

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
MARCH 10, 2011

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

John Crompton  
Jess Fields  
Dennis Maloney  
Katy-Marie Lyles  
Jana McMillan  
Dave Ruesink

**City Staff:**

David Neeley, City Manager  
Kathy Merrill, Assistant City Manager  
Carla Robinson, City Attorney  
Sherry Mashburn, City Secretary  
Tanya McNutt, Deputy City Secretary

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:00 p.m. on Thursday, March 10, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**1. Pledge of Allegiance, Invocation, consider absence request.**

- **Presentation by the Historic Preservation Committee of Historic Home Marker #57 to Mr. and Mrs. Quint Foster of 1007 Walton Drive.**

Anne Boykin, Heritage Programs Coordinator, and Dr. Louis Hodges, Historic Preservation Committee, presented Historic Marker number 57 to Mr. and Mrs. Quint Foster of 1007 Walton Drive.

- **Citizen Comments**

Judy Leunes, 1356 South Oaks Drive, President of the Brazos Animal Shelter Board, thanked the staff for their cooperation during the process. She greatly appreciates the City's support.

Amy Pyland, 5201 Gary Road, Director of the Eyes of Texas Wildlife Rescue, reported she has been banned from the animal shelter properties for reasons not known to her. Ms. Leunes has threatened her with arrest, but she has not been told the reason why she is banned. Ms. Leunes has told people she is banned from other organization, which is not true. What kind of board president bans people from the premises and spreads rumors? She is concerned for the citizens that use the shelter. It is her belief that she is banned because of her concern on how the animals are treated. Animals have been euthanized that were adoptable. She has a tape recording that Ms. Leune will only work with two rescue groups, so it is no wonder so many animals are euthanized. She stated the shelter is secretive and unprofessional.

Charli Rohack, 4409 Leonard, Bryan, Director of Eyes of Texas Rescue, said her organization has been serving the county for over a decade and holds permits from several state agencies. There is ongoing illegal activity that the animal shelter has engaged in for years. They kill scores of wildlife, particularly migratory birds, when it is illegal to even disturb nests or take eggs. She asked them to take the birds to A&M if she is not available, but they just kill them. A federal agent did a walk in yesterday and was told they did not kill birds. US Fish and Wildlife called them and told them not to take in any migratory birds, and all birds must be referred to Charli Rohack. Ms. Leune said whoever reported the shelter to Fish and Wildlife would be banned. She asked the Council to not turn a blind eye. She asked if the shelter receives a fee for every wildlife animal taken in and if anyone is looking at their books.

Beverly Young, 7701 Jones Road, stated she moved to College Station in 2002 and takes pride in the community. She has worked with the Brazos Animal Shelter as a wildlife rehabilitator for five years and values life no matter what form. Their mission statement is they provide humane care and shelter for stray and unwanted animals. Her experience is they do not follow this mission statement. When asked, she cannot refer the shelter; she always refers people to A&M. She provided an example of a healthy, adoptable dog that was euthanized. The people that brought the dog in were assured the dog would be adopted, and she found people to adopt the dog in a matter of hours, but they were told the dog was not adoptable. They must be accountable to their mission statement. She urged the Council that if they decide to contract with them, then to please hold them accountable with an audit board.

James Rohack, 4409 Leonard Road, Bryan, thanked the Council for allowing concerns to be brought forward regarding a long term contract. He reported the Eyes of Texas Wildlife Rescue was created to fill a void. He stated the Animal Shelter receives payment based on headcount. The more they kill, the more turnover, resulting in a higher headcount. If an organization has a long track record of not following the laws of the nation, then it does not seem to be good governance. There should be an audit of the books.

Shari Yvon-Lewis, 2497 Newark Circle, stated there is no rush to make this decision. She asked the Council to wait until they have all the facts from Bryan. The options for Bryan were not made available until Tuesday so there has not been enough time to make an informed decision. One option was \$80 per animal. For that money you get a low cost spay/neuter clinic in the community. This will reduce intake and create significant savings. The program with the CARE Corporation would include a large foster program which is not in place with the animal shelter. There should be a non-profit partner to help with donations. She expressed her concern that the Brazos Animal Shelter can go off and build a facility and then decide they don't need the City, leaving the City high and dry.

Gwendolyn Inocencio, 6849 Bendwood, president of her own personal rescue organization, stated the animal shelter is referred to as the wonderful folks at the animal shelter, but asked if they are successful at what they are doing. They should have a high save rate. Their rate is 60%, the same as the national average. What else about our community is average? As a client, we deserve to partner with the organization with the most efficient methods. There should be a 90% and above save rate. Why aren't we emulating those methods. We should build a robust foster program, and it doesn't cost a penny. The Brazos Animal Shelter has chosen not to let these individuals help.

Elayne Brooks, 3001 Pierre Place, is astounded at the Council's willingness to sign a contract with the animal shelter knowing the board bans citizens just because they disagree with them. The City should look at this strongly. This will be the only game in town, and then these people will not be able to adopt animals or pull them out for placement.

Charles Brooks, 3001 Pierre Place, implored the Council to further consider the contract. Why was there no RFP or competitive bidding process? He referred to city charter provisions and noted that state law also requires a competitive bidding process. He doesn't understand why the City has not done this. We were told they were the only game in town, but now we know they are not. The state constitution states that any grant of public money must be accompanied by public oversight. The animal shelter has been allowed to collect, retain, and spend over \$1 million. He did an open records request and was told it was none of his business.

Charles Ellis, 1920 Peach Creek, provided an anecdotal message and stated the moral is to make sure you understand the question before giving the answer. His concern is for the animals, the cost to the taxpayer, and service to the public. Will they provide this? An effective animal shelter must provide first class care for animals, have low euthanasia rates, high adoption rates, and education programs in public forums. They should work well with the community, as well as welcome volunteers and local families. They should provide low cost vaccinations. If this is done, then local vets will benefit from more animals in homes. They should also provide trap and release programs for feral cats.

Christopher Sandoval, 4102 College Main, stated the shelter is publicly funded, and as such, is an employee of the taxpaying public. He asked what employee can ban its employer. It is questionable that they are asking for a 105% increase. The euthanasia rate for cats is 80% and 74% for dogs. That number is limited to breeds such as pit bulls and chows. He has documentation of an American Bulldog mistaken for a Pit Bull and euthanized without checking

first for the microchip. They are refusing help and offers to take animals off their hands. Employees are told to disregard public questions and to lie about why Pit Bulls are not allowed to be adopted. The shelter is not a good role model for the City.

Sharon Shull, 11580 Golden Mist, a local vet, reported she started a spay/neuter project called Spay Days. She works in conjunction with the Brazos Animal Shelter, other organizations, and vet hospitals. They have served 300 cats and will begin working on dogs. They screen all applicants for income requirements and make sure if they are low income, the service is free. This is a positive program and could not be done without the cooperation of the animal shelter.

Karen Goralczyk, 2314 Carter Creek Parkway, reported on her experience with the shelter. They have been attacked for not having a low cost spay/neuter program. They send over twenty animals a week to organizations for this service. They foster dogs until they are ready for adoption. She named several different rescue organizations that the animal shelter partners with. They do have vaccine clinics. They would like to have a lower euthanasia rate, but it comes down to space and money, and unfortunately, they cannot all be saved. She has never heard anyone be dishonest.

Chris Needham, 720 Hasselt, Street, said what it comes down to as a taxpayer is how are you going to spend my money. There has been very little auditing and no competitive bidding. All the points brought forward seem valid. She asked the Council to please take more time and look at all the options.

## CONSENT AGENDA

**2a. Presentation, possible action, and discussion of minutes for February 24, 2011 Workshop and Regular Council Meeting.**

**2b. Presentation, possible action, and discussion regarding approval of resolution authorizing the Mayor and City Secretary to sign the inter local agreement between the City of College Station and College Station Independent School District for the conduct and management of a joint election to be held on May 14, 2011. Presentación, acción posible, y discusión en lo que concierne la aprobación de la resolución autorizando al Alcalde y a la Secretaria de la Ciudad a firmar el acuerdo interlocal entre la Ciudad de College Station y El Distrito Escolar Independiente de College Station, para conducir y administrar una elección conjunta que se llevará a cabo el 14 de mayo de 2011.**

**2c. Presentation, possible action, and discussion on an ordinance authorizing a General (Regular) Election to be held on May 14, 2011, for the purpose of electing a City Councilmember, Place 1, a City Councilmember, Place 3, and a City Councilmember, Place 5, by the qualified voters of the City of College Station; authorizing a Joint Election with the College Station Independent School District to be held on May 14, 2011; authorizing the City Secretary to arrange an equitable basis for sharing the costs of the Joint Election; designating election precincts; appointing election officials; establishing pay rates for election workers; providing for notice of said election; providing for the use of**

direct recording electronic voting machines; providing for Early Voting; providing a severability clause; and providing an effective date. Presentación, posible acción y discusión acerca de la una ordenanza autorizando Elecciones Generales (Regulares) a celebrarse el 14 de mayo de 2011, con el propósito de elegir al miembro del Consejo de la Ciudad, Puesto número 1, a un miembro del Consejo de la Ciudad, Puesto número 3, y a un miembro del Consejo de la Ciudad, Puesto número 5, por los votantes calificados de la Ciudad de College Station, autorizando Elecciones Conjuntas con el Distrito Escolar Independiente de College Station a celebrarse el 14 de mayo de, 2011; autorizando a la Secretaria de la Ciudad para arreglar una base equitativa en el cual puedan compartir los gastos de las Elecciones Conjuntas designando distritos de elecciones; estableciendo las tarifas de compensación para los empleados electorales; proporcionando una notificación de dichas elecciones; preparando y haciendo los arreglos necesarios para el uso de las máquinas electrónicas de votar por registro directo; haciendo los arreglos necesarios para las Votaciones Tempranas; proporcionando una cláusula de divisibilidad; y proporcionando una fecha efectiva.

2d. Presentation, possible action, and discussion on an ordinance amending Section 1 of Ordinance No. 2011-3316, ordering a Special Election to be held on May 14, 2011 for the purpose of recalling Mayor Nancy Berry, Councilmember Katy-Marie Lyles, Place 4, and Councilmember Dave Ruesink, Councilmember, Place 6. Presentación, posible acción y discusión de la Ordenanza de convocatoria a Elecciones Especiales para remover a la Alcalde Nancy Berry, al miembro del Consejo Katy-Marie Lyles, Ocupando el Puesto Número 4, y al miembro del Consejo Dave Ruesink, ocupando el Puesto Número 6.

2e. Presentation, possible action, and discussion on a bid award for the purchase of electrical transformers to be stored in inventory as follows: KBS \$115,965.00; Priester, Mell & Nicholson \$20,954.00; Wesco \$46,115.00 for a total of \$183,034.00.

2f. Presentation, possible action and discussion to approve a sole source purchase order not to exceed the amount of \$100,000 with Entergy, the Well 8 electrical power provider.

2g. Presentation, possible action, and discussion to approve a resolution providing an exception to Policy to allow Mr. Mathers to construct sewer infrastructure necessary to connect his home to the City sewer system.

No items were pulled from the Consent Agenda.

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda. The motion carried unanimously.

## REGULAR AGENDA

1. Presentation, possible action, and discussion regarding a new contract with the Brazos Animal Shelter.

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Crompton, the City Council voted five (5) for and two (2) opposed, with Councilmembers Fields and McMillan voting against, to approve the contract with the Brazos Animal Shelter. The motion carried.

**2. Presentation, possible action, and discussion regarding approval of the Brazos Valley Wide Area Communications System (BVWACS) Operating Budget for FY 12 and authorizing the City's quarterly payments of approximately \$49,219 for an annual total of \$196,876.**

**MOTION:** Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve the Brazos Valley Wide Area Communications System (BVWACS) Operating Budget for FY 12 and authorizing the City's quarterly payments of approximately \$49,219 for an annual total of \$196,876. The motion carried unanimously.

**3. Presentation, possible action, and discussion on appointments to fill vacancies on the following committees and boards: Citizens Charter Review Advisory Commission.**

The following people were appointed to the Citizens Charter Review Advisory Commission:

Brian Bochner  
Chuck Ellison  
Paul Greer  
Tony Jones  
Lynn McIlhaney

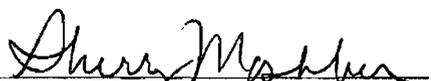
Terry Childers  
Patrick Gendron  
Gary Halter  
Jim Maness  
Buck Prewitt

**4. Adjournment.**

**MOTION:** There being no objection, Mayor Berry adjourned the Regular Meeting of the City Council at 9:15 p.m. on Thursday, March 10, 2011. The motion carried unanimously.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary