

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, June 23, 2015

Rockport City Hall, 622 East Market Street

On the 23rd day of June 2015, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax
Mayor Pro-Tem Pat Rios, Ward 3
Council Member Rusty Day, Ward 1
Council Member J. D. Villa, Ward 2
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Attorney Terry Baiamonte
City Secretary Teresa Valdez
Police Chief Tim Jayroe
Public Works Director Mike Donoho
Finance Director Patty Howard
Information Technology Director Brian Jacobs
Parks & Leisure Services Director Tom Staley

ELECTED OFFICIALS

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, June 23, 2015, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Day led the Pledge of Allegiance.

3. Presentation: Federal Bureau of Investigation National Academy graduate - Nathan Garcia.

Mayor Wax stated the Federal Bureau of Investigation (FBI) National Academy is an intensive 11 week training program for professional police officers. Mayor Wax congratulated City of Rockport Police Lieutenant Nathan Garcia on his graduation from the FBI National Academy. Mayor Wax commended Lieutenant Garcia for his accomplishment and recognized his family for their support and dedication to law enforcement, the City's Police Department and the City of Rockport. Mayor Wax added that Lieutenant Garcia is the third City of Rockport FBI National Academy graduate; Police Chief Tim Jayroe graduated in 1979 and former Patrol Commander Mark Cory graduated in 1999.

4. Citizens to be heard.

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

Connie Garcia addressed the Council. Ms. Garcia stated she owns the business Hidden Treasures in downtown Rockport and there is a huge problem that needs to be corrected; the block that her business is located on seems to be the only block that gets flooded. Ms. Garcia said the drainage is not large enough and the biggest problem is people driving by and taking pictures when there is flooding; this causes a wake and makes more water come into the store. Ms. Garcia stated she had four inches of water in her store during the last large rain event.

Diana Smith Pardue addressed the Council. Ms. Pardue stated she is the co-owner of the business Attitudes & Latitudes. Ms. Pardue said the store has been flooded two times in the last two months. Ms. Pardue expressed that she would like to meet with the City Manager and the Public Works Director and find a solution to the problem. Ms. Pardue requested the street be closed during a flood event.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 5. Deliberate and act on approval of City Council Regular Meeting Minutes of June 9, 2015.**
- 6. Deliberate and act on approval of Interlocal Agreement with Aransas County regarding a proposed 2015-2016 Texas Community Development Block Grant Colonia Construction Fund project to benefit the Smith and Wood colonia and approval of a Resolution in support of Aransas County's application for project funding.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

MOTION: Council Member Villa moved to adopt the Consent Agenda Items as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

Regular Agenda

- 7. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 3404 Highway 35 South; also known as Lot 1, 18.733 acres, Bays of Rockport, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/Motel District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Mayor Wax informed the Council that the Planning & Zoning Commission met last Monday, June 15, 2015, and voted to recommend approval of the rezoning request.

Council Member Day asked if the developer has stated how many units he is planning to build.

Public Works Director Mike Donoho stated the developer representative Brad Coleman has said that he is planning to build a couple of 500 square foot cottages. Mr. Donoho said that there are City codes involving drainage, streets and building requirements that the developer will have to submit with the development plans.

Discussion was held among Council and Mr. Donoho.

MOTION: Council Member Villa moved to table the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 3404 Highway 35 South; also known as Lot 1, 18.733 acres, Bays of Rockport, Rockport, Aransas County, Texas, from R-1 (1st Single-Family Dwelling District) to R-6 (Hotel/ Motel District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date, until the developer submits additional information on the development plans. Council Member Gurtner seconded the motion. Motion carried unanimously.

- 8. Deliberate and act on second reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance; and providing for an effective date, reading, publication and severance.**

Dr. Bill Strong addressed the Council. Dr. Strong stated he has had a home in Rockport for 40 years and plastic bags are not a problem. Dr. Strong said he does not like the idea of someone telling him not to use plastic bags. Dr. Strong added that if you want to dispose of your plastic bags, you can take them to HEB and Walmart.

Lynn Blumenfeld addressed the Council. Ms. Blumenfeld said she lives in Fulton and she is opposed to this ordinance. Ms. Blumenfeld stated the proposed Ordinance would affect all the residents of Aransas County and not just the residents of the City of Rockport, because everyone has to shop at

HEB and Walmart in Rockport. Ms. Blumenfeld added that reusable bags are too heavy for many senior citizens to lift and a plastic bag is just enough for her to pick up and carry into her home.

Bob Austin addressed the Council. Mr. Austin asked: "Why did this even come up"? Mr. Austin said this proposed Ordinance is completely unnecessary. Mr. Austin stated he drove 6.5 miles downtown and found only two (2) plastic bags. Mr. Austin expressed that he felt the citizens and stores would be burdened by this new regulation. Mr. Austin added that he had served 10 years on the Aransas County Clean Team and very seldom were there plastic bags to be picked up.

Phil Salemi addressed the Council. Mr. Salemi stated he is the owner of Ace Hardware and he is opposed to the proposed Ordinance. Mr. Salemi said banning plastic bags is a knee-jerk reaction that has little foundation in a real problem-solving approach. Mr. Salemi added that this knee-jerk reaction will be a knock against the community trying to attract new businesses. Mr. Salemi expressed that passing this Ordinance will make businesses leary to locate in Rockport and that is bad business.

Ruth Davis addressed the Council. Ms. Davis said she is a resident and business owner in Rockport and is a frequent visitor to Hawaii, which has banned plastic bags in 2013. Ms. Davis stated this ban has had no effect on Hawaii's businesses. Ms. Davis urged the Council to make the hard choice and adopt the Ordinance.

Savanna Smith addressed the Council. Ms. Smith stated that passage of this Ordinance would indicate great things about our community. Ms. Smith stated plastic impacts our lives and is not only visual, it affects the environment.

Ginger Easton Smith addressed the Council. Ms. Easton Smith stated this Ordinance is not a ban on all plastic bags, and it is for the common good of our community. Ms. Easton Smith said HEB and Walmart have dealt with bans in other cities and they know how to deal with it here. Ms. Easton Smith added that there is a litter problem in Rockport and some improvement is better than no improvement.

Kam Wagert addressed the Council. Ms. Wagert said the major retailers in Rockport did not know that this Ordinance was being voted upon tonight by the City Council. Ms. Wagert expressed that there should have been some town hall meetings. Ms. Wagert asked if any thought had been given to the impact of this plastic bag ban on the local businesses. Ms. Wagert stated that that a study conducted after a similar ban went into effect in Austin showed the increased cost for businesses and loss of business. Ms. Wagert asked the Council to remember that there is an HEB and Walmart in Aransas Pass where Rockport citizens can go to shop.

Tammy Finstad addressed the Council. Ms. Finstad stated she was the manager of Walmart and she just recently found out about the proposed Ordinance. Ms. Finstad informed the Council that a lot of upset customers have approached her in regard to the proposed plastic bag ban. Ms. Finstad asked whether the Ordinance would ban all forms of plastic bags, because banning single-use plastic bags would affect only a few businesses, or would other businesses such as cleaners be affected as well. Ms. Finstad expressed that she was very disappointed to find out about the proposed Ordinance from Walmart customers and not the City.

Regina Garcia addressed the Council. Ms. Garcia stated she is HEB's Public Affairs Manager for the Coastal Bend area. Ms. Garcia said HEB is involved in programs encouraging the use of reusable bags. Ms. Garcia declared that HEB does not support a single-use bag ban and HEB wants customers to have a choice.

Debra Corpora addressed the Council. Ms. Corpora stated she is the President of the Aransas Bird and Nature Club and said they are supportive of the proposed Ordinance. Ms. Corpora added that she has not received any negative responses from travelling birders to the proposed bag ban.

Carrie Meyer addressed the Council. Ms. Meyer stated she lives on North Beach in Corpus Christi and is President of the North Beach Community Association. Ms. Meyer said the North Beach Community Association is looking for ways to make their neighborhood cleaner and safer. Ms. Meyer added that Rockport has done what makes sense and makes Rockport very inviting, and is moving in the right direction to keep Rockport beautiful.

Ellen Stacy addressed the Council. Ms. Stacy stated she is a bagger at a local store and she knows how many plastic bags are used daily, and all these bags are not being returned to the store so they are in the environment. Ms. Stacy said the long-term benefits of a plastic-bag ban will outweigh the inconvenience.

Mayor Wax stated Barbara Dorf had asked that she not speak before Council, but she wanted the Council to know that she supported the proposed Ordinance.

Shawn Johnston addressed the Council. Ms. Johnston said she spent the weekend in Austin where there is a ban on plastic bags and she chose to shop in areas where such bans were not in effect. Ms. Johnston stated the Council had waited on considering this proposed Ordinance until after the Texas Legislature had completed session. Ms. Johnston added that the Council had previously discussed several proposed Legislative Bills that they considered overreach; this Ordinance would be the same, an overreach of control. Ms. Johnston asked that Council not adopt the proposed Ordinance.

Jacob Johnston addressed the Council. Mr. Johnston stated he opposed the proposed Ordinance.

Gail Johnston addressed the Council. Ms. Johnston stated she has a concern with limiting freedom of choice. Ms. Johnston said at a previous meeting, the City had said they could not afford paying police, so how was the City going to afford enforcing a ban.

Henry Harris addressed the Council. Mr. Harris displayed to the Council various types of plastic bags and stated he uses these bags all over his house and then puts them in a trash bag. Mr. Harris said if this ban is adopted he will not have the trash bag anymore. Mr. Harris informed the Council that he lives on 22 acres in the Spanish Wood Subdivision and he picks up a lot of trash along Spanish Wood Drive. Mr. Harris expressed that the City's problems is not plastic bags, but all the other trash.

Neil McQueen addressed the Council. Mr. McQueen stated he is a resident of Corpus Christi associated with Skip the Plastic. Mr. McQueen said Aransas County Navigation District and Aransas County are supporters of Skip the Plastic. Mr. McQueen expressed that plastic bag bans have been proven to be successful in communities. Mr. McQueen informed the Council that Skip the Plastic is not advocating switching from plastic bags to paper bags, but wants reusable bags that can be used 100 times. Mr. McQueen added that the City of Port Aransas has set a great example by adopting a plastic bag ban ordinance and Rockport can set an example by following their lead.

J.C. Slaton addressed the Council. Mr. Slaton stated that talking about banning plastic bags is a waste of time and if this is such a big issue, then it should be put to a city-wide vote.

Karen Mella, Rockport-Fulton Chamber of Commerce Chair addressed the Council. Ms. Mella presented information from a survey (below) put together by the Chamber.

Constant Contact Survey Results

Survey Name: Plastic Bag Survey
 Response Status: Partial & Completed
 Filter: None
 Jun 23, 2015 4:08:20 PM

4. As a business owner/manager, please give us your feedback of how banning plastic bags would affect or not affect your business.

Response	Number of Response(s)	Response Rate
I prefer the response	1	18.2%
It will affect my business	3	54.5%
It will not affect my business	1	18.2%
It will affect my business	7	127%
Other	1	18.2%
Total	14	254%

5. What is your age?

Response	Number of Response(s)	Response Rate
18-24 years old	0	0%
25-34 years old	1	18.2%
35-44 years old	3	54.5%
45-54 years old	7	127%
55-64 years old	1	18.2%
65-74 years old	0	0%
75+ years old	0	0%
Other	1	18.2%
Total	14	254%

6. Are you a City of Rockport resident?

Response	Number of Response(s)	Response Rate
Yes	13	227%
No	1	18.2%
Other	0	0%
Total	14	254%

4. When at a retail store and presented with a choice, how often do you choose "Plastic" bags?

Response	Number of Response(s)	Response Rate
Never	0	0%
Rarely	2	36%
Sometimes	11	196%
Most of the time	1	18.2%
Always	0	0%
Total	14	254%

5. When at a retail store and presented with a choice, how often do you choose "Paper" bags?

Response	Number of Response(s)	Response Rate
Never	0	0%
Rarely	1	18.2%
Sometimes	11	196%
Most of the time	1	18.2%
Always	0	0%
Total	14	254%

6. When at a retail store and presented with a choice, how often do you choose "Reusable" bags?

Response	Number of Response(s)	Response Rate
Never	0	0%
Rarely	3	54.5%
Sometimes	11	196%
Most of the time	1	18.2%
Always	0	0%
Total	14	254%

7. When at a retail store and presented with a choice, how often do you choose "No" bags?

Response	Number of Response(s)	Response Rate
Never	0	0%
Rarely	0	0%
Sometimes	0	0%
Most of the time	0	0%
Always	0	0%
Total	0	0%

8. Please tell us why you use bags (paper or plastic) even if you use them only occasionally.

Response	Number of Response(s)	Response Rate
To Reuse Plastic Bags	1	18.2%
For Paper Reusable Bags	1	18.2%
Reusable Bags Are Available	1	18.2%
Reusable Bags Are Hard to Carry	1	18.2%
Reusable Bags Are Expensive	1	18.2%
Other	1	18.2%
Total	6	106%

9. How do you most often dispose of poorly retail bags?

Response	Number of Response(s)	Response Rate
Recycle	1	18.2%
Reuse	1	18.2%
Throw away	12	218%
Don't use	0	0%
Total	14	254%

10. Please tell us what someone you have about plastic bags.

Response	Number of Response(s)	Response Rate
Break Later Problems	1	18.2%
Use Again in Laundry	1	18.2%
Too of Problems	1	18.2%
Not A Business	1	18.2%
Other	1	18.2%
Total	5	91%

11. Which of these options would be preferable to you?

Response	Number of Response(s)	Response Rate
Ban the Bags	1	18.2%
Charge a Recycle Fee	1	18.2%
Other	1	18.2%
Total	3	54%

Constant Contact Survey Results

Survey Name: Plastic Bag Survey
 Response Status: Partial & Completed
 Filter: None
 Jun 23, 2015 4:08:20 PM

1. As a business owner/manager, please give us your feedback of how banning plastic bags would affect or not affect your business. (Comments)

Don't comment before the answers to Other in questions

No
 No
 Increased city hold
 not a business owner
 Personal survey
 See comment
 no business
 Not really
 I do not own a business

Long term effect on all businesses
 Pros/cons of them/Plastic
 not a business owner
 I found the bag
 See better statement

We are not in the city limits and don't have retail presence

A ban is the right thing to do for the city and hopefully next, the town.

My business is a service oriented business without point of sale hold bags

Plastic bags are not the problem. People that throw away the problem. To an extent and a stop out when businesses use cardboard or bins to address a problem created by irresponsible people. Hold these people accountable and address their behavior than punish resource the store.

not

It would be really important not to have to worry about the harmful effects plastic bags have on Aransas Bay and marine life

I do not use bags in my business

Will help reduce the volume trash approaching my business

We don't offer products that require bags. I think of all the retail businesses in Rockport that have spent money to have their name on their plastic bags - great advertising for them.

It's a real value added. We don't use bags.

We are not a retail establishment, but we do believe a plastic bag has not resulted in lower sales but revenue to the city that will offset other minimal services to our business property or increased services fees and taxes. We need to go back to paper.

We are in the county authority limits.

Paper and reusable bags are more expensive. And, I get a free bag in my customer class.

We will take all of our items and read them for customer convenience.

I use paper bags we use plastic for our trash.

As you know the ACED deals with a lot of non-reusable items, including aluminum. Anything that can be done is helpful. But we have some businesses that need the plastic bags. That means more the bags for part of sale for both energy and incident a product that is used and needs to be.

We know that it's a great idea - BUBACK

We actually don't provide plastic bags.

Check with your alternatives.

Not as a part of sale but as a customer who's aware daily buy merchant's products, what will the alternatives be??

We rarely use bags for purchases, but when we do plastic bags as it is typically convenient.

With the use of bags of any kind do not affect my business they do affect others I see. The growing economy of Rockport and its business needs to be recognized & nurtured. Bringing these bags to the area means creating jobs in the area. Creating jobs is the answer. When great local resources are a clear answer than making another L&B is better.

It is necessary since we are not on the Gulf. Most of the trash I pick up daily is bags, food boxes, pump bags and more. I don't know why they produce the non-reusable businesses are here to give customers another reason to be here.

The government needs to back off and the population needs to take more responsibility for personal actions. I CHOOSE not to use plastic bags, but do not believe anyone should dictate to me, as a business owner what I can use in my business.

I will contend that we need to make people responsible for their actions. It is too easy to expect another ordinance to make it even easier for people to not be responsible for their actions. It is always easier to blame others or other things - push we don't have to look at ourselves.

It is more than a question of profit or loss. It is a question of business ethics. Reusable bags help reduce the plastic waste stream, help lower landfill volume, reduce the amount of water-based waste and reduce water pollution caused by plastics. Reusable bags are an easy step in the right direction, and even if a business owner is not interested in the right thing to do.

It's the store. Reusable bags are not the answer. They become what you want. Most of my customers already bring their own bags in and I encourage them to do so for following guidelines sometimes.

Occasionally I use reusable bags occasionally.

Will have to buy bags.

Will have to buy more for paper.

I wish they would make the plastic bags stiffer. I can carry with mine. Makes them unfold the house and then put them in my trash bag which is easier please.

I use the bags in trash & lobby floor collections & recycle what I don't use.

Our business is protecting the health of the Midway-Anneau Estuary. Bringing plastic bags is likely to have a negative effect on the health of the estuary.

I am not a business owner, but a citizen of Annapolis County. I think in the long run, it would be a mistake to ban them. There's nothing to be done about it. Since that's our local industry, I don't support this ban.

2. What is your age? - Comments

Answer

Age really doesn't have anything to do with this issue, does it? Give this really matter!

We want to Rockport to be on the green, peaceful life. It was heavily Republican by me because a problem like these services and loss of forests which means life harder. We are not the others, why should we suffer.

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Here at Key Agency Marine we have some customers who arrive by boat. If they buy items that they will be transporting by boat they will want to protect them from the salt water. Plastic bags enable them to do that. We also have customers who buy a number of small items. Not having a bag to hold your stuff is a pain. Some items like dishes will cause an inconvenience to my customers. Most people who come in on boat are not going to them to bring reusable bags.

This kind of unnecessary control of retail business has a negative effect on all Consumers already have the choice of what kind of bags they want to protect them from the salt water. Plastic bags enable them to do that. We also have customers who buy a number of small items. Not having a bag to hold your stuff is a pain. Some items like dishes will cause an inconvenience to my customers. Most people who come in on boat are not going to them to bring reusable bags.

I used many of our items in heavy duty plastic bags with my item information on the bag as part of the sale.

We reuse plastic grocery bags that are in good condition. About 25-30 per week. If that would be returned for us but would have to ensure business liability when would be out of pocket expense.

If plastic bags are banned in retail stores, I will still have to use the plastic bags that I buy that affect it.

I think banning plastic bags will benefit the community as a whole and there will have a positive effect on my business. Already use paper bags.

The majority of our business is born out of town or out of state.

How would they know about our ban? Do you take bags with you when you travel? The problem is what is in those bags not the bags themselves. In today's world everything is wrapped in plastic, either wrapped, sealed, packed or stored in plastic. A better idea is to provide an outlet that takes items for our visitors to dispose of their trash. We have lots of people visiting our town respecting including our dumpsite.

Love the idea!

We don't in the medical industry and do not use plastic bags for our patients.

I remember the push to go to plastic bags. This is the same type of issue, if the trash is placed in styrofoam cups and plastic bottles are a bigger problem.

We are not a retail business. However, this does affect our business indirectly. In the event of a rain storm and plastic bags get caught in storm drains or gutters and they CAN cause flooding. Have you had rainstorms and businesses that call the town or county services to have the baggages cleaned instead of trying to help themselves. The longer they stay on the more dangerous it becomes for someone to cross those blockages. Have you have insurance claims and premiums go up.

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Ms. Mella stated the survey contains comments both in support of the proposed Ordinance and also opposed to it.

Phil Wildfang addressed the Council. Mr. Wildfang stated over three million plastic bags are handed out in Rockport each year. Mr. Wildfang informed the Council that today there have been hundreds of plastic bag ban ordinances enacted and this has largely been accomplished by grass-roots organizations that have become concerned about the plastic bag litter. Mr. Wildfang said that Rockport depends heavily on the marine environment and now is the time for the Council to ask citizens to inconvenience themselves just a little bit by adopting the proposed Ordinance.

Richard Rock addressed the Council. Mr. Rock thanked the Council for the dialogue held two weeks ago at a Council Meeting regarding the proposal for banning plastic bags in Rockport. Mr. Rock stated that the people who were looking for trash certainly did not go down Water Street because the amount of plastic bags washed ashore, after Tropical Storm Bill, was unbelievable. Mr. Rock stated we live in a very pristine area and we want to keep it that way. Mr. Rock expressed that because of greed we do not want to do away with plastic bags. Mr. Rock said we have to start somewhere and he supports this Ordinance.

Warren Hassinger addressed the Council. Mr. Hassinger informed the Council that he retired from Austin 14 months ago and he had lived with the bag ban in Austin and it has worked. Mr. Hassinger told the Council they were on the right track and he supported the proposed Ordinance.

Steven Reisinger addressed the Council. Mr. Reisinger said the first time he heard about reduce, reuse and recycle was when he was in college in the 1960s and this is nothing new. Mr. Reisinger stated we have turned into a throw-away society and our landfills are filling up. Mr. Reisinger expressed that this is not about what it costs today, but rather what it costs the future generations. Mr. Reisinger added that he really appreciates HEB's efforts, but voluntary compliance is minimal. Mr. Reisinger urged the Council to adopt the proposed Ordinance.

Ellen Reisinger addressed the Council. Ms. Reisinger stated she is a gardener and she wished there were biodegradable plastic bags, which could be used as compost, but we do not have that so we need to ban the plastics.

Gayly Opem addressed the Council. Ms. Opem stated that information provided to the Council from previous speakers about the Austin ordinance was incorrect. Ms. Opem said that the gentleman displaying the different types of plastic bags to Council was misinformed as to what types of plastic bags would be banned. Ms. Opem added that other speakers made mention of "driving around" and looking for plastic bags and finding few. Ms. Opem expressed that the operative word is "drive"; when you walk on the beach side or walk instead of drive, you will find plastic bags.

Melanie Clarke addressed the Council. Ms. Clarke stated she had driven from Fulton to Rockport and had seen only three plastic bags and 18 plastic cups. Ms. Clarke said plastic bags make up only a small percentage of the litter. Ms. Clarke expressed that she is opposed to the plastic bag ban because of freedom of choice. Ms. Clarke asked if an economic study had been done on how this ban

affects businesses. Ms. Clarke added that the recyclable bags are too heavy for senior citizens. Ms. Clarke asked that the Council please consider everyone's vote.

Rae Mooney addressed the Council. Ms. Mooney said she is a resident of Port Aransas and she is a member of Skip the Plastic that has been working closely with Skip the Plastic here in Rockport. Ms. Mooney stated banning the plastic bags is very important because of the City's close proximity to the ocean. Ms. Mooney said that plastic bags that are collected are not being recycled because there is not a market to purchase them. Ms. Mooney added that the city of Port Aransas has been in a voluntary ban period of six months and she has not heard any complaints. Ms. Mooney presented each Council Member with a recyclable bag provided by Skip the Plastic.

Karen Mella addressed the Council. Ms. Mella stated she is Co-Chair of the Rockport-Fulton Shopping Tournament and there are 26 stores that participate in the tournament. Ms. Mella stated she provided the Chamber survey to the 26 stores not to advocate for or against the proposed Ordinance, but to gather feedback. Ms. Mella stated the store owners who responded to the survey represented 50% of the stores that participated in the shopping tournament last year and all are located in Rockport.

Eleanor Simmons addressed the Council. Ms. Simons expressed that the Council should put this to a vote of the citizens. Ms. Simmons stated it was not fair for five Council Members to vote for 8,000 residents.

Ron Edmundson addressed the Council. Mr. Edmundson stated he had called the Police Department and there has not been one littering ticket issued. Mr. Edmundson asked why convenience would be taken away from people by banning plastic bags and why not ban diapers, cigarettes, etc.

Patricia Arnold addressed the Council. Ms. Arnold informed the Council that she uses both plastic and recyclable bags. Ms. Arnold stated it is people who are doing the littering, not the bags that are the problem. Ms. Arnold said she works in the health field and reusable bags harbor harmful bacteria and can also cause cross-contamination with other foods when not used correctly.

Troy Cady addressed the Council. Mr. Cady stated that the City had already told citizens that they cannot cut down trees and cannot go to the beach or parks after a certain hour, and this is just another taking control placed on residents. Mr. Cady said that Port Aransas does not have a large HEB or other big businesses like Rockport, so what someone from Port Aransas says has no bearing here. Mr. Cady expressed that the poor community needs to be considered because they cannot pay \$.50 for a recyclable bag. Mr. Cady said plastic bags are not going to stop being a problem, because tourists bring them here.

Mayor Wax stated Heidi Long had completed a speaker's card but had left the meeting. Mayor Wax said Ms. Long's speaker's card stated she did not support the ban on plastic bags because plastic carryout bags are only a fraction of the litter and this would only be a bandage for a bigger problem.

Mayor Wax stated Leah Dodd had completed a speaker's card but had left the meeting. Mayor Wax said Ms. Dodd's speaker's card stated she did not support the ban on plastic bags because it does not help those who barely have enough money to pay rent, let alone a bag for her groceries.

Tiffany Hoover addressed the Council. Ms. Hoover said the Council should think about the educators in the community and the added cost to them. Ms. Hoover stated teachers use plastic bags to send children's clothes home, and many other types of uses. Ms. Hoover expressed that she does not support putting more regulations on businesses and she does not feel the City needs to add more.

Mayor Wax thanked everyone for their comments. Mayor Wax said the topic of banning plastic bags has been being discussed for 2.5 years now. Mayor Wax stated there have been a number of presentations to various organizations, it has been in the newspapers, and it has been on the City's website. Mayor Wax added that the Council has received a lot of input that this is a step to combat litter issues in the City of Rockport.

Council Member Day stated he wondered how often people count the bags they take home opposed to the number they actually reuse. Council Member Day stated the proposed Ordinance may be a small step that will be a small inconvenience, but it will help improve the litter problem. Council Member Day added that he has a problem with telling people what they cannot do, but he still believes this is a smart thing to do for our environment.

Council Member Villa stated he is not a fan of the proposed Ordinance because it tells people what they should or should not do. Council Member Villa said 70% of the children in Aransas County live in poverty and some of those families cannot afford to buy recyclable bags. Council Member Villa expressed that Ms. Hoover brought up how a ban would affect educators and Rockport Pilot Managing Editor Norma Martinez had questioned the effect on organizations such as Castaways. Council Member Villa said that before the Council enacts a knee-jerk response, they should answer the "Who, What, When, Why and How," and then make a decision.

Mayor Pro-Tem Rios thanked everyone who commented tonight on the proposed Ordinance and everyone who called him to express their views either way. Mayor Pro-Tem Rios stated he heard a lot of things tonight that he had not heard before that need to be considered.

Council Member Gurtner stated she was delighted in the amount of people who attended the meeting tonight to voice comments in regard to the proposed Ordinance. Council Member Gurtner said no one is saying we love everything about this; the fact is we have a plastic problem. Council Member Gurtner expressed that she would like to see the Ordinance be even more exclusive, but was told everything could not be put in one ordinance because it would not get passed. Council Member Gurtner added that the proposed Ordinance is not a ban on plastic, but only a ban on eliminating some of the plastic in the environment. Council Member Gurtner commented that the opinions given tonight had given her a lot more to consider.

Janice Watkins addressed the Council. Ms. Watkins stated that one thing she did not hear a lot about tonight was the number of senior citizens who live here and how that would affect them. Ms. Watkins said many senior citizens live on a limited income and she asked that the Council keep the senior citizens in mind when they make a decision.

MOTION: Mayor Wax moved to table the second reading of an Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," by renaming Article I "In

General" to Article I "Regulation of Single-Use Plastic (checkout) Bags"; setting definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban from July 1, 2015, through December 31, 2015, and setting date of January 1, 2015 for mandatory compliance; providing for an effective date, reading, publication and severance. Council Member Villa seconded the motion. Motion carried unanimously.

9. Tabled May 26, 2015 - Deliberate and act on interlocal agreement with Aransas County for subdivision regulation within the extraterritorial jurisdiction of the City of Rockport.

Mayor Wax stated the City has not received input from the City's engineer regarding the proposed interlocal agreement for subdivision regulation within the extraterritorial jurisdiction, so this item will remain on the table.

10. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax informed the Council that Fulton Mayor Kendrick has told him that the Town of Fulton is interested in expanding the trolley route into Rockport. Mayor Wax said his response had been that he thought the Council would look at that favorably, but he thinks an additional trolley should be added. Mayor Wax expressed that with the Council's permission, he and Mayor Kendrick would research the possibility of obtaining another trolley.

Mayor Wax thanked Vicki Pitluk for writing the article on the City of Rockport Compressed Natural Gas fueling station that will be published in the Texas Municipal League Texas Town & City magazine.

Council Member Villa thanked Public Works Director Mike Donoho and the Public Works staff for their outstanding work during the recent flooding.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

11. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: 1) Templeton, 2) Petty, 3) Aumada, and 4) Bay Education Center.

12. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

Open Session

13. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

City Attorney Terry Baiamonte informed the Council an Executive Session was not necessary.

14. Adjournment

At 8:28 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Gurtner and carried unanimously.



CITY OF ROCKPORT, TEXAS



Charles J. Wax, Mayor

ATTEST:



Teresa Valdez, City Secretary