

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**January 18, 2011**  
**5:00 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Greg Wilkinson  
Director of City Engineering, Paul Brooberg  
Management Analyst, Brant Hanson  
Director of Financial Services, Pat Wicks  
Various department heads or their representatives  
City Clerk, Lynda Bushong

**I. REGULAR CITY COUNCIL MEETING AGENDA OF JANUARY 19, 2011**

**Adoption of Ordinances Consent Agenda Item A: Ordinance O2011-01 Right-of-Way Acquisition: 12th Street**

**Stuart** asked if Ordinance 2011-01 would be removed from the agenda. **Wilkinson** informed City Council that a decision was made to keep Ordinance O2011-01 on the agenda. Additional information may be provided to address any concerns.

**Stuart** stated that due to limited funds for street improvements his inclination is not to move forward with this project until the traffic problem on 21<sup>st</sup> Drive and 32<sup>nd</sup> Street is addressed. **Mayor Krieger** suggested that the most appropriate way to address this concern would be to take a voice vote during the council meeting on January 19, 2011. **Stuart** agreed.

**Mendoza** asked if the price of the property remained at \$3,000. **Brooberg** replied that the proposed amount is \$3,000 for 341 square feet of property plus a 5-foot wide strip for an easement adjacent to it. This easement will provide working space for a contractor once the construction of the project moves forward.

**Stuart** asked if the project involved the extension of 12<sup>th</sup> Street from Avenue A across the canal past O.C. Johnson Elementary School. **Brooberg** stated that the project will impact a full mile from Avenue A to Avenue B. **Stuart** further inquired as to when the project was scheduled to begin. **Brooberg** confirmed there was no construction scheduled at this time.

Going back to his original point, **Stuart** stated he would rather see the \$3,000 used towards a traffic control device at 21<sup>st</sup> Drive and 32<sup>nd</sup> Street before a major traffic accident happens, rather than towards a project that has no scheduled start date.

**Motion Consent Agenda Item B2: Special Event Liquor License: Gotta Dream Inc.**

**McClendon** asked for the name of the business where event will take place. **Bushong** informed City Council that the event will be held at Bobby's Territorial Harley-Davidson.

**McClendon** requested this Agenda Item be pulled for a separate vote during the Regular Council Meeting on January 19, 2011.

**II. ARIZONA GAME AND FISH DEPARTMENT**

**Pat Barber**, Regional Supervisor, Arizona Game and Fish Department (AZGFD), expressed his appreciation for the invitation, received from Mayor Krieger, to provide an overview of the AZGFD to City Council and staff. The following information was presented:

- The AZGFD's mission is:
  - To conserve, enhance, and restore Arizona's diverse wildlife resources and habitats through aggressive protection and management programs.
  - To provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.
    - These recreational activities encompass the establishing and enforcing of regulations to protect the resources and public safety in addition to creating and maintaining sustainable opportunities for constituents.
- The AZGFD was formally organized in the 1930s and has maintained the same approach around the state which is to provide resources in remote areas of the state and rural communities and to train and encourage staff to integrate into the smaller communities.
- The Yuma Regional Office is a science based agency composed of approximately 35-40 employees located at Avenue 9E near the new water treatment plant. Home offices are located in Wellton, Gila Bend, Buckeye, Goodyear, Wickenburg, Lake Havasu City, and Quartzsite.
- The main source of funding of AZGFD is primarily through the sale of licenses and permits in addition to federal funds that are matched against license revenue and from excise taxes placed on sporting equipment. The department operates under a business model where the department's expenses are based on the revenue received. As a result the constituents are often referred to as customers because it's recognized that the AZGFD in order to be successful has to provide services and products that they are willing to pay for.
- The explosive population growth in Arizona under a business model agency would usually mean more potential customers but instead there has been a decline in license sales and participation from the public for fishing and hunting. Research has shown this trend to be true across the country.
- Cultural and Demographic Changes
  - More urbanized population
  - Less direct exposure to nature/wildlife
  - Decline in the traditional two-parent family
  - Less available time (competing activities)
  - Outdoor activities more expensive
- Changing Customer Base
  - Change with customer base by ensuring community has access to quality products and services.
  - Create activity opportunities that are easier to learn, less expensive, closer, less intimidating, and marketable.

- Through enhancements and partnership the AZGFD has established three easy to access recreational fishing locations with regular stocking programs of trout and catfish.
  - The West Wetlands Pond, located within city limits offers educational fishing events such as fishing clinics for children and adults. For the past two years the AZGFD has held the Nature Fair during the Yuma Optimist Club's Catfish Rodeo. With an attendance of approximately 300-500 kids the AZGFD, in partnership with other federal agencies, set up booths where children can experience hands-on exposure to an archery range, air rifle range, live wildlife, and gold panning. The 2011 Nature Fair is scheduled for October 22, 2011.
  - The Fortuna Pond, located in the Gila Valley just outside city limits was created about 30 years ago to be a recreational fishing location. Due to aquatic vegetation build up accessibility was limited. Through partnerships with the Bureau of Reclamation and the Bureau of Land Management (BLM) all vegetation was removed and recently a portable toilet and dumpster were added.
  - The Redondo Pond, also known as Yuma Lakes, is located on County 6<sup>th</sup> Street. Again, through partnership with BLM, aquatic vegetation was cleared and a fishing dock, handicap accessible pathway, and handicap accessible parking lot were installed.
- Marketing
  - Advertising for the three recreational fishing locations is being displayed at the Harkins Theater during the month of January 2011.
  - Hand-out material with specific directions to these three facilities has been created.
  - A new brochure with basic level information for fishing will include details of equipment needed, what bait works best for each fish type, and how to tie knots.
  - In addition, through partnering with the County, new directional signs to these three fishing locations and other recreational locations are being placed around the community.
  - The purpose of this is to maintain our business model and recruit new customers who support wildlife management.
  - The bottom line is to make these resources and activities available to as many people living in the City and create a positive impact in the community.
- What's next
  - Continue creating partnerships, expand fishing opportunities, provide and promote watchable wildlife opportunities, and provide transitional experiences.
  - Future potential projects include creating a new fishing location between Interstate 8 by 32<sup>nd</sup> Street the Avenue 8 ½ E that can also serve as an emergency water storage location. The area is conveniently located under Interstate 8 where the park would be visible to all travelers on the highway.
- Preserving the Dove Hunt
  - The AZGFD has concerns about how City annexations south of the Valley will affect the future of the Dove Hunt in Yuma.

**Brooks** asked if a timeframe for the new pond has been set. **Barber** responded that he does not envision this being a short-term project. The project has presented some challenging scenarios such as preventing water from soaking into the ground and affecting farming in the Gila Valley and the need to install an infrastructure to divert water out of the canal.

**Johnson** stated that a turn-out structure exists on the canal that feeds a lateral irrigation ditch that Arizona Western College built for their agriculture program that might be used to divert water out of the canal. **Johnson** referenced a recent article in the paper about the project completed by the Bureau of Reclamation at Brock Research Center where they built a couple of large ponds to hold excess

irrigation flow; has the Bureau of Reclamation been contacted to explore the possibility of completing a similar project here. Federal funds could possibly be used for the project to capture water for the use by Yuma Mesa Irrigation. **Barber** informed City Council that the Bureau of Reclamation was the first agency contacted but due to multiple entity involvement, the issue becomes very complex. The lateral canal might possibly be used, but in addition to putting the physical structure in place, agreements with the Irrigation District have to be established to have water delivered.

**Johnson** agreed and stated this would be a good opportunity to create a partnership with the City, the State, and other federal agencies. During the turn-out period when the flow of water is shut down in the canal every year for maintenance the pond could be used for the storage of the raw water before it's treated by the Agua Viva plant. **Barber** agreed.

In response to the potential opportunity out East, **Wilkinson** added that the Utilities Department completed an initial analysis and concluded that the area as it is right now holds approximately 190 million gallons of water that can be used by farmers when maintenance on the canal is being performed. The lake is an initial idea that is receiving positive feedback but will take a couple of years to go through and finalize a process.

**Mayor Krieger** stated that there is a great deal of construction that uses concrete and the waste product from the concrete that is a muddy muck that could serve well as a non-toxic liner for the lake. It would be beneficial to explore the possibility of creating a partnership with these entities and start to accumulate the material to use on the project.

### III. ANIMAL CONTROL REGULATIONS

**Hanson** presented the following:

- Ordinance O2011-03 is the initial step to finding a solution to counter the feral cat problem that the City is currently dealing with. The Humane Society of Yuma (HSOY) currently does not address cats.
- Sections added to Chapter 130 Animals and Fowl:
  - 130-006 Unlawful Feeding of Dogs and Cats – addresses the feeding of multiple dogs and cats, causing the dog and cat population to increase in a specific neighborhood or area, with the exception of pending transport to a lawful owner or City Enforcement Agency.
  - 130-029 Kennel License – creates a limit on the number of pets kept in a household without a Kennel license. The fee that will be associated with this section has not been determined but will be set by July 1, 2011.
  - 130-084 Stray Animals – states that a stray animal will be maintained at the pound for a minimum of three business days unless ownership is claimed.
  - 130-090 Reduction of Feral Cats – allows the City Administrator to waive fees when a cat is trapped and turned into a City Enforcement Agency. This section will address citizens' concerns about having to pay fees for assisting in the reduction of feral cats.
  - 130-091 Unlawful Release of Cats – addresses when cats are abandoned and released into the wild.
  - 130-092 Cat – Trap, Neuter, Release (TNR) – more detail will be provided at a later time.
- Important Amended Sections
  - 130-003 Animals at Large, (B) (3) Exclusions – an animal is not deemed at large if it is at a posted dog park, a service dog, or in service with a law enforcement agency.

- 130-011 Rescue from Vehicles, (C) Time Limit for Claim – if an animal is in a hazardous condition the time limit to claim that animal has been reduced from 10 days to 5 business days.
- 130-011 Rescue from Vehicles, (D) Attempt to Contact Owner – the time period has been reduced from 5 days to 3 business days in order to speed up the process of contacting the owner.
- 130-021 Licensing, City to Charge License Fees – the City will begin to charge a licensing fee and not the City Enforcement Agency. The fee amount has not been determined but it is anticipated to be close to the current amount being charged by the HSOY.
- 130-026 Licensing, Duration – time period has been changed to 3 years when possible.
- 130-040 Unlawful Sale of Animals, (3) – amended to include that posting a sign to sale an animal is an unlawful activity and provisions were added to address the sale of animals on residential property.
- 130-041 Unlawful Sale of Animals, (D) Exclusions – it is not unlawful to sale animals from at an exhibit event or a dog or cat show.
- 130-088 Cat Impoundment Authorized – a cat trap with a waived deposit fee may be obtained, but if the trap is not returned within 15 days it will result in a charge on the citizen's utility bill. The traps are limited and this will assist in ensuring they are rotated quickly.
- 130-097 Confinement of Other Animals, (A) Authorized – amended to increase the confinement period for biting animals from 7 days to 14 days. This is the allowable incubation period to be able to assess if the animal has rabies.
- 130-999 Penalty – was amended to modify the fee structure.
- Dog and Cat License
  - Both dogs and cats will need to be licensed; the City of Yuma is not the first city to license cats. Through research it has been determined that the implementation will not be that difficult; the biggest area of concern is the enforcement and the loss of collars. Citizens are encouraged to invest in breakaway collars and to chip their animals to reduce the possibility of losing a license and having their animal categorized as stray and euthanized. The goal is for the new system to be able to connect the license number with the chip number and determine if an animal is licensed and return it to the rightful owner.
  - Veterinarians will determine if an animal needs a 1 year or 3 year license based on the requirement for a rabies shot.
  - After some research, the City is considering contracting with PetData a sole source company that offers a full service for animal licensing. The data collected through PetData will remain city property therefore, if the City chooses not to renew services after a year the data will be transferable to the City. PetData will have four convenient options to complete the licensing process by walk-in to City Hall, mail-in to PetData, online, or through the Veterinarian's office. The detail of how the process will be implemented with Veterinarians still needs to be outlined.
- Research about the efficiency of the TNR program has been completed through websites of credible organizations such as Alley Cat Allies and PETA, but the results are conflicting studies and opinions. Several variable factors must be considered in order to determine if the program is effective and the ability to monitor the effectiveness of the program becomes more difficult when implementing it on a large scale such as the City of Yuma.
- Ordinance O2011-03 provides different methods for the reduction of the feral cat population, citizens will be able to participate in the TNR program or the Trap and Remove program. Citizen participation is a key factor in making this effort a success. The City will encourage the TNR program, but will not utilize City resources to support it. The City will assist with traps and helping residents so they can do what they need to do in their neighborhoods.

- The results will be difficult to measure at first but with the licensing of cats the City will be able to get a better perspective of the number of feral cats we are dealing with.
- Upon approval, implementation will be enacted within 30 days, only some sections of the ordinance will go into effect at this point. The goal is for the entire ordinance to go into effect by July 1, 2011.
- To prepare for the complete implementation of Ordinance O2011-03 the following steps will need to be completed prior to July 1, 2011:
  - Public outreach through neighborhood meetings, workshops, and informational inserts in Utility Bills to educate the citizens and neighborhoods of what the City is trying to accomplish.
  - The Police Department is being considered to operate as the City's point of contact, where residents can call for assistance.
  - Coordinate and renew contract with HSOY to create a smooth transition of the duties that will now be handled by the City.
  - Meet with Veterinarians and discuss how involved they will be in the program.
  - Create an enterprise account where all funds and revenue generated will go into this account and will strictly be used for animal control.
  - Complete research of the possibility of creating cat sanctuaries. Results of some initial research show an operating budget of \$100,000 for 1,000 cats per year that is usually funded through grants or donations. This is another method the City wants explore and if possible provide as an option for citizens to utilize to address feral cats.
- The City anticipates these will be the first steps taken in addressing the feral cat population and throughout the implementation process the City might find more effective ways to continue the efforts to decrease this population.

#### Discussion

**Johnson** stated that law enforcement service dogs were not listed under Section 130-022; will the Sheriff's Office and the Border Patrol be required to license their animals? How will Section 130-096 be applied to dogs with a law enforcement agency when biting at times is part of their job without causing any hardship to the law enforcement agency? **Hanson** responded that these provisions will need to be reviewed for accuracy.

**Johnson:** How will licensing be enforced for animals that do not go outside without being in a carrier?

**Hanson:** Licensing should be seen as a way to also protect the animal; it is in the best interest to license animals in case anything was to happen there would be a way to reach the owner. The adjustment period might be difficult for a cat to get use to a collar but the City feels this is the best direction at this time.

**Beeson** asked if there has been discussion with HSOY to provide some of the services that would be contracted with PetData. **Wilkinson** replied that currently there are several concerns such as the commingling of funds, therefore by separating the funds for the first year the City will gain a better perspective of the resources and funds that will be used specifically in this area. This will also assist with the multiple audits required for a City government.

**Mayor Krieger** asked if the City would go through the Request for Proposal process prior to contracting with PetData. **Hanson** noted that PetData is a sole source company but the City will do its due diligence to ensure there is no other company that can offer these services. **Beeson** added that it would be great if the services could come from a local vendor.

**McClendon** requested clarification on whether the City will continue to provide locations to hold clinics about the TNR program even though Ordinance O2011-03 states that the City will not participate in the TNR program. **Wilkinson** indicated that the ordinance is drafted so that any funds that come in for animal control are strictly used for that purpose not to support the TNR program. It has not been determined if the City will continue to provide resources at this time. One of the concerns surrounding the TNR program is that if the City participates and sponsors the program due to a third party liability the City may become liable for participating in harming an endangered species or property damage. This is the reason the ordinance does not stop the TNR program but the City does not physically and financially support it.

**McClendon** inquired about what funds would be used if fees are waived when a citizen participates in the Trap and Remove program. **Hanson** informed City Council that the fee associated to euthanize a cat is \$20.00. If the fee is approved to be waived, the funds used would come from the enterprise account. Resident's fees for traps and removal of cats will be waived if the traps are returned within 15 days.

**McClendon** asked if the City will be billed by HSOY for euthanizing cats. **Hanson** responded that this is an area that needs to be worked out by July 1, 2011. **Mayor Krieger** added that the enforcement agency may not necessarily be the HSOY.

**Beeson** commented that last week during the neighborhood meetings several residents expressed they were willing to make contributions towards the cost of these programs. Would the City have the ability to include in the Utility Bill an opt-in option where certain residents are charged a voluntary \$0.50 or \$1.00 a month? **Wicks** confirmed that from a mechanical stand point it would be possible to add a line item to the Utility Bill for residents that want to contribute funds for Ordinance O2011-03. In order to move forward an ordinance would need to be adopted to allow the function.

**Mendoza** expressed concern about offering to collect voluntary contributions for feral cats at which point would the City stop if other organizations request a similar service. The State offers a similar service on tax forms and through the years there has been an increase in organizations listed on the forms. **Wilkinson** responded that the difference with this line item would be that the contributions collected would strictly be for a City of Yuma enterprise account for animal control there would be no outside agency involved.

**Stuart** estimated that City of Yuma residents current pay approximately \$6.50 to \$7.00 a year for animal control through city and county taxes. **Wicks** agreed. **Hanson** added that the City is currently paying approximately \$450,000 for animal control; the goal is to take the revenue from animal and cat licensing to supplement this cost instead of having the revenue go directly to Yuma County and/or the Health Department. **Stuart** clarified that the revenue will not go directly into the City budget but into an enterprise account strictly for animal control use.

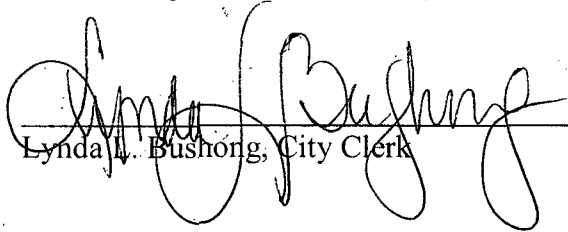
**Mayor Krieger** commented that the issues with animal control will result in more of an impact fee for residents that contribute to the problem. As mentioned by Councilmember Stuart, City of Yuma taxpayers have been paying for animal control for over 10 years through City and County taxes. If these funds were being spent effectively there would be no need for this discussion. It is important to continue to receive input from all sources to ensure the City makes informed decisions when moving forward. The Governor of Colorado recently issued an executive order that stated that local control is

better not to impose unfunded mandates and allow local entities to run their communities, towns, and counties. **Mayor Krieger** thanked Mr. Wilkinson and Mr. Hanson for working hard in gathering the information and presenting it in a comprehensive and inclusive manner. The City will still have minor details to address but is moving in the right direction.

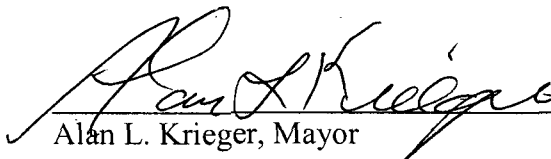
**IV. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION – NO DISCUSSION**

**VI. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Beeson/Brooks): To adjourn the meeting to Executive Session. Voice vote: **adopted 7-0**.  
The meeting adjourned at 6:21 p.m.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of:  
May 4, 2011  
City Clerk: 