioned that the staff report refers to the Oakland fee, as well as the San Francisco fee, and she stated that those fees were adopted prior to Prop. 26 and 2010 which was when Prop. 26 came into effect. Prop. 26 essentially requires all fees, taxes to be put to a vote of the people except for some exceptions under which this would not fall. She thought the only way to impose it is most likely through a vote of the people.

Councilmember O'Neill referred to imposing fireworks fee before Prop 26.

City Attorney Kenyon stated that it was before 2010.

Councilmember O'Neill asked, if they want to raise that, would that require a vote.

City Attorney Kenyon responded affirmatively, then clarified that it will depend, and she will have to look at what the fee is for because if it is a user fee for a service that the city is providing, that is different but if it is a litter tax that would be a tax, not a fee, and will have to be a vote of the people.

Councilmember O'Neill stated that it would be charging a fee for litter that is generated by these businesses. He asked if they are not allowed to charge a fee for the generators that require cleanup.

City Attorney Kenyon stated that the problem will be that they are imposing a fee on business owners that they have categorized assuming they are creating litter and if they are talking about a tax, you don't have to prove that. She stated that, in order to impose a fee, they will need a program that would say they are using our service and what is the service. She stated that, if they are talking about a litter tax, they need to impose a tax for cleanup of litter. She asked how they will know that they are going to be cleaning up litter that business is imposing. She stated that there has to be a closer nexus or connection between a fee that is being imposed on a user of a city service than if they are imposing a tax.

Councilmember O'Neill concluded that she was saying that, unless we go for a vote, they can't charge a fee by reimbursing people for services rendered in cleaning the beach and other spots such as Roberts Road, etc.

City Attorney Kenyon stated that it would be very difficult. She wouldn't say it was impossible, but she has been in contact with other cities looking at this same issue. She stated that Richmond is considering this and have concluded so far that they are going to have to go to a vote of the people in order to impose a litter fee or litter tax. She stated that it was something cities were interested in and since Prop. 26, it has become more difficult to do it without going to a vote of the people.

Councilmember O'Neill asked if paper straws are more expensive than plastic.

Asst. City Manager Hines stated that according to his research paper straws are more expensive.

Councilmember O'Neill asked if they were almost imposing a tax on them by them doing a

paper straw instead of plastic.

City Attorney Kenyon stated that they were not requiring them to pay a certain amount to the city.

Councilmember O'Neill concluded that they can require something that will add to their cost.

City Attorney Kenyon stated that we have numerous regulations which increase costs to property owners and businesses that are not considered to be a fee or a tax but just they have the police power right to adopt ordinances and regulations whose effects may increase costs to residents and property owners.

Councilmember O'Neill asked if they could break it down to a person going into McDonald's or Taco Bell, to get a super sized soda and there was a 25 cents surcharge for litter as a fee instead of a tax.

City Attorney Kenyon stated that it would be the same thing as a tax. She stated that the problem is you don't know that this person is going to be using the service.

Councilmember O'Neill stated that he is at the counter getting a cup full of a liquid.

City Attorney Kenyon asked how you know he is going to create litter with that cup.

Councilmember O'Neill stated that whether it goes in the garbage can or outside it is creating garbage or litter. He stated that he would prefer they model their ordinance after something like the County so as to be uniform with the county for various bans. He also feels they have to phase it in as most of the restaurants are mom and pop. He stated that he didn't know there were 110 restaurants in town.

Mayor Keener stated that he wanted to make one point which is that litter will continue even if they mandate that vendors use disposable cups and straws but it will just be compostable litter which he thought was good. He stated that one goal was to eliminate plastic whether it is plastic that gets thrown in the trash can or thrown on the ground. The other goal which is probably more difficult is to address actual litter.

Councilmember Martin thought they were two separate issues that they need to discuss and she was trying to separating them out, one being plastics and the other is litter issues. She stated she has a whole list and she felt they need to do a time check.

Mayor Keener stated that they are supposed to take a TV break at 11:20 so they can change the tape. He stated that it was 11:11. He asked if they want to take the break early and get it done. He suggested they take a TV break now and asked how long they will need.

TV crew stated three minutes.

Mayor Keener called a brief break then reconvened the meeting.

Mayor pro Tem Vaterlaus stated that it was a huge education process and they need to educate everyone, the restaurants, the people. She doesn't understand how people can litter. She asked how they think throwing something on the ground is okay. She stated that she used to yell at people and got in trouble. She stated that, in Seattle, they have 5,000 restaurants and

they have reduced no plastic straws, no utensils in food service. They charge them \$2.50 and she thinks it is a small fee, too little and they should charge the restaurants more. She stated that they will need to give them time. While she thought they can't do it overnight, they can try. She stated that everyone talked to the Fog-Fest people and they are not going to have any plastic straws or plastic bags. She thought the plastic bag ban went pretty fast and people do it. They don't use plastic bags but it took time and education for people to know it was easier. She stated that they thought there would be big problems using reusable bags but there aren't any problems with it. There aren't problems with reusable straws or reusable bottles but it was education and time. She felt we could do it with our ordinance. She stated that San Mateo doesn't have an ordinance but they could look at the Malibu ordinance.

Councilmember Martin stated that she had her say on the plastic issues, and she had a bunch of stuff on litter but she thought they might need to break this conversation into another night as she has several hearty discussion points. She stated that she would rather focus on plastics at this meeting.

Mayor Keener thought that was more productive.

Councilmember Digre stated that she might be bordering in on the litter issue. She stated that education is a big thing. She stated that you already have to have biodegradable takeaway food things and they said the straws were actually involved on that because at Mazzetti's they don't have straws out. She thought they could write something into permitting laws for new places that their responsibility is to be on top of clean up, but with existing businesses, you can't change the situation. She thought, as mentioned, talking to the Fog-Fest and the city going immediately and approaching people in a conversation type of thing that this is not what we want and we want to protect around beaches and creeks and see how far they get there. She thought, with Taco Bell, they had to push some muscle or did they realize that the city and people were upset with Taco Bell and they didn't want their corporate image to be bad so they shaped up. She would like to go to the quickest way to get things done but if they need to ban, she thought they should.

Mayor Keener liked the idea of modifying section 6-5.403 to be air tight for banning plastics in straws, lids, cups, etc. He stated that there are compostable alternatives. He stated that, even if they do litter, which he didn't think they will solve in this decade, at least it will be compostable litter, not something that will last 500,000 years. He thought the real object was to do something about the plastics and realize that they want to change the composition of their litter. While they would like to eliminate it, he didn't think it was possible. He supported language that makes that section stronger and language that makes the section on eating on premises stronger as well for compostable food ware as well.

Councilmember Martin asked, if they give directions to revise existing ordinances, if it was a revision.

City Attorney Kenyon stated that it was an amendment.

Councilmember Martin stated that then they would pass an amendment to an ordinance.

City Attorney Kenyon stated that all of them have made a point about education and marketing, and staff at that point would then be able to market this amended ordinance which would be more clear on the ban.

Councilmember Martin recommended that, regarding tonight's discussion on plastics, they take what they have said and amend section 6-5.403 to reflect Council's desire to see a ban on single use plastics and suggested replacement with biodegradable materials and a stronger wording around takeout versus on premises.

City Attorney Kenyon concluded to apply to on premise.

Councilmember Martin agreed it would apply to on premise eating.

Mayor Keener stated that it sounds good to him.

Councilmember Martin asked if she has to make a motion or is it a recommended action.

Councilmember O'Neill asked if Styrofoam was considered a plastic or do they need to put Styrofoam.

City Attorney Kenyon stated that they already have a ban on Styrofoam.

Councilmember Martin stated that she can make a motion if they would like.

Mayor Keener stated that they didn't need a motion.

City Attorney Kenyon stated that consensus would be fine.

City Manager Woodhouse stated that one aspect of strengthening is a question to consider. If they are just strengthening the ordinance language or clarifying then does that mean that there is not a phase in period or if it is a new ordinance or ordinance revision, he asked if Council want to consider some sort of phase in period. He stated that they don't have to decide that at this time but when they bring it back, they will want to look at a phase in but Seattle's ten-year phase in period seems pretty long.

Mayor pro Tem Vaterlaus asked if they don't fine them yet, but give them a time period and then they start fining them.

City Manager Woodhouse thought that it would be an enforcement phase in so they can research it.

Mayor Keener stated that they have had eight years of a phase in already in a way. He stated that it turns out that it has been illegal to include plastic straws and lids on takeout items since 2010. He didn't think a phase in is necessary.

Mayor pro Tem Vaterlaus stated that Council didn't know so how do they expect the restaurants to know.

Mayor Keener thought this will get some publicity.

Councilmember O'Neill didn't think them not doing it was malicious. He stated that the mom and pop restaurants need a break. He didn't care about McDonald's but he had a question. He stated that Councilmember Martin's guidance mentioned food service and he asked if that includes the plastic cups from Taco Bell or can they specify biodegradable cups or compostable cups.

Councilmember Martin stated it was for all food vendors.

Councilmember O'Neill concluded that it would include Taco Bell's plastic cups.

Mayor Keener stated that all they have to do is use paper.

Councilmember Martin stated that they don't even need to use straws. They can stop using plastic straws and say paper straws are on back order.

Councilmember O'Neill wanted to be sure they covered the drinks.

Mayor pro Tem Vaterlaus stated that you usually let them go through the supply they have so they can get rid of the supplies they have.

Mayor Keener didn't think they need to have a phase in written into the code. He thought they could have it in enforcement. They go easy on everyone for the first 3-6 months and then after that they start getting a little tougher.

Councilmember Martin had one more suggestion that, when they do the research and they come back with the report, it includes some level of research on the marketing campaign. She stated that there was a really good campaign on Malibu's website such as "what to use instead of this." She stated that it was beautiful and they also have posters and we could put posters around town.

Councilmember Digre thought highlighting those already doing well as there are places that are doing it well and did abide by the original and she thought they should be called out just as they call out the liquor places that do well on how they advertise and take care that under age youth don't get it.

Asst. City Manager Hines stated that the city of Seattle has an excellent brochure and also has a poster attached. It was intended for distribution to all restaurants and explains all the different facets of their ban and they will be happy to bring that back and show Council.

Councilmember Martin stated that she has some other points around litter and the permitting process, conditions at shopping centers, and she didn't want to talk about it tonight, and she asked if they can push it but she felt it was important to talk about it as part of the litter thing.

City Manager Woodhouse thought Council has provided direction about the plastic part at this meeting and they can re-agendize this report and focus on the litter aspects for the next conversation. He stated that they will fit it in appropriately in the next couple of months.

<b>RESULT:</b>	<b>NO VOTE REQUIRED</b>
----------------	-------------------------

**ADJOURN**

Mayor Keener stated that they were going to adjourn in honor of two individuals, one is Gil Ricarte who died yesterday or today and the other is Don Ciucci.

Mayor pro Tem Vaterlaus stated that she was going to read a little bit about him. She stated that Don Ciucci passed away on July 21, 2018. He was a Pacifica resident for 47 years. She stated that he was hired as a Daly City firefighter in 1979 and retired in 2005 as the deputy fire