



**Mayor**  
Ben White  
**Mayor ProTem**  
Lynn McIlhaney  
**City Manager**  
Glenn Brown

**Councilmembers**  
John Crompton  
James Massey  
Dennis Maloney  
Lawrence Stewart  
David Ruesink

**Agenda**  
**College Station City Council**  
**Workshop Meeting**  
**Thursday, January 8, 2009 3:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion regarding College Station 2009 State Legislative Program.
3. Presentation, possible action, and discussion on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB).
4. Presentation, possible action, and discussion regarding proposed changes to the City's smoking ordinance.
5. Presentation, possible action, and discussion regarding a proposed Tree Beautification Program, as requested by Council at the August 18, 2008 meeting.
6. Presentation, possible action, and discussion regarding on-going efforts to realize a signature event for the City.
7. Council Calendar
  - January 5-7 4<sup>th</sup> Annual Texas Transportation Forum, Austin
  - January 8 Council Workshop/Regular meetings, 3:00 & 7:00 pm
  - January 9 Joint City Council/P&Z Workshop meeting, 1:00 pm
  - January 12 City Council Mini-Retreat, Carters Creek WWTP Training Rm. 8:30 am
  - January 13 Transportation Committee Meeting, Adm. Conference Room, 4:30 pm
  - January 19 Martin Luther King Holiday, City offices closed
  - January 20 IGC Meeting, BVCOG offices, 12:00 pm
  - January 22 Council Workshop/Regular meetings, 3:00 & 7:00 pm
  - January 26 Citizen University, Council Session, 5:30 pm
  - January 28 2009 Economic Outlook Conference, Hilton, 7:30 am
  - January 29 Audit Committee Meeting, City Hall, 4:30 pm
8. Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting

*On Behalf of the Citizens of College Station, Home of Texas A&M University, We will continue to Promote and Advance the Community's Quality of Life*

9. Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, BVSWM, (Notice of Agendas posted on City Hall bulletin board).

10. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation
- b. Sewer CCN permit requests
- c. Water CCN permit requests
- d. Water service application with regard to Wellborn Special Utility District.
- e. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- f. Attorney-client privileged information and possible contemplated litigation of prior expenditures of College Station funds made by Paul Urso to Texcon
- g. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- h. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- i. JK Development v. College Station
- j. Taylor Kingsley v. College Station
- k. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station
- l. TMPA v. PUC (College Station filed Intervention)
- m. City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- n. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- o. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White

Economic Development Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

a. Next Generation Industrial Park

11. Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.

12. Adjourn.

APPROVED:

\_\_\_\_\_  
City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the 8<sup>th</sup> day of January, 2009 at 3:00 pm in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 5<sup>th</sup> day of January, 2009 at 2:00 pm



\_\_\_\_\_  
City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on January 5, 2009 at 2:00 pm and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF COLLEGE STATION, TEXAS By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_  
Notary Public – Brazos County, Texas My commission expires: \_\_\_\_\_

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on [www.cstx.gov](http://www.cstx.gov). Council meetings are broadcast live on Cable Access Channel 19.

January 8, 2009  
Workshop Agenda Item 2  
College Station 2009 Legislative Program

To: Glenn Brown, City Manager  
From: David Neeley, Assistant City Manager

**Agenda Caption:** Presentation, discussion, and possible action regarding College Station 2009 State Legislative Program

**Recommendation(s):** Council is requested to adopt its 2009 State Legislative Program and to direct the City Manager to pursue the priorities as established by Council. The City's Austin Legislative Liaison, Dan Shelley and Jennifer Shelley Rodriguez will be in attendance to address questions from the City Council.

**Summary:** Staff is requesting Council consideration of two (2) different elements of the 2009 State Legislative Program.

First, Council consideration and support of the 2009 TML Resolutions, the BCS Legislative Program and the Intergovernmental Committee Joint Legislative "Areas of Interest". All three Legislative Programs have had active involvement by College Station Council members and city staff. At time of drafting of this document, both the BCS Chamber and the IGC Legislative Programs are pending formal approval by their respective boards however based on staff's input and review of preliminary draft documents, staff is comfortable recommending support. We will provide draft legislative program documents of both the BCS Chamber and the IGC for Council's review as soon as they are finalized.

Second, the Council is also being requested to establish legislative priorities for the City of College Station. Staff recommends the following legislative priorities for Council consideration:

- **Transportation**  
Support state-funded and local-option funding choices to be utilized for transportation purposes.  
Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.  
:
- **Municipal Revenue**  
Oppose any changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue
- **Erosion of Municipal Powers**  
Oppose any legislation that erodes the authority of city government or is

detrimental to cities

- **Collective Bargaining**

Oppose legislation that would impose mandated collective bargaining rights

- **Annexation – Land Use Authority**

Oppose any legislation that erodes the authority of cities to annex

Oppose any legislation that would restrict the zoning authority of cities

- **Un-Funded Mandates**

Oppose any legislation that would require expenditures by the City without a source of revenue provided by the State

**Budget & Financial Summary:** None.

**Attachments:**

- Resolution establishing 2009 Legislative Priorities for the City of College Station
- TML Legislative Program for 2009

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ESTABLISHING THE 2009 LEGISLATIVE PRIORITIES FOR THE CITY OF COLLEGE STATION.

WHEREAS, the City Council of the City of College Station, Texas, is committed to an active legislative program on behalf of the citizens of College Station; and

WHEREAS, the City Council of the City of College Station, Texas, has reviewed the legislative programs developed by the Texas Municipal League and the BCS Chamber of Commerce (hereby attached as Exhibit "A"); and

WHEREAS, the Cities of Bryan and College Station along with Brazos County have jointly identified common "Areas of Interest" relating to the upcoming Legislative Session.

WHEREAS, the City Council of the City of College Station, Texas, has identified specific legislative priorities for the City of College Station, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

SECTION 1: That the City Council hereby supports the Legislative Program as adopted by the Texas Municipal League, the BCS Chamber of Commerce and the Intergovernmental Committee.

SECTION 2: That the City Council hereby sets as the legislative priorities for the City of College Station for the 2009 Legislative Session the following items:

- **Transportation**  
Support state-funded and local-option funding choices to be utilized for transportation purposes.  
Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.
- **Municipal Revenue**  
Oppose any changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue

• **Erosion of Municipal Powers**

Oppose any legislation that erodes the authority of city government or is detrimental to cities

• **Collective Bargaining**

Oppose legislation that would impose mandated collective bargaining rights

• **Annexation – Land Use Authority**

Oppose any legislation that erodes the authority of cities to annex

Oppose any legislation that would restrict the zoning authority of cities

• **Un-Funded Mandates**

Oppose any legislation that would require expenditures by the City without a source of revenue provided by the State

SECTION 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 8th day of January, A.D. 2009.

ATTEST:

APPROVED:

\_\_\_\_\_  
CONNIE HOOKS, City Secretary

\_\_\_\_\_  
BEN WHITE, Mayor

APPROVED:

\_\_\_\_\_  
City Attorney

## **The TML Legislative Program for 2009**

### **Introduction**

City officials across the state are well aware of the fact that many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. During the 2007 legislative session, more than 6,300 bills or significant resolutions were introduced; at least 1,200 of them would have affected Texas cities in some substantial way. In the end, more than 1,500 bills or resolutions passed and were signed into law; approximately 120 of them impacted cities in some way.

There is no reason to believe that the workload of the 2009 session will be any lighter; it may be greater. And for better or worse, city officials will have to live with all the laws that may be approved by the legislature. Thus, the League must make every effort to ensure that detrimental bills are defeated and beneficial bills are passed.

The TML approach to the 2009 session is guided by principles that spring from a deeply rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas cities to govern their own local affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish their revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation.

In setting the TML program for 2009, the Board recognized that there is a practical limit to what the League can accomplish during the legislative session. Because the League (like all associations) has finite resources and because vast amounts of those resources are necessarily expended in defeating bad legislation, the Board recognized that the League must very carefully select the bills for which it will attempt to find sponsors and seek passage.

The Board considered nearly 200 initiatives that had been recommended by TML policy committees or by the membership-at-large. Each initiative was subjected to several tests:

- Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?
- Does the initiative address a central municipal value, or is it only indirectly related to municipal government?

- Is this initiative, when compared to others, important enough to be part of TML’s list of priorities?
- Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?
- Is this initiative one that city officials, more than any other group, should and do care about?

The Board placed each legislative issue into one of five categories of effort. Those five categories are:

- **Seek Introduction and Passage** – the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML bills.”
- **Support** – the League will actively attempt to obtain passage of the initiative if it is introduced by some other entity. The League will provide and/or arrange for testimony.
- **Endorse** – the League will make its support known but will not actively pursue passage.
- **Oppose** – the League will actively and vigorously attempt to defeat the initiative because it is detrimental to member cities.
- **No Position** – the League will take no action.

### **Our Highest Priority: Oppose Bad Bills**

The Board determined that TML’s highest priority goal for 2009 will be the defeat of legislation deemed detrimental to cities. As a practical matter, adoption of this position means that the beneficial bills will be sacrificed, as necessary, in order to kill detrimental bills.

### **TML Priority Package**

The Board determined that the TML Priority Package will include the following items in priority order:

1. Defeat any legislation that would erode municipal authority in any way or that would otherwise be detrimental to cities, especially legislation that would:
  - a. enact a mandated reduction in the appraisal growth cap established in current law.

- b. Impose a revenue cap of any type.
  - c. create an unfunded mandate.
  - d. require cities to act as collection agents for state revenue.
  - e. erode municipal authority over rights-of-way or erode municipal authority to collect compensation for the use of rights-of-way.
  - f. limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
  - g. limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
  - h. erode the authority of cities to condemn property for a public purpose.
  - i. restrict cities' ability to adopt or amend zoning regulations.
  - j. establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.
  - k. substantively change or expand the scope of the current disease presumption law or the current meet-and-confer law.
  - l. erode municipal sovereign immunity.
2. Passage of any legislation that would:
- a. exempt as many cities as possible from any federal collective bargaining legislation that may become law in the future.
  - b. extend the authority of property-taxing entities to engage in property tax abatements.
  - c. enact seven beneficial changes to Section 255.003 of the Texas Election Code (the statute prohibiting the use of public funds for political advertising).
  - d. convert the sales tax reallocation process from a ministerial process into a more formalized administrative process that would, at a minimum, require prior notice to all affected parties and impose a time limit of three years on the right of a claimant to request a refund.
  - e. clarify that only value lost to a senior/disabled tax freeze should be excluded from effective property tax rate calculations.

- f. amend the Government Code regarding notification and advertisement to allow small cities the option to make use of current technologies to efficiently notify and advertise.
- g. amend the Utilities Code to permit cities to annually adjust the franchise charge amount collected pursuant to Section 33.008(b) of the Utilities Code (relating to electric franchise fees) by an amount equal to one-half of the annual change, if any, in the consumer price index.
- h. permit a local-option municipal court fee on convictions in municipal court to be used to offset fuel costs.

### **SUPPORT**

The Board voted to support legislation that would:

- 1. allow a council-option city homestead exemption of up to 30 percent.
- 2. create a new council-option city sales tax for property tax relief that may exceed the two-percent local cap.
- 3. exempt from the two-percent cap on local sales tax any local sales tax committed to transportation projects, provided such tax permits each affected city to approve the enactment of the tax within its jurisdiction.
- 4. significantly increase the three-sale requirement under current law for determining whether a warehouse constitutes a place of business for sales tax sourcing.
- 5. apply hotel occupancy taxes to RV parks, except for stays of longer than 30 days.
- 6. increase future local parks funding.
- 7. adopt the parks study called for by H.B. 12 (2007), thus binding future legislatures to full local parks funding.
- 8. require the General Land Office (GLO) to do the following: (a) inform any affected city of the GLO's intent to purchase or develop land within the city or its ETJ; (b) seek permission from affected cities for any proposed project to develop land owned by the GLO; and (c) adhere to the affected cities' development regulations when developing land owned by the GLO.
- 9. simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, nor upon the hold harmless exemptions to those rates.

10. amend Section 11.1825 of the Tax Code by adding that community housing development organizations (CHDOs) must receive an exemption from taxation from any affected municipality prior to receiving a tax exempt status from the local property appraisal district.
11. allow a city to enforce its codes and ordinances in its ETJ.
12. make beneficial changes to Chapter 245 of the Local Government Code (relating to permit vesting), including but not limited to improved definitions of “project”, “permit”, “progress toward completion”, and “imminent threat”.
13. provide a reliable procedure by which a city can verify that a certificated telecommunications provider (CTP) is accurately performing access line counts and ensure that a CTP is making payments in accordance with those counts.
14. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
15. impose the sales tax on bottled water in order to fund the state water plan.
16. increase the public accountability of water supply corporations (WSCs) by: (1) requiring WSCs to perform and publicly file an annual audit; (2) requiring open governance of WSCs; and (3) subjecting WSCs to jurisdiction over water rates and service.
17. exempt cities and counties from the state requirement to pay TxDOT’s project administrative costs when cities and counties are providing the funding for state highway projects included in TxDOT’s Unified Transportation Program.
18. expand the provisions of TxDOT’s Pass Through Toll Program that allow a county to design and construct a highway improvement on the state’s highway system to apply to both cities and counties when the city or county is providing the funding for any project included in TxDOT’s Unified Transportation Program, provided that the reimbursement provisions of the Pass Through Toll Program would not apply to this expansion of the program.
19. permit a fire department to charge a fee for hazardous material cleanup or services.
20. clarify the authority of general law cities to enact sex offender residency restrictions.
21. clarify the authority of a city to regulate “after hours” or “bring your own bottle” clubs.
22. enable the use of electronic notice to the public of bid or proposal opportunities.

23. increase from \$25,000 to \$50,000 the dollar amount at which a city council may delegate contract change order approval to an administrative official.
24. clarify that municipal court fines may be “stacked”. (That is, multiple criminal actions may be joined together for a single trial, and a penalty may be imposed for each offense.)
25. provide flexibility in hiring entry-level firefighters and police officers in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
26. allow the hiring of firefighters or police officers on a part-time basis after retirement in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
27. allow a fire chief or police chief to increase the number of appointments immediately below the department head level in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
28. enact legislation initiated by the Texas Municipal Retirement System (TMRS) to make the TMRS system more financially stable.
29. clarify that the exceptions to the Open Meetings Act are true exceptions and not merely affirmative defenses.
30. provide potential funding options for the highway infrastructure and transit in Texas such as an incremental transit sales tax less than ½ cent, a one-percent gasoline sales tax, a 1.75-percent motor vehicle sales tax, additional vehicle registration fees, a local option gas tax, a vehicle motor tax, a new resident impact fee, or a transportation property tax as legislative initiatives for the 81st legislative session.
31. Enact, at the national level, the Community Building Code Administration Grant Act of 2007 or similar legislation if filed in Congress in 2009.
32. amend the Tax Increment Financing District Code to allow multiple cities to participate in joint tax increment financing districts.
33. confer additional regulatory authority upon municipalities over midstream gas utilities in order to safeguard the interests of the public and the long-term economic viability of private property.
34. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify the Tax Code to help cities fund transportation projects; and provide municipalities additional funding options and resources to address transportation needs that the state and federal governments are unable to address.

35. permit local regulations to prohibit the ownership, possession, harboring, maintenance, transportation, or sales of specific breeds of dogs within a local municipality and/or support the repeal of legislation which prohibits breed-specific regulations by home rule municipalities and local municipalities.
36. require 100 percent reimbursement of costs incurred by cities for services provided during emergency evacuation and shelter operations resulting from an emergency evacuation ordered by the governor or the governor's Division of Emergency Management.
37. provide municipalities with land use authority within extraterritorial jurisdictions.

### **ENDORSE**

The Board voted to endorse legislation that would:

1. require mandatory disclosure of real estate sales prices.
2. modify the Super Freeport property tax exemption statute to match the related constitutional amendment.
3. remove the four-year sunset for future street maintenance sales tax elections.
4. provide that hotel taxes are due on the final cost of the hotel room to the guest.
5. permit, but not require, pooled collateral for public deposits, provided the legislation contains the following features: (1) a requirement that banks provide 102-percent collateralization; (2) accurate reporting and tracking of collateral amounts; and (3) a requirement that pledged securities be held by the comptroller or other third party designated by the comptroller.
6. create and fund, with state-generated revenue, programs that would increase the availability of affordable housing in Texas, and that would grant a city council the express authority to enact affordable housing set-asides.
7. expand the authority of counties to abate nuisances in unincorporated areas, so long as municipal authority is not eroded.
8. grant additional authority to general law cities to abate nuisances associated with unoccupied buildings.
9. require the TCEQ to consider minimum standards for fire protection for new or amended CCN applications.

10. resolve the dispute between the Texas Department of Transportation and investor-owned utilities relative to the national code under which street lighting must be installed.
11. require electronic reporting of pawn shop data to local law enforcement agencies.
12. exempt from motor fuels taxes the fuel used by cities.
13. reduce appeals to third-party hearing examiners of suspensions of less than three days by firefighters or police officers in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
14. provide reasonable time limits for firefighters or police officers to return to work after temporary disabilities or disability retirements in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
15. allow negotiated retirements arising out of or related to resolution of a lawsuit against a firefighter or police officer in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
16. define a “day” as eight hours in duration for purposes of Chapter 143 (police/fire civil service) relating to sick leave and vacation leave.
17. allow a ranking officer other than the department head to deliver a letter of suspension in cities covered by Chapter 143 of the Local Government Code (police/fire civil service).
18. reduce the administrative burdens of Chapter 143 (police/fire civil service).
19. remove the attorney fee award provisions from the Open Meetings Act.
20. allow animal shelters, on a local-option basis, to legally possess the drugs Ketamine and Telazol for lawful sedation of animals prior to euthanasia.
21. change the law relating to court interpreters to create a separate category for municipal court interpreters that will facilitate provision of qualified interpreters for municipal court defendants.
22. limit the liability of a Texas city for vehicle accidents that occur in another state.
23. Provide additional funding assistance for homeless initiatives.
24. address illegal dumping by mandating that business owners charge an advance disposal fee at the time of the initial purchase of each tire sold in the state, with the proceeds of the fee being used for scrap tire cleanup.

25. allow a city to bypass the attorney general opinion process when seeking to withhold airport security information that is regulated by the federal Aviation and Transportation Security Act.
26. expand the availability of affordable housing in Texas without loosening current restraints available to cities to regulate affordable housing.
27. amend the Code of Criminal Procedure to authorize sobriety checkpoints and adopt guidelines governing the proper conduct of the checkpoints.
28. amend the Transportation Code to remove the requirement of a signature on electronically issued citations if the violator produces a driver's license to the officer at the scene, and the driver's license is scanned into the ticket-generating device at the time the citation is created.
29. increase penalties for first-time graffiti offenders, including but not limited to enhancing criminal penalties for graffiti on municipal property.
30. make the sale of Salvia divinorum to someone younger than 18 years old, or someone who intends to deliver Salvia divinorum to someone younger than 18 years old, a Class C misdemeanor.
31. protect military installations that have undertaken a Joint land Use Study by broadening authority for land use controls and comprehensive, multi-jurisdictional planning solutions.
32. amend Article 45.051(f)(2) and Article 45.0511 of the Texas Code of Criminal Procedure to provide that such provisions apply to current or former holders of commercial driver's licenses only if they commit the violation while driving a vehicle that requires the possession of a commercial driver's license.
33. amend Article 102.01111(a)(1) of the Texas Code of Criminal Procedure to provide that a defendant convicted of a felony or a misdemeanor shall pay a fee of \$15.00 rather than the current fee of \$5.00 for the services of a peace officer in issuing a written notice to appear in court following violation of a traffic law, municipal ordinance, or penal law of the state, or making an arrest without a warrant.
34. provide consistency and uniformity in the compliance deadlines and fees for compliance dismissals of class 'c' misdemeanors.
35. amend Article 27.14(b) of the Code of Criminal Procedure by eliminating the need to send a certified letter if a plea is received through the mail with no payment and to use regular mail in its place.

36. amend Article 43.05(b) and 45.045(a) of the Code of Criminal Procedure to allow a defendant arrested on capias pro fine to be brought immediately or the next day before the court or a magistrate at the jail.
37. make the impoundment of a vehicle optional upon a defendant's conviction of a second "no vehicle liability" charge and that impoundment may be ordered by justice courts of the sheriff and by municipal courts of the chief law enforcement officer of the municipality.
38. allow judges to suspend adult driver's licenses for failure to appear or for non-compliance with judicial orders on class 'c' misdemeanor cases filed in municipal and justice of the peace courts.
39. amend Article 103.0031(i) of the Code of Criminal Procedure to allow courts with a contract with a collections vendor to refer cases that were filed prior to June 18, 2003, and to add the prescribed collection fee in order to increase compliance with judicial orders and enhance safe communities.
40. authorize the Texas Department of Housing and Community Affairs to modify the Housing Tax Credit Program Qualified Allocation Plan and rules with amendments to authorize preferences in scoring for mixed-income properties.

## **OPPOSE**

The Board voted to oppose legislation that would:

1. impose new property tax exemptions that substantially erode the tax base.
2. mandate a reduction in the current ten-percent cap on annual appraisal growth.
3. impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, or exclusion of the new property adjustment in effective rate and rollback rate calculations.
4. impose a property tax freeze that can be implemented by any mechanism other than council action.
5. remove the authority of a city to collect its own property taxes.
6. automatically defer property taxes for seniors.
7. expand to other groups the availability of property tax deferrals.
8. permit another entity to impose a property tax on city-owned property.

9. extend the “Prop 2” pollution control property tax exemption to processes, facilities, or end products.
10. substantially modify the current procedures of appraisal arbitration in a way that would substantially harm taxing entities or appraisers.
11. erode the concept that appraisals must reflect the true market value of property.
12. impose new mandatory homestead exemptions or exemption increases.
13. enact any sales tax exemption that would substantially erode the sales tax base.
14. lengthen or broaden the scope of the current sales tax holiday.
15. require that the adoption of a new sales tax for property tax relief shall result in a lower property tax rollback rate for the adopting city.
16. allow other local governments or districts not under the control of the city to reduce existing city sales taxes through the enactment of new sales taxes.
17. impose destination-based sales tax sourcing.
18. limit the use of city economic development incentives based on ancillary social or economic goals.
19. expand election requirements for issuance of any city debt.
20. require a city to give special preference to local depository banks or to public funds investments that would benefit the local economy.
21. cut state appropriations for future local parks grant funding.
22. create earmarks of local parks grant funds.
23. require mailed notice of tax rates.
24. prevent a city from applying hotel occupancy taxes on the final cost of the hotel room to the guest, or prohibit a city from suing any entity necessary to collect such hotel occupancy taxes.
25. further erode a city’s ability to condemn property for a public purpose, specifically legislation that would: (a) enact a constitutional amendment restricting the use of eminent domain; (b) place eminent domain restrictions on cities that are more burdensome than those placed on the state; (c) provide for retroactive application of any eminent domain provisions; (d) erode municipal authority to engage in urban renewal efforts; (e) provide an excessive amount of damages to a property owner

26. erode current municipal authority to regulate manufactured or industrialized housing.
27. erode municipal annexation authority.
28. erode municipal authority in the ETJ.
29. allow voters in the ETJ to vote on whether any proposed ordinance or ordinance amendment shall apply in the ETJ.
30. erode municipal authority to regulate or abate a nuisance in the ETJ.
31. be detrimental to municipal zoning authority.
32. restrict a city's ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.
33. establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.
34. further erode a city's ability to regulate religious or charitable organizations.
35. enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).
36. allow special districts to form in the ETJ without a city's permission, or that would impose additional requirements on cities relating to special districts.
37. reduce municipal authority to require exactions related to and required by new development, or that would erode the authority of cities to adopt and enforce minimum development standards.
38. erode a city's ability to make amendments to model building codes.
39. impose additional time restrictions on the issuance of building permits or erode municipal authority regarding building permits in any way.
40. further restrict a city's ability to impose building fees.
41. impose on cities any additional requirements regarding enforcement or application of the Texas Residential Construction Commission Act.

42. exempt any entity from paying municipal impact fees.
43. impose mandatory water conservation measures on cities.
44. impose state “tap fees” or any other type of state charge on municipal water systems.
45. impose on cities any additional mandates relating to irrigation/sprinklers.
46. erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.
47. erode the authority of a city to be adequately compensated for the use of its rights-of-way.
48. erode the provisions of Senate Bill 5 (Seventy-Ninth Legislature, Second Called Session), which relates to cable competition, including any legislation that would apply Generally Accepted Accounting Principles to the bill.
49. limit a city’s authority to enter into a solid waste franchise.
50. exempt any entity from paying municipal drainage fees.
51. limit municipal authority over billing practices of a city or city-owned utility.
52. enact harmful amendments to the Gas Reliability Infrastructure Program.
53. erode municipal authority over billboards or place any unfunded mandate on cities relating to billboards.
54. erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.
55. repeal or limit red light camera authority generally. (Further, the Committee recommends that TML defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)
56. negatively affect the ability of cities to investigate pawn shops and stolen property, including legislation that would require mandatory holds.
57. enact any of the following mandates with respect to volunteer firefighters and volunteer fire departments: (1) require a department to pay a state registration fee; (2) prohibit or restrict firefighting based on registration status; or (3) subject volunteer fire departments or firefighters to increased state regulation.
58. restrict the use of tasers by municipal peace officers.

59. erode existing municipal authority relating to sex offender residency restrictions, or create a state standard that preempts current or future municipal sex offender residency restrictions.
60. impose unfunded state mandates (reporting, notification, and so on) regarding sex offenders.
61. prohibit any non-firefighting-certified city officer or employee from supervising fire department personnel.
62. expand the current emergency management training requirement to include additional city officials or additional required training for those officials already affected.
63. prohibit peace officers from making arrests for any offence.
64. erode the authority of cities to tow vehicles for no insurance or no driver's license, or exempt motorists from having to pay any vehicle impoundment fee.
65. mandate jail standards for city jails.
66. require certification of city detention officers.
67. eliminate any of the current uniform election dates.
68. impose additional mandates on cities with regard to electronic voting machines.
69. impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.
70. require municipal courts to share municipal fine revenue with the state.
71. expand the municipal court collection assistance program to either: (1) include more than the 24 cities that are currently affected; or (2) require more of the cities currently affected.
72. permit the waiver of appearance at a municipal court trial.
73. give state fees and costs precedence over city fees and costs in municipal court.
74. substantively change or expand the scope of the current disease presumption law.
75. expand the current meet-and-confer law.
76. impose expanded collective bargaining rights.

77. limit management rights in employment matters.
78. limit a city's ability to appeal the decisions of third-party hearing examiners in a city covered by Chapter 143 of the Local Government Code (police/fire civil service).
79. impose healthcare or prescription drug mandates or enhancements.
80. mandate employment benefit enhancements.
81. enact detrimental changes to workers' compensation laws.
82. mandate ethics training for city officials.
83. mandate city-paid leave for city employees for specific purposes.
84. specify what and how cities may regulate with regard to cell phones.
85. repeal existing municipal ordinances relating to cell phone bans or create a state standard that preempts current or future municipal cell phone bans.
86. erode city sovereign immunity.
87. subject cities to statutes of limitations.
88. prevent or make it more difficult for cities to participate in lawsuits as plaintiffs.
89. restrict or limit indemnification clauses in construction contracts.
90. expand the waiver of local government sovereign immunity for contract claims.
91. limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
92. limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
93. require the reporting of lobbying activities beyond the requirements in current law.
94. enact adverse amendments to current conflict of interest laws.
95. impose a statewide smoking ban that would preempt existing or future municipal smoking bans.
96. prohibit a ban on handgun storage in locked vehicles while on an employer's property if the prohibition applies to city-owned vehicles.

97. ban or limit the ability of cities to engage in proprietary functions.

98. impose unfunded mandates on cities or city officials related to immigration.

### **TAKE NO POSITION**

The Board voted to take no position on legislation that would:

1. create a small property tax exemption that serves some social good.
2. authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
3. modify the Super Freeport property tax exemption.
4. expand the availability of appraisal arbitration to additional property owners.
5. either broaden or limit the authority of 4A or 4B sales tax corporations.
6. grant counties additional land use authority, so long as municipal authority in the ETJ remains superior to that of the county.
7. relate to environmental flows.
8. authorize, but not require, law enforcement holds on pawn shop goods.
9. require a city to grant leave from work for municipal employees provided the leave meets each of the following criteria: (1) it is unpaid; (2) it must be used to address serious family or health issues; and (3) it is of a reasonably short duration.

### **OTHER**

The Board voted that the League's position on legislation that would change the composition of central appraisal district boards, including legislation requiring the popular election of appraisal district boards of directors, will be determined by the TML Board based on the specifics of the legislation and the entire legislative context in which it is considered.

**January 8, 2009**  
**Workshop Agenda Item 3**  
**Bryan/College Station Convention and Visitors Bureau**  
**Semi-Annual Performance Briefing**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation and discussion on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB).

**Recommendation(s):** N/A

**Summary:** Ms. Shannon Overby, Executive Director, will provide a presentation on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB) since the last quarterly performance briefing.

City representation on the B/CSCVB Board is realized through the efforts and participation of the following appointments:

Mr. Dave Ruesink, City Council	-	Board Member (Executive Com)
Mr. Steve Moore	-	Board Member (Executive Com)
Mr. Scott Shafer	-	Board Member (Executive Com)
Mr. David Gwin, City of College Station	-	Ex-Officio

**Budget & Financial Summary:** In FY 2008, the City Council allocated \$1,060,000 in annual funding for the Bryan/College Station Convention and Visitors Bureau (B/CSCVB). The City of College Station is the primary source of funding for this Contract Partner agency and its various tourism development and enhancement activities.

**Attachments:** N/A

**January 8, 2009  
Workshop Agenda Item 4  
Smoking Ordinance**

**To:** Glenn Brown, City Manager

**From:** Hayden Migl, Assistant to the City Manager

**Agenda Caption:** Presentation, possible action, and discussion regarding proposed changes to the City's smoking ordinance.

**Recommendation(s):** Staff is seeking Council direction as to the proposed changes to the current smoking ordinance.

**Summary:** The City Council had this as a workshop item at its November 5, 2008 meeting. Staff was directed at that meeting to suggest possible ways to make the current smoking ordinance more comprehensive.

The proposed changes are amendments made to the current smoking ordinance rather than adopting an entirely new ordinance. The proposed ordinance is attached with the changes underlined.

Council also directed staff to engage the public in this effort. A public meeting was held on December 15 to gather citizen input about this issue. Approximately 40 individuals were in attendance and the notes from that meeting, as well as a few other comments gathered by staff, are attached.

Due to some of the comments made by business owners at the public meeting, staff is proposing a slight modification to the regulations around entry ways for bars and bar areas. The proposed change is to reduce the distance smoking is prohibited to ten feet (10') for bars and bar areas. This should allow a greater portion of the patios and porches to be used as well as allowing smoking on College Main when that road is blocked off to vehicle traffic.

The smoking ordinance is scheduled to come back to Council at its January 22 meeting. Since this is a change to an ordinance, there will be a public hearing and Council will have the opportunity to vote on the proposed changes at that time.

**Budget & Financial Summary:** N/A

**Attachments:**

1. Current smoking ordinance with proposed changes underlined
2. Notes from December 15, 2008 Public Meeting

## SECTION 9: TOBACCO PRODUCTS AND SMOKING

### A. Definitions

- (1) **Public Meeting** means a meeting required to be open to the public under TEX. GOVT. CODE, Chapter 551.
- (2) **Public Place** means an enclosed, indoor area to which the public has access and includes, but is not limited to the following:
  - (a) the common areas of a retail store, office, grocery store, or other commercial establishments;
  - (b) a restaurant or cafeteria;
  - (c) a public or private or secondary school;
  - (d) a public or private institution of higher education;
  - (e) a hospital or nursing home;
  - (f) an elevator;
  - (g) City and school buses;
  - (h) City building, owned or leased by the City and used for City purposes;
  - (i) an enclosed theater, auditorium, movie house, or arena;
  - (j) a courtroom or a jury waiting or deliberation room; or
  - (k) bar or bar area
- (3) **Smoke** or **smoking** includes:
  - (a) carrying or holding a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device;
  - (b) lighting a pipe, cigar, or cigarette of any kind or any other smoking equipment or device; or
  - (c) emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind or any other smoking equipment or device.
- (4) **Bar.** A bar is an establishment that is dedicated predominately to the serving of alcohol rather than food.

(5) **Bar area.** A bar area is an area physically separated from a food serving area dedicated predominately to the serving of alcohol rather than food.

(6) **Workplace** means an enclosed area in which employees work or have access during the course of their employment.

B. Offense; Penalty.

(1) A person commits an offense if the person smokes at a public meeting, in a public place, in a workplace or in any other enclosed, indoor area in which “no smoking” signs are conspicuously posted by the person in charge, and the person is not in an area designated as a smoking area under Subsection C below.

(2) It is an exception to the application of provision (1) of this subsection that the person is smoking:

(Ordinance No. 2490 of January 30, 2001)

(Ordinance No. 2503 of July 31, 2001)

(a) as an actor or actress in a theatrical performance; or

(b) a tobacco specialty shop.

Smoking shall be allowed and smoking signs are not required to be posted by the person in charge under Subsection C when smoking is permitted by Subsection B(2)a and B(2)b.

C. Designation of No Smoking and Smoking Areas

(1) The person in charge shall designate the following areas as “non-smoking”:

(a) food order areas, cashier areas, check-out lines for stores;

(b) City library;

(c) elevators;

(d) City and school buses, including associated terminals;

(e) restrooms;

(f) movie theaters, hospitals, and rest home facilities;

(g) within a twenty foot (20') radius of the entry way of all public places, except for bars and bar areas where there shall be a ten foot (10') radius around the entry way;

(h) all other public places including restaurants and cafeterias; and

(i) workplaces.

(2) Smoking areas shall not be designated to cover areas in provisions (1)(a) through (1)(i) of this subsection. It is not required that any smoking areas be designated.

D. Signs

(1) The person in charge of a public place or workplace shall place signs visible at each entrance of the building to notify persons entering that smoking is prohibited or that smoking is prohibited except in areas designated as smoking areas.

(2) The person in charge shall conspicuously post signs in areas designated as a smoking area that smoking is permitted in the area.

E. Facilities to Extinguish Smoking Material

All public places shall be equipped for extinguishments of smoking materials. Facilities for extinguishments of smoking materials that are located in areas of public places other than designated smoking areas shall be accompanied by clearly visible signs, stating "no smoking".

F. Owner/Operator Responsible

A person commits an offense if he is the owner, operator, manager or an employee of an establishment and he intentionally permits or fails to make a reasonable effort to prevent smoking in a "no smoking" area.

(Ordinance No. 2490 of January 30, 2001)

## Smoking Ordinance Public Meeting December 15, 2008

1. Presentation of current ordinance and proposed changes by Hayden Migl
2. Public comments and questions

Jonathan Mays: 801 Luther Street West

--Question: Definition of work place and other exceptions

--Answer: gave definition of workplace. This extends current ordinance from public areas to private areas as well.

--Question: How will you measure 20 feet from entry way

--Answer: measured from all directions in relation to a doorway. This is in the current ordinance.

As long as there is an area over 20 feet from the doorway, it will be allowed.

--Question: Houston Street on Northgate – will that technically be banned?

--Answer: yes, it will be banned. Staff is researching to find these details

--Question: rooftop bar?

--Answer: entrances should be 20 feet away

--Question: would it be marked off?

--Answer: enclosed areas are what matters

--Question: reason for exception for tobacco shops; that is still a workplace; so the employees must be ok working in areas filled with smoke.

--Answer: I can't answer that. I am here to answer questions based on enforcement and details of the ordinance.

Dave Hill: 113 Ashburn

--Issue before us is a smoking ordinance ban. My personal belief is that it goes much deeper. This is a choice people should make for themselves. In 2001, the City of College Station and City of Bryan passed the original ban. There was no public vote and no one had any input. As a voter, I had no say in it. That to me, goes to the root of the issue. I do not smoke but feel a person has a right to decide where they go to eat, drink and what they choose to do there. Where does this end? Where does legislating morality end? I have lived here for 15 years but I think the Council is taking on issues when other things should be looked at. I do oppose this ban. I would beg the City Council to put this on a ballot and let the citizens of the community vote for or against this.

Brian Ogg: Cougar Trail outside of College Station

--A lot of the people who are affected by this are not here. Be aware the students have gone home for Christmas break and they are the ones who are really affected. It does not belong in the U.S., the State or the City of College Station. Keep that stuff in Austin where it belongs. I chose to live here for the people and the community. Don't change the community to something I don't want it to be. To Council, the last thing you want to do is wake up the students.

Noah Smith: Raymond Stotzer

--I don't smoke, I'm allergic to smoke but I know what I'm getting myself into. It seems to me that if people, particularly the bar owners, were really into this, they would have done so voluntarily. De facto, the bars have said it is ok by not banning it. I believe that if truly, we shouldn't have smoking, people would have gone to bars with no smoking. This is legislation to force something on people.

Mike Manson: Dominik Drive

--I represent the old folks, specifically a group of faculty members. We go to a watering hole on Friday afternoon, smoke cigars, and talk about the past week and the week to come. I also want to talk about the sports fans who like to watch football, have a few beers, and smoke a few cigarettes. The Council has to keep in mind that compromise is important. I agree people and bar owners should have the choice. Second hand smoke for employees: everyone that works there has a waiver that says they understand they work in a place where they will be around second hand smoke.

Jennifer Ganter: Dixie Chicken Inc.

--We are against the smoking ban. I am for compromise. The patios and porches are bigger and still not 20 feet away from the entry way. I would like it to say that any patio is fine. We aren't going to church. Our employees are able to work in our restaurant where there is no smoking allowed. It is not true that ten bar owners in town support this ban. Please let them know that's where we stand and we'd like them to take that into advisement.

Jeanie Basset: Brothers Blvd

--I thought it was great when there was a smoking area and non smoking area because smokers had their rights. When you walk into a restaurant in Dallas or Houston with smoking areas, you know immediately you are in a restaurant with smoking. Kids have a right to work in a place where they want to or don't, but waitressing is a job available to students. I was of the mind that smokers have the right to smoke, but I also think that non smokers have the right to not be around smoke. Reports have been coming out that bars and restaurants are making more money and hospitals are making less money. As the bans are coming into effect, health in whole cities is improving. The universities in towns where they have gone non-smoking have not been hurt. There are areas for compromise, but we need to be honest about what is right for all. Non-smokers can't get away from smoke.

Jess Fields: 1331 Harvey Mitchell Parkway

--I realize students have to work when they go to college. I work quite a bit. But to imply that people have to work at bars is kind of silly. There are plenty of places people can work. It's all about choice. The first ban that I know of was by Hitler. I acknowledged this morning that second smoke is dangerous. I will buy into the evidence that you present. People still have a choice to do harm to their bodies. We could ban fast food restaurants, bars and tobacco entirely. If we want to impose our values on people we can do that. Let's not tell people if they disagree they are so wrong that we are going to force them out of the market place. If you ban smoking in a city that is self contained you don't have the same economic effects, but Bryan is right next to College station. Bryan has plenty of bars and less business regulations than College Station. Students will choose to go somewhere else, they will go to Bryan bars and we will feel the economic harm. This is about choice. People don't have to go to the establishments.

If it is so that we have 5 -10 times more people who would come to bars if it is non-smoking, then it only makes sense that bar owners would not allow smoking. But, you realize there are people that do smoke. Ask City Council to suggest that people open bars that don't allow smoking.

Jodi Young: Rockhollow in Bryan Texas

--You are all talking about personal choice, and I'd like the option to not be around second hand smoke. I think the Dixie Chicken would be amazing if it were smoke free. I go to Houston so I can go home and not smell like an ash tray. I would like the option to not be subjected to second hand smoke.

Mark Cisillio:

--I've been here for 47 years. Boy have we come a long way since then. We are a better city now than we were then. I had the privilege as a pediatrician as serving when TAMU became the first public university in the nation to outlaw smoking on campus. Folks love to come to Kyle Field and yell for the Aggies and they still do. But you can't smoke there because second hand smoke is dangerous. I don't smoke or drink but I have family members who do both. I sit around it because it is at their home and worth the trade off. I favor open government and I favor the dialogue. I think it would be outstanding if the City of College Station said let's have a discussion, an open debate and let's go from there. I go to church close to the Dixie Chicken and I understand the view that some people want to go have a fun time. My mother died this past summer at 87 from complications of smoking. She started in the Great Depression. It was ok and done everywhere, and she died of emphysema and lung disease. We know more about it now. Sudden infant death has increased. Inter-uterine exposure increases. I think open honest dialogue is a great thing. You have to look at the economics of Bryan. I think this is a great step and appreciate being here. A&M is an incredible institution and keeping things the way they are isn't the way it used to always be.

Melissa Cunningham:

--Not with American Cancer Society. I think it's cute that you think it is a moral issue. It's not, it's a smoking issue. It's one thing to smoke, and it's another thing to make others inhale all the fumes. I think it's unfair that the gentleman made threats about the students coming back. It's not about taking away rights of the smoker. It's about taking away the right of the way to breathe. I'm ok with opening up to patios. I think that's a reasonable compromise.

Erica Alcalla:

--Resident of Bryan and Manager of Mad Hatters. All of my employees sign a waiver saying they know they will ingest smoke. They are also standing on their feet all day long. That is bad, should we take away that right? I am a smoker and I hate that. I think a smoking ban in bars would hurt us. Question about patios? It would only be to the enclosed area. Only 5 feet of our patio, if we're lucky, would be permitted to smoke. Have 20 employees, only 4 of them don't smoke. We carry complimentary cigarettes for people who want one and don't want to buy a whole pack. There were 3 non smokers out of a group of 40 people in a private party last night. This will hurt us. I've been to bars of both types. How are you going to deal with this on a nightly basis? I think there are far greater problems. When I call for assistance when there is a fight I have to wait for 10 minutes. This can only make it longer.

Kristine Weaver:

--Some of the things I've heard have gotten off track. This is a public health issue. This is not to tell smokers they cannot smoke. I've heard the comments about what will they do next regarding fast food restaurants. To talk about something that you want to do to yourself is one thing. But when you impose your behavior is wrong. Where your rights to smoke start, end when a non-smokers' rights begin. There are laws that regulate behavior when it hurts someone else. Alcohol, yes you can go drink, but you cannot drink until you are impaired and drive because that behavior could possibly hurt someone else or yourself. It is a public health issue and the government does have a right to protect citizens from a hazard to their health. It's the same reason we don't have to worry about the safety of our food when we go to a restaurant. It's about your right to breathe clean air.

Shawn Miller: Marion Pugh

--A public health issue is just that. I like the idea of putting this on a ballot or letting the money talk. If a bar wants to allow smoking, shouldn't this be a decision of the bar owner? I think the patios are a great place to smoke. This is something that needs further thought. There hasn't been a lot of thought to the economic interest

David Weaver: Hicks Lane

--I'm not in favor of smoking but like people that smoke, I'm not against them. I want to talk about the people who do smoke. If I could wave a magic wand and make you a non-smoker I would. The thing that is important is we have to watch out for the younger people. I work next to Hurricane Harry's. I see hundreds of young people, who are influenced in so many different ways, go into Harry's. Do we want them to go in and get hooked on smoking? We all realize smoking is addicting, the more you are around it, the chances increase for others to smoke. Those people are going to continue to go to Hurricane Harry's. If they are not smoking there, those people are better off. I want people to remember their concerns. A lot of people who smoke wouldn't if they had a chance.

Barry Ivins, Owner of Corner Bar

--Who will enforce? Continue being the fire marshal but could also be code enforcement. At the direction of the city manager. Would be a low priority call if police responded.

--I have customers that do and don't smoke. I don't care either way. There should not be a restriction on open air. All the businesses on Northgate are close together, it will be eliminated on College Main. The closest place you could smoke would be on campus. We banned drinking on the Promenade because it couldn't be policed. No way they can enforce this. There should be things of higher priority for the city.

John Whittington: owner of The Tap

--The smoking ban is coming. We are aware of it. You can't defend it. I'm not here about the health issues. No one smokes in the restaurants after 10 o'clock at night. We're the bars. We are eliminating it inside, but let's allow it on the patios. 20 feet is entirely too far. I'd like to know who wants to stop it in bars, I'd like to see the names.

Greg Taggart: 1008 Medira

--I didn't plan on coming here tonight. Smoking is tacky, tasteless, it's not cool, it's bad for you. I don't like it. This isn't about a public health issue. No one member of the public is forced to go into the Tap. I'm not being paid to represent anything. This is an issue of liberty. No one is forced to enter a bar. There are lots of places you can get a beer without suffering smoke. A member of the public has that choice. I'm going to put up with the smoke or we're not going to go there. Every merchant has that decision to go for the smoke free crowd. They go for an economic decision. Who forces a staff member to work in a bar? People who are offended by smoking have the choice to leave to show that right. The clean air people who want to enjoy that, maybe that opens up a whole new option "clean air bars". What is the limit of the intrusion on private business matters?

Luke Potts: Holleman Drive

--Seems like many of you here think this centers around the intrusion of government. Sometimes the government does need to get itself involved. Tobacco kills people and causes cancer. When you smoke a cigarette, it causes cancer. When you inhale second hand smoke it can cause cancer and kill you. I became an advocate of smoking ordinances when I had to listen to a 16 year old boy hear he had one year to live because of second hand smoke from parents. This is not a choice. The only negative thing

that bar owners can come up with are economic issues. Studies have shown that the economy has taken off. Some feel that people will go to Bryan. Studies have shown there is a much bigger crowd of people who do not smoke and are now going to start going to those bars. Nothing to fear about the economy. Other studies have been done and show a decrease in new smokers. Families live in this area and we want to decrease the number of smokers. We need to look at long term effects and see that only positive things will come out of this.

Phone Calls from Citizens Unable to Attend the Meeting

Laura Ann and Lucille Grymes

--We are very much in favor of making the smoking ordinance stricter, especially when walking out of restaurants and bars.

Audrey Patton

--Support the ban.

Gary Mitchell

--I definitely wanted to attend the meeting but did not hear about it until too late. The American Cancer Society website does not have any links to the studies they cite and they don't have a list of those in support of expanding the smoking ordinance. I've travelled a lot and seen how this affects the economics and this will be tasking already limited resources. I hope more of the information behind this becomes public. I think there are a lot more important issues that the City and you could be working on.

**January 8, 2009  
Workshop Agenda Item 5  
Tree Beautification Program Presentation**

**To:** Glenn Brown, City Manager

**From:** Marco A. Cisneros, Director, Parks and Recreation

**Agenda Caption:** Presentation, possible action, and discussion regarding a proposed Tree Beautification Program, as requested by Council at the August 18, 2008 meeting.

**Recommendation(s):** Staff requests that the Council provide input and policy direction on the implementation of a proposed Tree Beautification Program for the State Highway 6 Corridor.

**Summary:** The City of College Station has a large investment in landscapes, and trees are a critical component of that investment. With that being said, the City is committed to making improvements in these landscapes whenever possible. The State Highway 6 Corridor is the proposed site for a major tree planting effort that would also serve the purpose of providing significant gateways to College Station from the north and south entry points on State Highway 6.

This Tree Beautification Program proposal is being discussed with Texas Department of Transportation staff since the program is focused on the State Highway 6 Corridor that is the responsibility and falls under the jurisdiction of the state. There are always traffic and road conditions to be considered in any undertaking of this scope and magnitude. Final plans for construction, if the program moves forward, would still need to be approved by the state prior to implementation.

**Budget & Financial Summary:** The funding identified for the Phase One landscape construction of this proposed project comes from a combination of the College Station Utilities Wind Watts Program and the CO Bonds allocated to the Gateway Beautification Project. Once the landscape construction has been completed on a particular portion of the project, the operations and maintenance of the completed landscape improvements would become the City's responsibility. That portion of the project would be dependent upon future General Fund funding that has not been identified and budgeted for.

**Attachments:**

1. None

**January 8, 2009  
Workshop Agenda Item 6  
Signature Event Update**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, possible action, and discussion regarding on-going efforts to realize a signature event for the City.

**Recommendation(s):** N/A

**Summary:** Details will be provided during the presentation.

**Budget & Financial Summary:** N/A

**Attachments:**  
No Attachments