

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 27, 2021

2:00 PM

City Hall Auditorium

Zero Waste Subcommittee

Commissioner Adrian Hayes-Santos (Chair)
Commissioner Reina Saco (Vice-Chair)
Commissioner Harvey Ward (Member)
Commissioner David Arreola (Member)

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CALL TO ORDER**ROLL CALL****ADOPTION OF THE AGENDA****APPROVAL OF MINUTES**[200854.](#)**Approval of Minutes from the March 30, 2021 Zero Waste Subcommittee Meeting (B)**

RECOMMENDATION *The Zero Waste Subcommittee approve the March 30, 2021 minutes.*

[200854_Minutes_033021_Zero_Waste_20210427](#)

DISCUSSION OF PENDING REFERRALS[200551.](#)**Single Use Plastic Accessories Ordinance Review (B)**

Explanation: On 12/8/2020, Public Works Community Builders presented information about single use plastics in the community to the Zero Waste Subcommittee. At the meeting, the Subcommittee requested information on ordinances and policies to reduce the use of single use accessories.

On 1/19/2021, there was a presentation on what other communities around the country were doing to reduce the use of single use accessories. The Subcommittee requested that Community Builders return with options to address the issue.

On 3/30/2021, there was presentation on options for ordinance language for accessories on request.

Community Builders will present a draft ordinance for comment before referring to the City Attorney for final draft.

Fiscal Note: There is no fiscal impact with this item.

RECOMMENDATION *The Zero Waste Subcommittee: 1) discuss draft ordinance; and 2) provide direction as appropriate.*

Legislative History

12/8/20	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)
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1/19/21	Zero Waste Subcommittee	Approved as shown above (See Motion)
3/2/21	Zero Waste Subcommittee	Approved as shown above (See Motion)
3/30/21	Zero Waste Subcommittee	Approved as shown above (See Motion)

[200551B Plastic Straw Ordinance Biodegradable Straw Revision 20201208](#)

[200551C Berkely Food Ware Ordinance 20201208](#)

[200551D FL Model EPS Ordinance 20201208](#)

[200551E FLL PS Ordinance 20201208](#)

[200551A SubCommittee Single Use Plastics 20201208](#)

[200551F LA Times Plastic Bottle Article 20201208](#)

[200551G NYC Plastic Bottle Ban 20201208](#)

[200551H Polystyrene & Plastic Bags 1.2.2020 12.08.20](#)

[200551A BerkelyMunicipal Code Single Use Ord 7639 20210119](#)

[200551B Martin County-CA drafted Reusable Ord Ch 7-25 20210119](#)

[200551C Sub Committee Accessories 20210119](#)

[200551D SF Ordinance-SingleUse File No 181004 20210119](#)

[200551M Sub Committee Glitter & Plastic Confetti updated 2-23-2021 2021 04 13](#)

[200551N SubCommittee Accessories upon request 2021 3-30](#)

[200551O Ordinance prohibiting expanded polystyrene containers 2021 04 13](#)

[200551P Ordinance prohibiting expanded polystyrene containers 2021 04 27](#)

201134.

Policies Regulating Polystyrene on City Property (NB)

Explanation: Public Works Community Builders gave a presentation on prohibiting polystyrene on city property. At a meeting in December 2020, the Zero Waste Subcommittee directed staff to move forward with revising the Purchasing Policy and Real Estate Policy to prohibit polystyrene. A draft ordinance banning single use plastic and polystyrene products has been presented as a separate agenda item.

State law preempts municipalities from banning polystyrene citywide, but does allow cities to regulate polystyrene on city property. There is a broader statutory preemption for single use plastic bags. The City Attorney's office recommends that the only rule regarding plastic bags be for direct purchases by the City, such as bags handed out at promotional events. The City cannot regulate or impose a rule for plastic bag use by third parties. In sum, the Purchasing Policy can be revised to state that for direct purchases of containers and bags, such as food containers at the golf course, polystyrene and single use plastic bags shall not be purchased.

Additionally, the Purchasing Policy can be revised to state that a contract

shall not be awarded to a food and beverage provider who uses polystyrene and add a term to the contract prohibiting polystyrene use in the performance of the contract. Staff recommends that only contractors whose primary function is to provide food and beverages be banned from bringing polystyrene onto city property because the food and beverage provider is the largest generator of the polystyrene. Staff does not recommend punishing the consumer (i.e. employees of all contractors). If the policy were to ban all contractors and their employees, the city should also prohibit city employees from bringing polystyrene onto city property because these categories of people are similar and the justification for regulating them would be the same.

A violation of a contract term would be considered a breach of contract. The responsibility to enforce the contract would be that of the staff overseeing the contract. The Zero Waste Subcommittee should consider whether it is willing to declare a breach of contract for violation (damages or termination) of the polystyrene ban when doing so might thwart other city goals, such as awarding and maintaining contracts with small and minority businesses or getting a project completed. If the party to the contract is a sole source, staff might not want to terminate a contract for a violation of the polystyrene ban. The Committee should also consider whether there ought to be exceptions for food and beverage contractors during emergencies, such as providing food to road crews after a severe weather event.

Staff recommends that a requirement be added to the Real Estate Policy that lessees who provide food and beverages are prohibited from using polystyrene containers. This requirement can be added as a lease term and enforceable either by damages or by termination of the lease.

Fiscal Note: There is no fiscal impact with this item.

RECOMMENDATION

The Zero Waste Subcommittee: 1) discuss proposed policy changes; 2) hear comments from staff; and 3) provide direction as appropriate.

[201138.](#)

Discussion of the Data Analysis: Solid Waste Service Usage Report (B)

RECOMMENDATION

The Zero Waste Subcommittee review and discuss the Data Analysis: Solid Waste Service Usage report.

[201138 DataAnalysis SolidWaste 3.11.2021 20210427](#)

MEMBER COMMENT

NEXT MEETING DATE

May 11, 2021

ADJOURNMENT