

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 3rd day of June 2014, the Amarillo City Council met at 4:00 p.m. at City Hall on the third floor in Room 303 in the Conference Room for review of agenda items, and consideration of future agenda items.

The City Council met at 5:30 p.m. in regular session in the Council Chamber located on the third floor of City Hall at 509 S.E. 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELLEN ROBERTSON GREEN	COUNCILMEMBER NO. 1
BRIAN EADES	COUNCILMEMBER NO. 2
LILIA ESCAJEDA	COUNCILMEMBER NO. 3

Absent was Jim Simms. Also in attendance were the following administrative officials:

VICKI COVEY	DEPUTY CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Kevin Deckard, Polk Street United Methodist Church. Mayor Harpole led the audience in the Pledge of Allegiance.

Mayor Harpole established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

**ITEM 1:** Mayor Harpole presented the minutes of May 27, 2014. Motion was made by Councilmember Escajeda; motion was seconded by Councilmember Eades, and unanimously carried, to approve the minutes.

**ITEM 2:** Mayor Harpole presented an ordinance amending Chapter 8-2, Article I, Sections 8-2-1 and 8-2-6 of the Amarillo Municipal Code regarding definitions and various offenses of inhumane treatment, unlawful restraint of dogs, presumptions, investigation and prosecution of offenses. The proposed changes are the result of several months of work by the Amarillo Animal Control Board and are recommended to the City Council for approval by a 4-0 vote. Sunny Hodge-Campbell, 3203 South Milam Street, Chair of the Animal Control Board, stated this has been a labor of love for a lot of people, and it will assist the animal control officers in better defining the law. Motion was made by Councilmember Eades, seconded by Councilmember Green, and that the following captioned ordinance be passed on second and final reading:

**ORDINANCE NO. 7461**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, Chapter 8-2, Article I, Sections 8-2-1 AND 8-2-6 REGARDING DEFINITIONS AND VARIOUS OFFENSES OF INHUMANE TREATMENT, UNLAWFUL RESTRAINT OF DOG, PRESUMPTIONS, INVESTIGATION AND PROSECUTION OF OFFENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green, Eades, and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Council.

**ITEM 3:** Mayor Harpole presented an ordinance amending Chapter 8-2, Article I, of the Amarillo Municipal Code by adding Section 8-2-2. The proposed Section 8-2-2 clarifies the authority of an Animal Control Officer or other Texas peace officer to enforce this chapter of the Code or state laws and to issue citations, notices of violation, seize animals, and obtain warrants or court orders pertaining to animals. This amendment is recommended by the Presiding Judge of the Amarillo Municipal Court and the City Attorney. Mayor Harpole stated this ordinance would help strengthen the enforcement

for the animal control officers. Motion was made by Councilmember Green, seconded by Councilmember Escajeda, and that the following captioned ordinance be passed on second and final reading

ORDINANCE NO. 7462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, ARTICLE I, SECTION 8-2-2 CLARIFYING ANIMAL CONTROL ENFORCEMENT AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green, Eades, and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 4: Mayor Harpole presented a resolution setting the date and time for a public hearing on June 24, 2014 at 3:00 p.m. to determine if the property at 4414 East Amarillo Boulevard, constitutes a public nuisance and thereby declared as a dangerous structure. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing. Motion was made by Councilmember Escajeda, seconded by Councilmember Eades, and that the following captioned resolution be passed:

RESOLUTION 06-03-14-1

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED; PROVIDING FOR NOTICE.

Voting AYE were Mayor Harpole, Councilmembers Green, Eades, and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 5: Mayor Harpole advised that appointment is needed for the TIRZ #1 Board. Motion was made by Councilmember Eades seconded by Councilmember Green and unanimously carried to appoint Leon Church, Thomas Jones and Nick Ward to replace Carol Autry, H.R. Kelly and Willie Quintero for the Potter County appointments on the TIRZ #1 Board, such terms to expire on 03/20/2016. Voting AYE were Mayor Harpole, Councilmembers Green, Eades, and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 6: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Doug Nelson with Amarillo Economic Development Corporation (AEDC) stated MWI Veterinary from Boise, Idaho currently has 1,500 employees nationwide. They acquired Micro Beef Technologies headquartered in Amarillo. Micro Beef has 120 employees with an annual payroll of \$6.7 million. AEDC is proposing to lease the Zarges building for a 10-year period at market rate. AEDC will also have a job creation retention incentive of \$1.6 million for the expansion and remodeling of that facility. He further stated they could have consolidated in other locations but chose Amarillo. Mr. Nelson also spoke on Item B. This item would transfer the tax abatement that was approved in 2010 for Zarges to Micro Beef. The abatement has seven years left on the 10-year abatement. Motion was made by Councilmember Green, seconded by Councilmember Escajeda, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Amarillo Economic Development Corporation (AEDC) Project #13-04-01:

This item approves an AEDC project for MWI/Micro Beef Technologies to consolidate and relocate operations to the former Zarges Building in the CenterPort Business park. Under the terms of the proposed lease agreement and Location Incentives Agreement (LIA), MWI/Micro Beef Technologies will lease the facility at market rates from the AEDC for a period of ten years with two 5-year options, will receive a job creation/retention incentive grant of \$1,600,000 for building expansion and improvements which can be forgiven based on annual performance during the base 10-year lease period. Further, MWI/Micro Beef will receive a no cost extension of their lease in the Commerce Building until improvements at the former Zarges building are completed and will also request an

assignment of the existing tax abatement agreement on the former Zarges building.

This lease agreement and incentive package will assist in the consolidation of MWI/Micro Beef operations in Amarillo and will retain approximately 120 jobs and an estimated \$6.7 million annual payroll. This project is recommended for approval by the AEDC Board of Directors.

B. Approval – Assignment and Assumption of Existing Tax Abatement Agreement:

This item approves the assignment and assumption on a tax abatement originally granted by the City of Amarillo on December 16, 2010 to an AEDC project for Zarges Aluminum Systems, LLC at the CenterPort Business Park. This existing abatement will now be assigned and assumed between the City of Amarillo, the Amarillo Economic Development Corporation, and MWI Veterinary Supply Company for the project above. The terms and conditions of the original agreement remain as-is with the substitution of MWI Veterinary Supply Company in place of Zarges Aluminum Systems, LLC.

ITEM 7: Tim Loan stated the biggest news was that it had rained. The National Weather Service registered 3.55" of rain over the Memorial holiday. He further stated Lake Meredith's level was up 1.5' over the last couple of weeks bringing it to 34' deep. Mr. Loan commented on the revised ordinance passed on the drought contingency plan, and the upcoming sprinkler tune-up program where the largest water users in the city who qualify, have an opportunity to have their sprinkler systems evaluated and they are given a rebate in the form of a water credit. He also requested to the public that they do not water during and after rains, do not water when it is windy, and do not water during the heat of the day. He suggested keeping irrigation systems repaired, subtract rain amounts from irrigation requirements and to conserve when possible. He further encouraged reports of water wasters. A city representative would make personal contact with the individuals and the problem would be discussed.

Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council can respond with a statement of fact, a statement of city policy or decide whether to place an item on a future agenda.

Wanda Sanner, 4702 Hawk Lane, stated she was concerned about a newly posted pedestrian crosswalk on 46<sup>th</sup> Avenue which was on a hill and the upcoming drivers may not see the children.

Sunny Hodge-Campbell, 3203 South Milam, stated this was trying and challenging times for the Animal Control waiting for the City and the Council to address the issues. She inquired as to the supervision, why, and how this situation was allowed to happen. She asked for steps to ensure it did not happen again. She also inquired as to how often the Council visited Animal Control or other city departments. She stated she took her job with the Animal Control Board very seriously. Councilmember Green stated they pledged to do the right thing. Mayor Harpole stated they were restricted to comment on the investigation because of the open meetings law.

Councilmember Eades stated that some of the issues were matters currently under investigation and he was limited to speak except for a statement of fact. He further stated he appreciated all the hard work and agreed they should have been a little more on top of this issue. City Council feels responsible and they are moving forward.

Danielle Niimi, 1404 South Jefferson, stated she works at Animal Control and she did not receive proper training on euthanizing animals for almost a year. She further alleged immoral and illegal conduct.

Shea White, 4212 West 12<sup>th</sup> Avenue, stated there were laws broken in the video. She further stated several things were currently not being attended to such as the cleanliness of the facility. She presented copies of the Texas laws for animal shelters.

Judy Glidewell, 176 Dolphin Terrace, inquired about the animal control director position and the need for someone with passion for saving lives, and their ability to work with volunteers and rescue groups. She further suggested a committee to meet with the

candidates and the committee to have a voice on the new director. She also presented a handout.

Terrilynn Salazar, 15500 Aventura Street, inquired as to why the animal control offices were being refurbished and cameras being put in instead of buying feeders and beds. She also asked that volunteers be allowed to help. She presented some photographs.

Mayor Harpole stated it continues to be a work in progress and they are not done. He further stated the City has acted in good faith and they are not able to overcome everything instantly. Councilmember Green stated they were not finished with improvements. Councilmember Eades requested some of the items heard be put on a future agenda so they could be acted on very quickly. Mayor Harpole seconded his request.

Mr. Norris suggested the Mayor get with the City Manager to work on those requested agenda items. He further reminded the Council that the City Manager has laid out an orderly process with preeminence given to the criminal investigation. The criminal investigation will go forward first. At the appropriate time, when it will not be jeopardized, there will be an internal investigation review for any management violations, and then an operational review. There are currently operational changes occurring. He stated they need to be mindful of the pending criminal investigation because witnesses have given statements under oath, and for the city to come along too quickly runs the risk of inconsistent statements and runs the risk of impeding the criminal investigation. From the first press release the plan has been laid out. He further stated we all wish it would move more quickly.

Councilmember Eades replied it was a very good long-range plan, but Council has clearly been made aware of short-term issues that require immediate attention. Mayor Harpole stated the facility improvements continue and some parts are on order. He also echoed Councilmember Eades concerns. Councilmember Escajeda replied the Council is listening and making sure the community has input but they are restricted to responses. Andrea Slater Gulley, 3533 Sleepy Hollow Boulevard, Vice Chair of Animal Control Board, encouraged the Council to give Scott McDonald the resources he needs, financial and manpower, and to ask Animal Control officers for their input. She further stated there were many things that needed to be done that do not have to wait on the criminal investigation. Mayor Harpole asked Ms. Gulley for a list of specific things, but cautioned that they need to be careful not to interfere with the investigation. Judy Glidewell, 176 Dolphin Terrace, stated she has invited Scott McDonald to visit Critter Camp because they were adamant on their cleaning procedures. She extended the invitation to the Council. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor