

**GRANDVIEW CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, MAY 14, 2019**



REGULAR MEETING – 7:00 PM

PAGE

- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS**
 - A. The American Legion – Placement of Little Free Library at Community Center 1
- 4. PUBLIC COMMENT** – At this time, the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
- 5. CONSENT AGENDA** – Items on the Consent Agenda will be voted on together by the Council, unless a Councilmember requests that items be removed from the Consent Agenda and discussed and voted upon separately. An item removed from the Consent Agenda will be placed under Unfinished and New Business.
 - A. Minutes of the April 23, 2019 Committee-of-the-Whole meeting 2-4
 - B. Minutes of the April 23, 2019 Council meeting 5-8
 - C. Payroll Check Nos. 10932-10964 in the amount of \$30,958.28
 - D. Payroll Electronic Fund Transfers (EFT) Nos. 60100-60105 in the amount of \$93,231.96
 - E. Payroll Direct Deposit 4/16/19-4/30/19 in the amount of \$108,534.39
 - F. Claim Check Nos. 117494-117620 in the amount of \$390,174.76
- 6. ACTIVE AGENDA** – Notice: Items discussed at the 6:00 pm Committee-of-the-Whole meeting of an urgent or time sensitive nature may be added to the active agenda pursuant to City Council Procedures Manual Section 3.18(c).
 - A. Ordinance No. 2019-6 amending the 2019 Annual Budget 9-10
 - B. Ordinance No. 2019-7 prohibiting the distribution of plastic straws and polystyrene-based food containers and requiring retail establishments to collect a pass-through charge from customers for the distribution of plastic bags, and adding a new chapter to the Grandview Municipal Code entitled 8.44–Carryout Bag and Food Container Regulation 11-16
- 7. UNFINISHED AND NEW BUSINESS**
- 8. CITY ADMINISTRATOR AND/OR STAFF REPORTS**
- 9. MAYOR & COUNCILMEMBER REPORTS**
- 10. ADJOURNMENT**

**THE
AMERICAN
LEGION**



FRED E. HAYES POST 57* P.O. BOX 56 * GRANDVIEW, WASHINGTON 98930-0056*
(509) 882-1984 * FAX (509) 882-0415*
WWW.WALEGION57.ORG

April 9, 2019

Mayor Gloria Mendoza
City of Grandview
207 W 2nd St
Grandview WA 98930

RE: Placement of Little Free Library at Grandview Community Center

Dear Mayor Mendoza:

Our Post is seeking permission to install a "Little Free Library" outside the entrance to Grandview Community Center.

This small box would be part of the larger Little Free Library program (<https://littlefreelibrary.org/>) and unlike two other similar boxes installed in Grandview, would be chartered and registered with that program. As such, it would appear in a registry of Little Free Library locations around the world and would appear on a map, driving visitors to the location. Our primary interest is to serve the visitors to and users of the Community Center.

The American Legion will serve as the registered steward of the box, assuring a selection of suitable books are always available and discarding unsuitable material. The Legion will also maintain the box, so there is no burden to the City or staff. It will be placed in a manner not to impede pedestrian traffic or access.

We consider this project to be a service to our community and the citizens of Grandview.

Thank you for your attention to this request. We will await the permission of the City before proceeding with the project.

FOR GOD AND COUNTRY


Robert G. Gates - Commander

*AMERICA'S VETERANS SERVICE ORGANIZATION - SERVING GRANDVIEW AND THE LOWER YAKIMA VALLEY SINCE OCTOBER 13, 1919.
WE ARE WAR-TIME VETERANS AND MILITARY MEMBERS DEDICATED TO A STRONG NATIONAL SECURITY; COMPASSIONATE CARE FOR VETERANS AND THEIR FAMILIES;
COMMUNITY SERVICE; AND THE WHOLESOME DEVELOPMENT OF OUR NATION'S YOUTH.
PROUD MEMBER OF THE GRANDVIEW CHAMBER OF COMMERCE*

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
APRIL 23, 2019**

1. CALL TO ORDER

Mayor Gloria Mendoza called the Committee-of-the-Whole meeting to order at 6:00 p.m., in the Council Chambers at City Hall.

2. ROLL CALL

Present were: Mayor Mendoza and Councilmembers Gay Brewer, David Diaz, Mike Everett, Bill Moore and Javier Rodriguez.

Councilmember Diana Jennings arrived at 6:10 p.m.

Absent was Councilmember Joan Souders.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray and City Clerk Anita Palacios.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

On motion by Councilmember Everett, second by Councilmember Moore, Council agreed to conduct tonight's C.O.W. and Council meetings until 8:30 p.m., and any items not addressed would be scheduled for a special meeting on Tuesday, April 30, 2019.

A. Hotel Feasibility Study – Casey Kidd, NaviRetail

Present on behalf of the Port of Grandview were Commissioners Jim Sewell, Richard Shenyer and Frank Lyall.

Casey Kidd with NaviRetail presented the Hotel Feasibility Study prepared by HVS Consulting & Valuation for a proposed limited-service hotel in Grandview.

The Feasibility Analysis chapter of the report converted the cash flows into a net present value indication assuming set-forth debt and equity requirements. The conclusion of this analysis indicated that an equity investor contributing \$2,376,000 (roughly 35% of the \$6,800,000 development cost) could expect to receive a 5.0% internal rate of return over a ten-year holding period, assuming that the investor obtains financing at the time of the project's completion at the loan-to-value ratio and interest rate set forth. Based on market analysis, there was not sufficient market support for the proposed limited-service hotel. Review of investor surveys indicated equity returns ranging from 12.7% to 26.1%, with an average of 18.8%. Based on market parameters, the calculated return to the equity investor, 5.0%, was below the average and the range of market-level returns given the anticipated cost to build a hotel of this type, estimated to be approximately \$6,800,000. In order for a project of this type to be feasible, it would need the support of the City and/or County government via incentives to help offset the construction cost. These incentives could include (but were not limited to) property tax exemptions, providing the land at no cost, waiving the development and impact fees, and providing discounted or free

utilities connections. In addition, Grandview would need to attract more local employers, particularly employers that utilize overnight lodging, for a hotel of this type to remain successful in the long term.

Discussion took place. No action was taken.

B. Hotel/Motel Taxes to Chamber of Commerce

City Treasurer Cordary explained that the City received the accounting of the Chamber of Commerce's 2018 tourism expenditures of the Hotel/Motel taxes remitted in and prior to 2018. Review of the expenditures included cancelled checks written on the Chamber's account and corresponding invoices for services or materials. The 2018 expenses claimed by the Chamber were \$1,788.78. City of Grandview Resolution No. 87-15, paragraph 3 Records states "*The Chamber shall keep and provide all copies of any and all records, receipts, lists, descriptions and itemizations of expenses involved in the Chamber's activities in promoting and advertising the City of Grandview and encouraging tourism expansion upon request by the City.*" There was sufficient evidence of invoice support for all checks written on the tourism account. Expenses for 2018 were consistent with recent prior years. Based on review of the Chamber records, the Chamber was due the Hotel/Motel Taxes receipted by the City during 2018. That amount was \$1,761.72, to be processed by a Treasurer's check after Council's approval at the April 23, 2019 Committee-of-the-Whole meeting.

Discussion took place and Council approved the hotel/motel tax payment to the Chamber of Commerce in the amount of \$1,761.72.

5. RECESS & RECONVENE OF C.O.W. MEETING

On motion by Councilmember Everett, second by Councilmember Moore, the Council recessed the Committee-of-the-Whole meeting at 7:00 p.m., to reconvene following the regular Council meeting.

On motion by Councilmember Moore, second by Councilmember Diaz, the Council reconvened the Committee-of-the-Whole meeting to discuss the following items at 7:30 p.m.

C. Ordinance amending the 2019 Annual Budget

City Treasurer Cordray explained that staff monitoring and review of fund and department budgets identified a few budget accounts to be amended. An ordinance would be prepared to provide for the amending of the 2019 Annual Budget to accommodate the changes in sources and uses. By Fund the highlights of the budget changes were:

- **Street Fund:** Increased appropriations for Overtime and Repairs & Maintenance in Snow and Ice Control. Net effect was a decrease in estimated ending fund balance.
- **Transportation Benefit District Fund:** Increased appropriations for Wine Country Road Resurfacing – E. Stover to I-82 Ramp project. Net effect was a decrease in estimated ending fund balance.
- **Capital Improvement Fund:** Increased appropriations for museum roof. Net effect was a decrease in estimated ending fund balance.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Jennings, the C.O.W. moved an ordinance amending the 2019 Annual Budget to the May 14, 2019 regular Council meeting for consideration.

D. Ordinance prohibiting the distribution of plastic straws and polystyrene-based food containers and requiring retail establishments to collect a pass-through charge from customers for the distribution of plastic bags, and adding a new chapter to the Grandview Municipal Code entitled 8.44–Carryout Bag and Food Container Regulation

At the January 22, 2019 C.O.W. meeting, the C.O.W. tabled an ordinance prohibiting the distribution of plastic straws and polystyrene-based food containers and requiring retail establishments to collect a pass-through charge from customers for the distribution of plastic bags, and adding a new chapter to the Grandview Municipal Code entitled 8.44–Carryout Bag and Food Container Regulation to the February 26, 2019 C.O.W. meeting for further consideration. At the February 26, 2019 C.O.W. meeting, the C.O.W. tabled said ordinance to the April 23, 2019 C.O.W. meeting for further consideration.

Councilmember Everett reiterated his position on the issue that the ordinance would not solve the problems of waste in the world, but would be a small step in making individuals aware of the problem.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved an ordinance prohibiting the distribution of plastic straws and polystyrene-based food containers and requiring retail establishments to collect a pass-through charge from customers for the distribution of plastic bags, and adding a new chapter to the Grandview Municipal Code entitled 8.44–Carryout Bag and Food Container Regulation to the May 14, 2019 regular Council meeting for consideration.

Councilmember Brewer voted in opposition.

6. OTHER BUSINESS – None

7. ADJOURNMENT

The C.O.W. meeting adjourned at 7:50 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 23, 2019**

1. CALL TO ORDER

Mayor Gloria Mendoza called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Mendoza and Councilmembers Gay Brewer, David Diaz, Mike Everett, Diana Jennings, Bill Moore, Javier Rodriguez.

Councilmember Joan Souders was absent.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council excused Councilmember Souders from the meeting.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller and City Clerk Anita Palacios.

2. PLEDGE OF ALLEGIANCE

Councilmember Moore led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT – None

5. CONSENT AGENDA

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council approved the Consent Agenda consisting of the following:

- A. Minutes of the April 9, 2019 Committee-of-the-Whole meeting**
- B. Minutes of the April 9, 2019 Council meeting**
- C. Payroll Check Nos. 10913-10931 in the amount of \$93,211.00**
- D. Payroll Electronic Fund Transfers (EFT) Nos. 60095-60099 in the amount of \$82,142.10**
- E. Payroll Direct Deposit 4/1/19-4/15/19 in the amount of \$106,135.26**
- F. Claim Check Nos. 117404-117493 in the amount of \$263,876.02**

6. ACTIVE AGENDA

- A. Resolution No. 2019-15 accepting the bid for the Museum Building Reroof and authorizing the Mayor to sign all contract documents with Bestebreur Brothers Construction, Inc.**

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Brewer, second by Councilmember Rodriguez, Council approved Resolution No. 2019-15 accepting the bid for the Museum Building Reroof and

authorizing the Mayor to sign all contract documents with Bestebreur Brothers Construction, Inc.

B. Resolution No. 2019-16 authorizing the Mayor to sign the Washington State Transportation Improvement Board Complete Streets Award Grant Agreement

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Everett, Council approved Resolution No. 2019-16 authorizing the Mayor to sign the Washington State Transportation Improvement Board Complete Streets Award Grant Agreement.

C. Resolution No. 2019-17 authorizing the Mayor to sign the 2019 Yakima County Technology Services Interlocal Agreement

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Jennings, second by Councilmember Diaz, Council approved Resolution No. 2019-17 authorizing the Mayor to sign the 2019 Yakima County Technology Services Interlocal Agreement.

D. Resolution No. 2019-18 declaring certain City property from the Police Department as surplus and authorizing disposal

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Jennings, Council approved Resolution No. 2019-18 declaring certain City property from the Police Department as surplus and authorizing disposal.

E. Ordinance No. 2019-5 amending Section 8.24.010 and Section 8.24.020 of the Grandview Municipal Code to establish that producing or processing marijuana or marijuana-infused products, or the storage or growing of marijuana plants where any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit is a public nuisance

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council approved Ordinance No. 2019-5 amending Section 8.24.010 and Section 8.24.020 of the Grandview Municipal Code to establish that producing or processing marijuana or marijuana-infused products, or the storage or growing of marijuana plants where any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit is a public nuisance.

Councilmembers Brewer and Everett voted in opposition.

F. **Resolution No. 2019-19 amending the Council Procedure Manual to reflect that regular meetings of the City Council consist of a 6:00 p.m. committee meeting and a 7:00 p.m. business meeting on the second and fourth Tuesday of each month**

This item was previously discussed at the April 9, 2019 C.O.W. meeting.

On motion by Councilmember Everett, second by Councilmember Rodriguez, Council approved Resolution No. 2019-19 amending the Council Procedure Manual to reflect that regular meetings of the City Council consist of a 6:00 p.m. committee meeting and a 7:00 p.m. business meeting on the second and fourth Tuesday of each month.

Councilmember Brewer voted in opposition.

7. **UNFINISHED AND NEW BUSINESS** – None

8. **CITY ADMINISTRATOR AND/OR STAFF REPORTS**

WWTP Process Upset – The City was experiencing upset conditions at the Wastewater Treatment Plant since April 12th. The upset was causing excessive floating sludge and scum in the aeration basin. Staff was working with the City Engineer to determine and remedy the situation. Staff would be investigating industries and other possible sources which may have overloaded the plant and/or introduced excessive soap into the system.

Retail Real Estate Convention – City Administrator Arteaga reported that Mayor Mendoza and himself would be attending the Retail Real Estate Convention in Las Vegas on May 19-22, 2019.

9. **MAYOR & COUNCILMEMBER REPORTS**

YVCOG General Membership Meeting – Councilmember Moore reported that the Yakima Valley Conference of Governments General Membership meeting was scheduled for May 15th in Union Gap.

New Councilmember Orientation – Councilmember Diaz reported that City Administrator Arteaga provided him with a new Councilmember orientation.

New High School Construction Tour – Councilmember Moore reported that School Board President Dale Burgeson would like to organize a tour of the new high school construction for the Mayor and City Council.

Coffee with the Mayor & Cop – Mayor Mendoza reported that Coffee with the Mayor & Cop (Police Chief Fuller) would be held on May 9th at Gloria Casa de Vino.

Budget Retreat – Councilmember Everett requested that a budget retreat be scheduled during the month of July.

Retail Recruitment Town Hall Meeting – Mayor Mendoza reported that a town hall meeting regarding retail recruitment would be held during the month of August.

10. **ADJOURNMENT**

On motion by Councilmember Moore, second by Councilmember Diaz, Council adjourned the regular meeting at 7:30 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

ORDINANCE NO. 2019-6

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
AMENDING THE 2019 ANNUAL BUDGET**

WHEREAS, the original 2019 estimated beginning fund balances and revenues do not reflect available budget sources; and

WHEREAS, there are necessary and desired changes in uses and expenditure levels in the funds; and

WHEREAS, there are sufficient sources within the funds to meet the anticipated expenditures.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANDVIEW, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. That the 2019 annual budget be amended to reflect the changes presented in Exhibit A.

Section 2. That the City Administrator is authorized and directed to adjust estimated revenues, expenditures and fund balances reflecting the determined changes.

Section 3. This Ordinance shall be in full force and effect five (5) day after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on May 14, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 5/15/19
EFFECTIVE: 5/20/19

Exhibit A

	Beginning Balance	Estimated Revenues	Appropriated Expenditures	Ending Balance	Budget Total
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Street Fund

Original 2019 Budget	117,620	1,115,800	976,470	256,950	1,233,420
Amendment Amount			138,000	(138,000)	-
Amended Total	117,620	1,115,800	1,114,470	118,950	1,233,420

TBD Fund

Original 2019 Budget	260,060	183,600	113,095	330,565	443,660
Amendment Amount			130,000	(130,000)	-
Amended Total	260,060	183,600	243,095	200,565	443,660

Capital Improvement Fund

Original 2019 Budget	109,910	91,000	128,000	72,910	200,910
Amendment Amount			12,000	(12,000)	-
Amended Total	109,910	91,000	140,000	60,910	200,910

ORDINANCE NO. 2019-7

**AN ORDINANCE OF THE CITY GRANDVIEW, WASHINGTON,
PROHIBITING THE DISTRIBUTION OF PLASTIC STRAWS AND POLYSTYRENE-
BASED FOOD CONTAINERS AND REQUIRING RETAIL ESTABLISHMENTS TO
COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS FOR THE
DISTRIBUTION OF PLASTIC BAGS, AND ADDING A NEW CHAPTER TO THE
GRANDVIEW MUNICIPAL CODE ENTITLED 8.44 – CARRYOUT BAG AND FOOD
CONTAINER REGULATION**

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(4) found that it is “necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city and county governments “to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies”; and

WHEREAS, it is the City’s desire to implement effective waste reduction strategies, conserve resources, reduce greenhouse gas emissions, waste, litter and pollution, and to protect the public health and welfare; and

WHEREAS, there is a need for conserving energy and natural resources, controlling litter, and decreasing reliance on plastic straws, polystyrene-based food containers and on plastic carryout bags provided by retail establishments; and

WHEREAS, to reduce the use of plastic straws, polystyrene-based food containers and plastic carryout bags in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Grandview to prohibit the distribution of plastic straws and polystyrene-based food containers, and to impose a pass-through charge on the use of plastic carryout bags in order to encourage greater use of reusable bags, in order to reduce the cost of solid waste disposal by the City, and to protect the environment;

NOW, THEREFORE, the City Council of the City of Grandview, Washington do hereby ordain as follows:

Section 1. A new Chapter entitled: "8.44 – Carryout Bag and Food Container Regulation" is hereby added to the Grandview City Code to read as follows:

Sections

8.44.020 Purpose.

8.44.040 Definitions.

8.44.060 Carryout bag regulations.

8.44.080 Required signage for retail establishments.

8.44.100 Distribution of Plastic Straws Prohibited.

8.44.120 Distribution of Polystyrene-based Disposable Food Service Ware Prohibited.

8.44.140 Compliance and penalties.

8.44.020 Purpose.

The purpose of this chapter is to encourage the use of reusable bags and to prohibit the distribution of plastic straws and polystyrene-based disposable food service ware within the City so as to reduce litter in the City and the City's waterways, and to also reduce the number of single-use bags and plastic straws and polystyrene-based disposable food service ware in the city's waste stream.

8.44.020 Definitions.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

"Carryout bag" means any bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for use to transport or carry away purchases such as merchandise, goods or food from the retail establishment. Carryout bags do not include:

1. Bags used by consumers inside stores to package bulk items, such as fruit, vegetables, nuts grains, candy, greeting cards or small hardware items such as nails, bolts or screws, contain or wrap frozen foods, meat or fish regardless of whether they are prepackaged, contain or wrap flowers, potted plants or other items where dampness may be a problem, contain unwrapped prepared foods or bakery goods, contain prescription drugs; or

2. A bag used to protect a purchases item from damaging or contaminating other purchased items when placed in a recyclable paper bag or reusable bag, such as prepared take-out foods or prepared liquids intended for consumption away from the retail establishment, or

3. Newspaper bags, door-hanger bags, tire bags, laundry-dry cleaning bags or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yard waste.

"Disposable food service ware" means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded carry-out containers. This does not include straws, utensils, or cup lids nor does it include disposable packaging for unprepared foods.

"Distribution" or to "distribute" means the vending, sale, giving, deployment or delivering for any purpose of a straw or polystyrene-based disposable food service ware, other than as defined herein, whether or not incident to the sale, vending or provision of any kind of beverage in a container. "Distribution" does not include provision of a straw or polystyrene-based disposable food service ware with a beverage or food product on private property used as a residence or by beverages or food products prepared and packaged outside the City, provided such beverage or food product is not altered, packaged or repackaged within the City.

"Food vendor" means any vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level.

"Paper carryout bag" means any carryout bag made from paper.

"Pass-through charge" means a charge to be collected by retailers from their customers when providing plastic carryout bags, and retained by retailers to offset the cost of bags and other costs related to pass-through charge.

"Plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is less than 2.25 mils thick.

"Polystyrene-based Products" means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make items such as cups, bowls, plates, trays, carry-out containers, meat trays and egg cartons.

"Prepared food" means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared. Prepared food does not include eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration.

"Retail establishment" means any person, corporation, partnership, business venture, entertainment facility, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, home décor stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this chapter.

"Reusable bag" means a bag that:

1. Is washable, whether by machine or hand; and
2. If made from plastic, is a minimum of 2.25 mils thick.

"Straw" means a tube for transferring a beverage from its container to the mouth of a drinker by suction.

8.44.060 Carryout bag regulations.

A. Each retail establishment that provides a customer with a plastic carryout bag shall collect a pass-through charge of not less than ten cents for each plastic carryout bag provided.

B. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the plastic carryout bag pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the Washington State Food Assistance Program (FAP).

C. All retail establishments shall indicate on the customer transaction receipt the number of plastic carryout bags provided to customers and the total amount of the pass-through charge.

8.44.080 Required retail establishment signage.

Every retail establishment subject to the collection of the carryout bag fee in this chapter must post signage clearly indicating the per bag charge for carryout bags.

8.44.100 Distribution of Plastic Straws Prohibited.

The distribution of plastic straws within the City is prohibited.

8.44.120 Distribution of Polystyrene-based Disposable Food Service Ware Prohibited.

No food vendor shall distribute polystyrene-based disposable food service ware when providing prepared food.

8.44.140 Compliance and penalties.

A. Upon a first violation of any part of this chapter, the code enforcement officer may issue a notice of violation to the offending person or business. The notice of violation shall contain the date of and alleged type of violation. The notice of violation shall be regarded as a warning and no other sanctions shall be implemented. Notice shall be served upon the premises to the highest ranking employee currently on duty at the time of delivery.

B. If after issuance of a notice of violation the code enforcement officer becomes aware of subsequent noncompliance, he or she has the authority to issue a civil infraction and levy a fine of not less than \$100.00. Any subsequent violation of this chapter shall be designated as a civil infraction. Each day of any such violation is a separate civil infraction; a notice of infraction may be issued for each day of any such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW as amended, and any applicable court rules.

C. It shall be a violation of this chapter for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this chapter.

Section 2. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. This ordinance shall be in full force and effect six (6) months after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting on May 14, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 5/15/19

EFFECTIVE: 11/15/19