

Plastic foam ban passes; sales tax special election date set

City workers will begin notifying retailers that the plastic foam containers are not to be used under most circumstances after July 1. Also, council approves a special spring election to possibly implement a half-cent local sales tax.

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Plastic foam cups, coffee lids and clamshell to-go boxes will soon join smoking on the beach as prohibited in Malibu. By a 4-1 vote Monday night, the city council set a July 1 ban on most foam food containers and lids from the city's grocery stores, fast food outlets and coffee shops.

And despite earlier opposition from the local Chamber of Commerce, not one Malibu business appeared before the city council Monday night to denounce the ordinance. Opposition was left to a handful of industry lobbyists from as far away as Washington, who assailed the ban as anti-choice and counterproductive. Their arguments failed in the near unanimous vote, with Councilmember Jeff Jennings the lone dissenter.

City workers will begin notifying retailers that the foam containers are not to be used under most circumstances after July 1, said City Manager Katie Lichtig. Some outlets, such as the Malibu McDonald's, have already phased out nearly all polystyrene packaging, with coffee and soda lids remaining on the soon-to-be-banned list.

In other action, the council approved a special spring election to possibly implement a half-cent local sales tax. The council also decided to begin setting up a separate legal organization, such as a foundation, to begin fundraising to buy land for a local educational, cultural and arts facility.

The plastic foam ordinance will make Malibu one of the first places in the world to largely ban the material. Some uses will be exempted, such as products that are wrapped before arriving in Malibu, like prepackaged supermarket meat or dehydrated soups. Ice chests made of plastic foam are also allowed. Retailers or restaurateurs who cannot find a suitable substitute packaging can apply for exemptions from the ordinance, which may be necessary for coffee or soda lids.

"We're interested in how you will prevent burns and scalding," said David B. Jolly, a regional manager for cup manufacturer Dart Container Corp. of San Diego. He used a vacuum bottle filled with hot water to demonstrate the superior insulating properties of a foam cup over a paper cup.

Industry lobbyist Michael Levy, executive director of the American Plastics Institute in Washington, said polystyrene cups use less energy and break down faster than wax-lined paper cups.

But council members cited firsthand anecdotal evidence along the beach that foam cups linger longer than waxed paper cups. Mayor Sharon Barovsky said paper cups left on the beach in front of her house disintegrate in days, while foam cups last much longer.

"The fact that no local restaurant chose to speak shows that there's not a lot of opposition to this," said Councilmember Pamela Conley Ulich.

Jennings cast the lone vote against the foam ban, countering that "prohibiting some sort of act should always be the very last step that we take. Too often in the City of Malibu, it's the first step that we take."

Jennings also cast the lone dissenting vote against a proposed special election to allow voters to decide on increasing the sales tax by one-half cent per dollar, with the money earmarked to improve Malibu. The two-term councilman said he was averse to spending \$50,000 for a special election next spring, rather than waiting until the next citywide election a few months later.

"The only real reason to do this is to hope that the turnout will be so low that a handful of activists could vote for it," Jennings said. He noted that a 67 percent approval would have to be obtained for the tax to pass at a special election, but the tax could pass with a simple majority at a regular election just a few weeks later.

But the other council members noted that the tax proposal had been requested by a broad spectrum of civic leaders, who banded together independent of city government, and who normally disagree on development, property rights and other contentious Malibu issues. "This is a tax that many people have asked for," said Councilmember Andy Stern, "and sooner rather than later."

"The request for this tax is being generated by people coming together, people who don't generally have a beer together," Barovsky said. The half-cent tax would add 25 cents tax to a \$50 dinner tab, and \$200 to the purchase of a \$40,000 car, even if the car were purchased in another city. Although a regular election is scheduled for April, the special election will take place at an undetermined date before that. Persons wishing to file comments in favor or against the proposed tax hike, for inclusion in the official ballot, have a March 14 deadline at the city clerk's office.

The council also took the first steps to create some sort of separate legal agency to raise private money to build a civic arts, cultural and education center. Barovsky said she and Stern had recently met with a major philanthropist who told them to set firm goals and objectives, including a site, to begin raising as much as \$10 million from the private community. Barovsky said this money could be used in conjunction with Proposition S bond money controlled by Santa Monica College for some type of joint facility in the Civic Center area, freeing up college funds for recreational facilities in Malibu.