

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**JANUARY 19, 2011**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Paul Gambling**, Hospice of Yuma Chaplain, gave the invocation. **Steven W. Moore**, City Attorney, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks, Johnson and Mayor Krieger  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Gregory K. Wilkinson  
Various Department Heads or their representative  
City Attorney, Steven W. Moore  
City Clerk, Lynda L. Bushong

**FINAL CALL**

**Mayor Krieger** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Wilkinson** recognized:

- Employee of the Quarter nominees and announced the Employee of the Quarter was awarded to Randy Crist, Building Official
- The City of Yuma as the *Yuma Sun's* Best Place to Work – Large Business award recipient.

**I. CALL TO THE PUBLIC**

**Ann Harrison**, P.O. Box 1976, on behalf of the Yuma Chapter 1016 of the National Association for the Advancement of Colored People (NAACP), thanked the City Council for their presence at the Martin Luther King, Jr. celebration activities. She also expressed her concern with the intersection located at 21<sup>st</sup> Drive and 32<sup>nd</sup> Street where she witnessed two near accidents. Traffic has increased significantly in the area since the library was opened in 2009.

**Joann Villareal**, 1198 9<sup>th</sup> Avenue, a long time Yuma resident and a business owner, stated that after surgeries to remove tumors from her breasts, she became a medical marijuana patient. She requested the City Council to consider working with her on any questions they may have regarding medical marijuana because of her involvement with organizations against medical marijuana prohibition, and being a patient advocate.

**Benjamin Pilgrim**, 1198 S. 9<sup>th</sup> Avenue, requested the City Council place a medical marijuana ordinance on the agenda for discussion.

**Moore** responded by stating there is an ordinance coming forward regarding the regulation of zoning for medical marijuana dispensaries.

**Sarah Wisdom**, 989 W. Cortez Lane, Community Relations Manager for the Yuma County Library District, expressed her support for a traffic control device at the intersection of 32<sup>nd</sup> Street and 21<sup>st</sup> Drive. Both library staff and its patrons have experienced many near accidents. There is a lot of pedestrian traffic because of an elementary school across the street. The library staff realizes resources are finite; any solution offered would be appreciated. **Wilkinson** stated that 32<sup>nd</sup> Street from Avenue A to Avenue B is currently undergoing a design phase for roadway improvements.

**Michael Foree**, 1455 W. 16<sup>th</sup> Street, Yuma County Library Board, expressed his concern about the intersection of 21<sup>st</sup> Drive and 32<sup>nd</sup> Street. Oftentimes traffic lights go up after a tragedy has occurred. He urged the City Council to get ahead of this and not to wait for a tragedy to occur.

**Susan Evans**, 5911 E. 27<sup>th</sup> Place, Yuma County Library Director, expressed her support for traffic control at the intersection of 32<sup>nd</sup> Street and 21<sup>st</sup> Drive. She stated it's difficult to make left turns onto 32<sup>nd</sup> Street. Also, 21<sup>st</sup> Drive is difficult to see from 32<sup>nd</sup> Street until just before one approaches it, which leads to a lot of last minute maneuvering. She urged the City Council to consider a traffic control device before someone gets hurt.

**Shawn Smith**, 285 N. Figueroa Avenue, Executive Director of the Humane Society of Yuma, stated the animal control ordinance shows an effort to communicate regarding animal welfare between the Humane Society of Yuma (HSOY) and the City; however, there are some improvements needed:

- Outsourcing dog licensing
  - There are approximately 44,600 dogs in Yuma County
  - With today's economy, it wouldn't be wise to take jobs away from Yuma.
  - The HSOY increased licensing compliance by 80% over the past four years.
    - In 2007, the HSOY licensed 6,141 dogs.
    - In 2010, The HSOY licensed 11,082 dogs.
    - The numbers speak for themselves and should put to rest the issue of outsourcing.
- Trap-neuter-release (TNR) program
  - The most effective way to mitigate the cat population.
  - There are pitfalls, but overall has paid dividends in many communities
  - In the past four years the HSOY euthanized 15,000 cats.
  - The HSOY offers TNR surgeries.
- For a fee of \$20, residents may surrender a cat to the HSOY.
- HSOY Accomplishments
  - In the past three years, the HSOY has sent over 2,000 animals to rescue - outside of the community.
  - In 2009 and 2010, the HSOY performed 2,100 surgeries in the low cost spay/neuter clinic.
    - Preventing 2,100 animals in two years from procreating and polluting the community with unwanted pets
- The feral cat issue is a huge tax burden to the community.
  - The HSOY is making every effort to decrease the spending of future tax dollars

- The code enforcement component of the ordinance would be overwhelming and costly.
- The State Health Department requires a ten day quarantine period; the 14-day quarantine will cost the City an additional \$50,000/year to implement.

## II. MOTION CONSENT AGENDA

**Motion** (Johnson/Beeson): To approve the Motion Consent Agenda as recommended with the exception of item B.5, which was removed for separate consideration by McClendon. Voice vote: **approved 7-0.**

### A. Approval of minutes of the following City Council meetings:

Regular Worksession	September 14, 2010
Regular Council Meeting	November 17, 2010

### B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Jon Daryle Pitts, on behalf of Gotta Dream Inc., for a Chili Cook Off. The scheduled event will be held at 2550 E. Gila Ridge Road, on February 19, 2011 from 9:00 a.m. to 6:00 p.m. (SP11-04) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Gerardo Garcia, on behalf of Yuma Community Food Bank, for the Return of the Block event. The fundraiser event will be held at the 200-300 block of Main Street, on January 28, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-05) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by John E. Williams, on behalf of the Hospice of Yuma for the 2011 Roping Round Up. The scheduled event will be held at the Yuma County Fairgrounds, 2520 E. 32nd Street, on February 5, 2011 from 12:30 p.m. to 11:00 p.m. (SP11-09) (Admin/Clerk)
5. Removed for separate consideration; see below.
6. Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by Jason Craig Matlock, agent for Yuma Scorpions, 1280 W. Desert Sun Drive, Yuma, Arizona for Winter League baseball games. (EP11-02) (Admin/Clerk)
7. Approve an Interim Permit and New Restaurant (#12) Liquor License application submitted by Randy D. Nations, agent for Outback Steakhouse of Florida, LLC dba Outback Steakhouse, 328 E. 16th Street, Yuma, Arizona. (LL11-01) (Admin/Clerk)

8. Approve an Interim Permit/Person Transfer of a Bar, #6, Liquor License application submitted by Nathan Kyle Heida, agent for Nathan Heida LLC dba De Railed Saloon, 179 E. 1st Street, Yuma, Arizona. (LL11-02) (Admin/Clerk)
9. Award to the lowest responsive/responsible bidder for the Dr. Martin Luther King Jr. Neighborhood Center Renovations, at a total cost of \$123,467.30 to Yuma Valley Contractors, Inc., Yuma, Arizona. (Bid #2011000184) (Eng)

**Motion Consent Agenda Items Removed for Separate Consideration**

- B.5. Approve a Special Event Liquor License application submitted by Theresa K. Ulmer, on behalf of Ballet Yuma for the Art for the Heart event. The fundraiser event will be held at the Arizona Western College Conference Center, 2020 S. Avenue 8E, on February 11, 2011 from 7:00 p.m. to 11:00 p.m. (SP11-10) (Admin/Clerk)

**Speaker**

**Theresa Ulmer**, 3000 S. Rainbow Ave, Ballet Yuma Board President, Ballet Yuma is a non-profit, pre-professional company in Yuma that has been around about 17 years. Unfortunately, grant money and donations are decreasing and the Ballet Yuma had to get a little creative and reach out to a bigger audience for fundraising. The event, Art of the Heart, serves a nice dinner, wine and a performance from the dancers. In addition, there will be a live and silent auction. The fundraiser isn't about anyone but the dancers who have a dream. Ballet Yuma is helping them attain that dream. There is a conference center at Arizona Western College (AWC) that has received state approved to serve alcohol and AWC has agreed to suspend their license temporarily to allow Ballet Yuma to serve wine with the dinner. It is not a question of whether the facility is appropriate or not, the question is if the City Council will approve Ballet Yuma to use a temporary permit to make the event a little nicer.

**McClendon** stated her opposition to alcohol being served on any school facility.

**Motion** (Mendoza/Beeson): To approve the Special Event Liquor License for Ballet Yuma. Roll call vote: approved 6-1; McClendon voting nay.

**Mayor Krieger** stated that although he normally votes no in regards to alcohol being served on school grounds, the State approved AWC's liquor license and there isn't a good reason to vote no. Regardless of his personal views, this is a community building and he serves the community.

(Clerk's note: The speaker for Call to the Public that was inadvertently left out was brought forward at this point.)

**Marilyn Young**, 2240 Elks Lane, thanked the City Council for appointing her to the 2011 Charter Review Committee. She expressed her concern of the intersection at 21<sup>st</sup> Drive and 32<sup>nd</sup> Street. Would it be possible to place the traffic light before any work begins on the road?

**III. RESOLUTION CONSENT AGENDA - none**

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Stuart** stated that in the area of 21<sup>st</sup> Drive and 32<sup>nd</sup> Street, there are three schools, the Yuma County Main Library, numerous businesses, agricultural land and now an apartment complex. There is a traffic signal scheduled for that intersection in 2012, but at the rate the road projects have been preceding, 2012 is just a date. Tonight, there is a property acquisition for \$3,000 on the agenda for right-of-way for the 12<sup>th</sup> Street project between Avenues A and B. That project has no start date and there is little money for streets. Until the City can afford a traffic control device for the intersection of 21<sup>st</sup> Drive and 32<sup>nd</sup> Street, he will oppose all future property acquisitions for street improvements. The traffic light at Kennedy Lane wasn't put in until a student was killed, the City shouldn't wait for that to happen at this intersection. The City should consider selling some of its properties then the City may be able to afford a traffic control device at 21<sup>st</sup> Drive and 32<sup>nd</sup> Street.

**Wilkinson** stated a lot of the City's funding has been cut and the road tax has been down which is why the Capital Improvement Program (CIP) is in the process of being reviewed. A prioritization list is being prepared which will lay out the roadway plan and show the funding available for these projects. There have been several phone calls in regards to 32<sup>nd</sup> Street from Avenues A to B, the project is significant and entails quite a bit of money. In the prioritization, the roads that are coming apart and need maintenance are being reviewed first.

**Motion** (Mendoza/Beeson): To adopt the Ordinance Consent Agenda as recommended.

**Mendoza** understands the need for a traffic light on 32<sup>nd</sup> Street and 21<sup>st</sup> Drive but, during his Saturday Morning Coffee meetings, people have expressed the need for a traffic control device at the intersection of 32<sup>nd</sup> Street at 6E as well. There was work done in preparation of a light at that intersection but the project halted. A traffic light was approved at 14<sup>th</sup> Avenue and 8<sup>th</sup> Street; but that too is incomplete. Acquiring a small piece of property is not going to hurt the City's budget in comparison to the effect of a project such as 32<sup>nd</sup> Street.

**Bushong** displayed the following title:

**Ordinance O2011-01**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, together with the described Temporary Construction Easement, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property**

(Right-of-way acquisition: 12<sup>th</sup> Street widening, between Avenue B and Avenue A) (Eng)

**Johnson** stated that while at the intersection of 21<sup>st</sup> Drive and 32<sup>nd</sup> Street today, he had no problems making left turns out. That intersection is surrounded by agriculture for ¼ mile in all directions; there isn't a school crossing there nor are there residents within ¼ mile. There is another intersection on an arterial street that is just as dangerous and it is not getting a traffic signal. The most cost efficient way to install a traffic signal

will be to include it in the reconstruction of 32<sup>nd</sup> Street. Installing a traffic signal beforehand could result in its removal, and replacement, at an additional cost during the street improvement.

The City has a property owner willing to sell a small portion of his property. He must do so in order to sell the remaining piece of his land and without the sale, the title will be clouded reducing his ability to sell his property. It is not fair to hold that piece of property hostage to jump the traffic signal ahead of other projects that have been prioritized by the City Council.

The City tries to avoid the use of eminent domain in an acquisition of right-of-way and purchases future right-of-way years in advance to avoid the expensive legal process of obtaining the land.

Roll call vote: **adopted** 6-1; Stuart voting nay.

## V. INTRODUCTION OF ORDINANCES

### Speakers

**Allison Gilliland**, 2728 Cindy Lou Lane, stated that she has spayed, neutered, vaccinated and returned feral cats to their environment at her own cost. A feasible program needs to be put in place to deal with the feral cat issue. A breeding pair of cats, and their offspring, can produce 400,000 cats in 7 years. Approximately 6,000,000 pets are turned into shelters across the United States; only half are adopted out, the other half are euthanized. TNR can make a huge impact in a feral cat colony. In San Diego County, a group spayed and neutered 7,000 cats in 4 ½ years, saving the tax payers one million dollars. In turn, the efforts reduced the amount of animals being euthanized by 50%. A sterilized feral cat colony will typically live three to five years.

**Mayor Krieger** asked what happens to the feral cat colonies. **Gilliland** stated that oftentimes they succumb to illness and die off.

**McClendon** asked if there is a group of veterinarians and technicians willing to volunteer their time for a TNR program. **Gilliland** stated that there was a group that assisted the HSOY; however, the HSOY was able to catch up with the demand and now handles spays/neuters as they come in. Funding has been an issue in providing additional spay/neuter clinics. **McClendon** clarified the question, are there people willing to donate time to the clinics. **Gilliland**: Yes.

**Fatimah Ahad**, no address provided, stated the feral cat issue is huge. In a survey she recently conducted, a majority of the people stated they would not put a collar on their cat but would consider having a microchip placed in the cat. There were also people concerned about why the City was considering outsourcing for the licensing. There is a colony of cats just below the hospital that she cares for, that started out with over 30 cats and now, after using the TNR process, there are only nine cats left. Although, TNR doesn't give instant gratification, it does work. The TNR program is working in Las Vegas. Oftentimes cats are put aside because their owner can no longer care for them, and this is what is happening in Yuma.

**Nisa Sutton**, 2661 E. 16<sup>th</sup> Street, Chairman of Feline Friends of Yuma and volunteer member of Planned Pethood, expressed her opposition to the feeding ban. Feeding feral cats helps the organizations keep track of the cats. People don't have \$20 to take a cat to the shelter; TNR is the best solution to the feral cat population. Feline Friends and Planned Pethood are volunteer based organizations that run off grants. She urged the City Council let her organizations help with the issue and to give TNR a chance.

**Sheryl Judish**, 1186 Sunburst Avenue, Humane Society of Yuma Board member and volunteer manager of the Humane Society Thrift Shop, expressed her opposition to the licensing of cats. The enforcement will be impossible. She resents the statement made by the Mayor that the millions of dollars giving by the City and County to the HSOY showed little recognized improvement. Ten years ago the conditions of the shelter was filthy and inhumane; the euthanasia used at that time was considered an act of cruelty. It took years for the Humane Society to step into the good. There is now a strong volunteer base, a thriving thrift shop, a food pantry for people who cannot afford to feed their animals, an adoption program, and a low cost spay and neuter clinic. Claiming to have poured money into the Humane Society with no results is unfair to those who work many hours supporting the program. The City Council should be proud to assist in presenting a suitable shelter for the people moving into this community and work with us, not against us. Over the years the Humane Society requested an increase in funding, however, they have been continuously denied even though the licensing dollars had been increased to the City by thousands.

**Mayor Krieger** stated the City and the County each contributed nearly \$500,000 each for animal control, which is approximately five million dollars over ten years. The City doesn't receive the money from licensing, it goes to the County.

**Brad Dierdorf**, 11723 Sunburst Avenue, former president of the Board for the Humane Society, agreed the conditions of the Humane Society have changed drastically over the years. The community is very supportive of the Humane Society. He also stated that there are items in the ordinance that can not be enforced.

**Gregory Bussell**, 16730 Avenue A, Humane Society of Yuma Board Member, stated the feral cat problem is not a new issue; the goal is to figure out what fits Yuma and its citizens. The Humane Society is not in existence to make money, but to provide a service to the citizens of Yuma and the animals. The feral cats are not going to disappear overnight, it took time to get where we are now and it will take time to see the numbers dwindle. The TNR is a scientific approach that works when done properly.

**Jerry Baliukas**, 4474 W. 16<sup>th</sup> Street, long time resident of Yuma, cited the feeding ban proposed in the ordinance borders on inhumanity and cruelty. Some states would consider this act illegal. Starving feral cats doesn't reduce the feral cat population and eradicating the feral cat population will bring in a new set of cats. TNR works and the City needs to look at the ordinance and figure out a way to help the program. A caretaker is needed for each colony and once the cats are spayed/neutered, their lifespan is about three to five years. . Tame animals are good for the elderly, those that have physical ailments and people in the last stages of hospice care. The feral cat problem will not go away easily; it's going to take years. The goal is to remove the feral cats from the vision of intolerance. There are volunteers who work tirelessly for fundraisers and grants for TNR programs. He urged the City Council to review the ordinance's feeding ban and give the TNR program an opportunity to work.

**Mayor Krieger** asked what the average life span is for a well cared for cat. **Baliukas** stated it is about 12-14 years. **Mayor Krieger** asked if the TNR program shortens their life span to 3-5 years. **Baliukas** stated it is their environment that shortens their life span, not the TNR program.

**Johnson** asked why eradication of cats would bring new colonies but TNR would not, even though the population gradually declines. **Baliukas** explained that cats are a tight knit social animal but do not allow new cats to enter their colony. An un-neutered male cat roams a radius of up to five miles whereas a

neutered male cat will only roam a radius of a mile to a mile and a half. When cats are neutered, they stay in small groups and won't allow new feral cats in. Removing [euthanizing] an un-neutered cat population from a specific area, will only allow the area to become home to another nomadic, un-neutered male that will bring females. Keeping in mind the male will procreate in a five mile radius. **Johnson** asked when a TNR colony dies off, what keeps other feral cats from replacing them? **Baliukas** stated if a colony has a caretaker that feeds them, they will not migrate more than a two mile radius. The ordinance complicates this, as it eliminates the feeding of feral cats; therefore, eliminating the caretaker of the colony. **Johnson** stated the topic is not one that can be clarified in one night.

**Stuart** stated the City is working on establishing a humane solution to the feral cat problem. The original ordinance was enacted when Yuma was a much smaller community and has not been revised for 20 years. Due to the citywide concern of the feral cat population, the City is working to add a section addressing felines. Several neighborhood meetings were held and residents pleaded with the City to help control homes where there was a large feral and/or domestic cat population. The City Council, City Administrator, staff members and Shawn Smith from the HSOY have worked diligently to draft an animal control ordinance in an attempt to provide the community with a reasonable solution. The City's primary concern is the health and safety of the residents. Those who do not have an issue with feral cats in their neighborhood soon will if steps are not taken to address the problem now. He hopes that a sanctuary for feral cats can be developed where they can live out their lives in a safe environment after being spayed/neutered. Furthermore, the Yuma Community Foundation has funding for animal welfare, which has the potential to help create a sanctuary. This organization is not in competition with the HSOY's capital campaign.

**Francis McGuire**, 1034 S. Brangus Avenue, expressed his concern with the leash law, specifically for cats. Does this mean he has to chain his cat up in the yard when it wants out or be subject to fines? There are other suitable ways to identify pet cats from strays or feral cats. He also expressed concern over the unlawful feeding of stray dogs or cats. When does a cat become a stray?

**Angela Sellers**, 1516 S. 7<sup>th</sup> Avenue, a business owner, mother, pet owner, and member of Feline Friends stated she spends her own money and time utilizing TNR in caring for her own colony. She does not want to give up her colony because the cats get along with her dogs. Euthanizing feral cats is not the answer, she urged the City Council to consider compassionate and humane ways to help solve the feral cat issue. Restricting the feeding of feral cats won't prevent them from breeding.

**Wayne Greene**, 1801 E. San Marcos Drive, stated that he spends his own money to feed feral cats and does not regret doing so. These animals have no idea where their next meal is coming from and if they are lucky, they may be able to catch a bird. People complain that cats kill birds, but at the same time dove hunters shoot birds for sport. There are organizations trying to do the right thing. The City Council should stand back and let them operate. TNR is the only way to solve the feral cat problem. He urged City Council to consider setting up 'no kill' clinics, as they are doing in the State of Texas.

**Lenore Anaya**, 1552 Sunrise Lane, member of Feline Friends, stated the purpose and goal of Feline Friends is to trap, neuter and release the cats to their caregiver. The City has decided it will not help with the TNR program but will waive the fee during certain times of the year for citizens to trap cats and take them to the HSOY to be euthanized. Once a cat has been trapped, the chances of it getting in a trap again are slim-to-none; therefore, you really can't expect to put a collar on a feral cat or microchip it. Who is going to respond to the reports of a cat in someone's yard? Once that person gets there, the cat will be gone. Why is the City going to make a non-profit organization get a business license? The volunteers utilize TNR and it

costs the City nothing. She urged the City Council to tour the Humane Society and watch as the kennel manager makes a list of animals that have to be euthanized. Anaya invited the City Council to lend their support with the Cats on Main Street project.

**Rene Ragsdale-Leeds**, no address provided, expressed her opposition to the feeding ban. TNR works by knowing who is feeding the cats. Planned Pethood and the Humane Society have been working together for almost two years on TNR and in the last year over 800 cats were spayed or neutered within Yuma County. Because the citizens were scared to bring forward their colonies, more kittens have been born in Yuma County. Planned Pethood is now working with the caretakers of those colonies. Currently, Planned Pethood is working on getting more grants for the TNR program, but without the City Council supporting the project, securing the grants will be difficult.

**Nancy Meister**, 840 W. 19<sup>th</sup> Place, stated there weren't problems in her neighborhood until a neighbor started feeding feral cats. The TNR program would not solve her problem because the cats will still come in her yard and use it as a litter box. Cats carry toxoplasmosis, which is transferable to humans and very dangerous, especially to pregnant women. Stray cats are a public health nuisance. She thanked City staff for putting together an ordinance that addresses cats on the same level as dogs.

**Paul Moreno**, 3048 W. 28<sup>th</sup> Place, expressed his support for the licensing of cats and subjecting them to the leash law. His concern lies in TNR because it won't stop the cats from coming into his yard and using his garden as a litter box.

**Cary Meister**, 840 W. 19<sup>th</sup> Place, stated the problem with the ordinance would be effective enforcement. If the City is going to exempt TNR projects from some provisions of the ordinance, the City needs to make sure that these projects are meeting the objective of reducing the feral cat population. A periodic report should be required to determine whether the population of the TNR cats has declined. The TNR program fails to address the impact of feral cats on wildlife, which could pose a potential legal issue because some wildlife is protected by the International Migratory Bird Treaty along with Federal and State laws. By issuing the permits for the TNR program, the City will be involving itself. He urged the City Council to delete the section pertaining to TNR until it meets the goal of reducing feral cats.

**Lolitta Causey**, 2110 S. Roadrunner Avenue, member of Feline Friends, stated that the grants that Feline Friends of Yuma received for TNR will be utilized for a project on Main Street. TNR is not an overnight fix but neither is trap-kill. The definition of euthanasia is the act of putting an animal to death painlessly that is suffering from an incurable, painful disease or condition. Most feral cats are not suffering from disease – they are healthy animals. Clark County, Nevada chose TNR over trap-kill; an ear tipped cat that is picked up and can be matched to a colony will be released to the caretaker for the cost of vaccinations and a microchip. In order to properly implement the TNR program, somebody has to feed the colony. With the feeding ban, that is not possible. Lastly, once you trap a feral cat you will be lucky to trap it a second time. You can't expect to continuously trap the cats for rabies vaccinations in order to keep them licensed.

**Scott Israels**, 2297 W. 22<sup>nd</sup> Lane, suggested the ordinance target those pet owners who do not have their animals spayed/neutered.

Discussion

**Mayor Krieger** explained that the ordinance is being introduced tonight so there is an opportunity to amend it before it is adopted. The time has come to address the overpopulation of feral cats. The ordinance is not perfect and it may have some flaws but the City's previous approach to feral cats hasn't remedied the problem. The TNR program takes time to be implemented and become effective. Not only are feral cats a health issue, but they also are intruding on private property rights. Do neighbors have the right to impose soiled gardens and smells on neighboring property owners because their cats are free roaming? It is because of irresponsible pet owners that the City is now faced with a feral cat issue? There are a lot of cats that have never belonged to anyone and those are the cats that are being targeted, not domestic cats who accidentally get loose. The ordinance is an attempt to address the feral cat issues.

**McClendon** agreed that the proposed ordinance needs a few adjustments. Staff needs to obtain more input from the Director of HSOY. The TNR program does work, but not overnight. City Council needs to give it consideration. She has volunteered time in the Humane Society's shelter and witnessed what the animals have gone through, she urged everybody to do the same. McClendon inquired why the City is asking non-profit organizations to get a business license and a permit and stated if the extra quarantine time for animals is going to cost the City extra money, City Council should consider following what the State requires. The feeding ban will always be an issue; however, she would call those who left their numbers and continue to seek what others are doing. Cats don't stay in the yards when they are let out - they roam by nature. They also chase birds, which will never be controlled and will continue to be an issue.

**Brooks** agreed with McClendon but stated the licensing jobs should remain local.

**Beeson** gave kudos to staff for putting together the ordinance; however, there are still many unanswered questions.

**Motion** (Beeson/Brooks): To table the introduction of Ordinance O2010-03 until the February 2, 2010 Regular City Council Meeting.

**Mayor Krieger** asked Beeson what his intent was in tabling the introduction. **Beeson** stated that there is already a motion to amend the ordinance on the dais and there are other areas that need to be amended. Tabling the introduction would allow time to schedule a roundtable and have more discussion on the issues. The ordinance should be solid before it is introduced.

**McClendon** agreed with Councilmember Beeson, there are a few amendments that need to be made that will be a benefit to the City. A roundtable with the Director of the HSOY is recommended to iron out some of the issues.

**Mayor Krieger** stated the introduction should be moved to the Regular Council Meeting of February 16<sup>th</sup> rather than February 2<sup>nd</sup>, which will give staff more time to work on the ordinance. A presentation can be given at a worksession prior to the City Council meeting. This also affords the public more opportunity to review the ordinance online.

**Johnson** stated making the motion to table the introduction date specific is premature. The discussions held resulted in several amendments that address some of the issues at hand. If the introduction is tabled before the amendments are made, the City Administrator may or may not be able to direct staff to make the

changes since the City Council would not have voted on them. He would preferred to have the amendments voted on tonight.

**McClendon** stated the ordinance already had a presentation of staff corrections, and is not being introduced at this point. Would City Council be able to direct staff on the proposed amendments and then introduce the ordinance? **Johnson** stated that without voting on the amendments, it wouldn't be possible to know what the consensus of the City Council is. Figuring that out any other way would be construed as polling the City Council, and that is illegal per the open meeting laws. How would the City Administrator know what changes City Council wanted to make if the direction isn't made through the motions on the dais?

**Wilkinson** stated that just because the ordinance is scheduled for introduction tonight does not mean that it has to be adopted on February 2<sup>nd</sup> or 16<sup>th</sup>. Clear guidance will be effective in getting the ordinance amended. The amendments on the dais may provide clarification of why specific language was placed in the ordinance.

**Johnson** asked Beeson to withdraw his motion to allow the City Council to address the proposed amendments.

**Beeson** asked if the City Council could give direction to the City Administrator on the agenda item, or would it be considered polling? Would the City Councilmembers be able to communicate through the City Administrator? **Wilkinson** stated the issue is if one City Councilmember directs to do one thing and another says the opposite. Providing clarity through a quorum of the City Council would be helpful.

**Beeson** withdrew the motion and **McClendon** withdrew her second.

**Johnson** asked if the motions on the dais could both be made, or does it have to be one or the other. **Moore** stated they are mutually exclusive; therefore, one can be made or both can be made.

**Motion** (Johnson/Mendoza): To amend Ordinance O2011-03 as follows:

At Section 130-022 to add the words "dogs in service with a law enforcement agency nor to" after the words "shall not apply to"; and

At Section 103-025 to add the words "except when a dog or cat is inside a residential dwelling" at the end of the sentence; and

At Section 130-096 to add Section C to read as follows: "Exclusions. The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency."

Roll call vote: **adopted** 7-0.

**Motion** (Stuart/Johnson): To amend Ordinance O2011-03 at Section 130-025 to add the sentence "Cats may be exempted from this provision provided the cat is implanted with a microchip by a veterinarian, or a person working under the supervision of a veterinarian." at the end of the section. Roll call vote: **adopted** 7-0.

**Motion** (Beeson/Johnson): To table the introduction of Ordinance O2011-03 Animal Control to the February 16, 2011 Regular Council Meeting. Roll call vote: **approved** 7-0.

**Wilkinson** stated there is not a requirement for cats to be on a leash and is unsure of where that information came from. A lot of good information came out of the neighborhood meetings and the City included recommendations from local veterinarians. The City does not charge a lot for permits; the idea is not to raise money but to see which organizations are doing TNR the correct way and so there aren't unknown organizations making an attempt at TNR. The City also wants to know who is releasing animals in the City. It is obvious the two major issues are the feeding ban and TNR.

**Bushong** displayed the following titles:

**Ordinance O2011-03**

**An ordinance of the City Council of the City of Yuma, Arizona, establishing Animal Control Regulations within the City limits by amending the Yuma City Code, Chapter 130, Sections 001-999 and all previous animal control ordinances**

(Admin)

**VI. PUBLIC HEARINGS - none**

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

APPOINTMENTS

**Motion** (Johnson/Mendoza): To appoint Councilmember Leslie McClendon to the Employee Benefit Trust. Voice vote: **approved** 7-0.

**Motion** (Brooks/Stuart): To appoint Mayor Alan L. Krieger to the Greater Yuma Economic Development Corporation (GYEDC) Executive Board. Voice vote: **approved** 7-0.

**Motion** (Stuart/Beeson): To appoint Mayor Alan L. Krieger to the GYEDC, Board of Directors. Voice vote: **approved** 7-0.

**Motion** (Johnson/Beeson): To appoint Councilmember Bobbi Brooks, as alternate, to the Greater Yuma Economic Development Corporation, Board of Directors. Voice vote: **approved** 7-0.

**Motion** (Stuart/Beeson): To appoint Mayor Alan L. Krieger to the Greater Yuma Port Authority. Voice vote: **approved** 7-0.

**Motion** (Mendoza/McClendon): To appoint Terre Catanzaro, as alternate, to the Greater Yuma Port Authority. Voice vote: **approved** 7-0.

**Motion** (Stuart/Brooks): To appoint Councilmember Raul Mendoza to the Western Arizona Council of Governments (WACOG), Executive Board. Voice vote: **approved** 7-0.

**Motion** (Mendoza/Beeson): To appoint Susana Chavez, as alternate, to WACOG, Regional Council on Aging. Voice vote: **approved** 7-0.

**Motion** (Mayor Krieger/McClendon): To appoint Councilmember Raul Mendoza to the Western Arizona Council of Governments (WACOG), Regional Council on Aging. Voice vote: **approved** 7-0.

**Motion** (Stuart/Johnson): To appoint Councilmember Raul Mendoza to the WACOG, Yuma County Advisory Board. Voice vote: **approved** 7-0.

**Motion** (Brooks/McClendon): To appoint the following to the Yuma Metropolitan Planning Organization, Executive Board:

Mayor Alan L. Krieger  
Councilmember Paul Johnson  
Councilmember Cody Beeson

Voice vote: **approved** 7-0.

**Motion** (Mendoza/Johnson): To appoint Wayne Eide to the Residential Advisory Board with an expiration term of December 31, 2015. Voice vote: **approved** 7-0.

**Motion** (Brooks/Johnson): To appoint Richard Olague to the Residential Advisory Board with an expiration term of December 31, 2015. Voice vote: **approved** 7-0.

**Motion** (McClendon/Mendoza): To appoint Pat Wicks as a Hearing Officer pursuant to the Yuma City Code Section 36-57 for the purpose of making a recommendations to the City Council regarding contract issues between the City of Yuma and Grey Mountain Construction. Voice vote: **approved** 7-0.

#### ANNOUNCEMENTS AND SCHEDULING

**Mendoza** reported attending the Senior Games Opening Ceremony at Carver Park on Tuesday, January 18, 2011.

**Beeson** reported on attending the Chamber of Commerce luncheon, neighborhood meetings regarding feral cats and the Yuma Crossing National Heritage Area Board meeting.

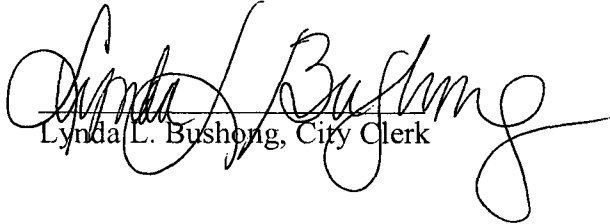
**Mayor Krieger** stated he would be attending a Border Mayor's Conference in Tucson.

#### **VIII. SUMMARY OF CURRENT EVENTS**

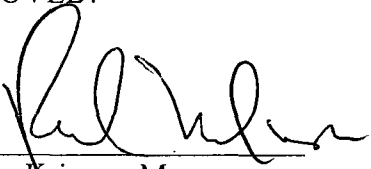
**Wilkinson** reported the seventh annual Ammonia Safety Day on January 20, 2011.

**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Krieger** adjourned the meeting at 8:28 p.m. No Executive Session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor Deputy Mayor

Approved at the City Council Meeting of:  
March 16, 2011  
City Clerk: 