



Agenda Report

August 24, 2020

TO: Honorable Mayor and City Council

FROM: City Manager

SUBJECT: ADOPT A RESOLUTION OF THE CITY COUNCIL CANCELLING THE CITY MANAGER'S FOURTH SUPPLEMENT TO THE DECLARATION OF A LOCAL EMERGENCY AND AUTHORIZING THE CITY MANAGER TO REINSTATE PROVISIONS OF THE PASADENA MUNICIPAL CODE BANNING PLASTIC CARRYOUT BAGS

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), the Common Sense Exemption that CEQA only applies to projects that may have an effect on the environment; and
2. Direct the City Manager to reinstate the requirements set forth in the Pasadena Municipal Code banning plastic carryout bags; and
3. Adopt a Resolution of the City Council of the City of Pasadena Cancelling the City Manager's Fourth Supplement to the Declaration of a Local Emergency and Reinstating the Provisions of the Pasadena Municipal Code Banning to Plastic Carryout Bags.

BACKGROUND:

On May 4, 2020, the City Council adopted a resolution ratifying the City Manager's Fourth Supplement to the Declaration of a Local Emergency and authorizing the City Manager to suspend provisions of the Pasadena Municipal Code related to plastic carryout bags. This followed a similar action by Governor Newsom to suspend the State's ban on plastic carryout bags. As the pandemic continues and the local emergency extends into its 6 month, the State's temporary suspension has now expired and the ban on these plastic bags is back in place at the State level. Before its suspension, Pasadena prohibited the use of plastic carryout bags and requires a ten cent (\$.10) charge for paper carryout bags in Pasadena Municipal Code Section 8.65

(Plastic Carryout Bags). Pasadena's ordinance was not pre-empted by State Law on this issue, thus Pasadena had to act separately when it wished to suspend its ordinance and now must act separately if it wishes to reinstate its ordinance.

Therefore it is recommended that the City Council direct the City Manager to reinstate the requirements of the PMC banning plastic carryout bags. Assuming that were to occur, the Council could then adopt the resolution reinstating the provisions of the PMC that banned plastic carryout bags.

COUNCIL POLICY CONSIDERATION:

This proposed action would reinstate the City's adopted ordinance to ban plastic carryout bags.

ENVIRONMENTAL ANALYSIS:

The action proposed herein is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the Common Sense Exemption that CEQA only applies to projects that may have an effect on the environment. The reinstating of a plastic carryout ban that was only temporarily suspended, and was previously studied in compliance with CEQA, would not have an effect on the environment.

FISCAL IMPACT:

Approval of the staff recommendation will have no direct fiscal impact on the City's General Fund.

Respectfully submitted,



STEVE MERMELL
City Manager