

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**FEBRUARY 16, 2011**  
**5:30 p.m.**

**CALL TO ORDER**

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

**INVOCATION/PLEDGE**

**Samuel Norris**, Pastor of Stone Ridge Church, gave the invocation. **Paola Samaniego**, Kofa High School student shadow, 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  
Police Chief, Jerry Geier  
Various Department Heads or their representative  
City Clerk, Lynda L. Bushong

Kofa High School Students: Kristopher Williams, Paola Samaniego, Raymond Dominguez, Ryan Iorns, Angel Esparza-Torres, and Cassandra Jasso

**FINAL CALL**

**Mayor Krieger's** student shadow, Cassandra Jasso, made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Mayor Krieger, Wilkinson and Geier** recognized Mayra Preciado, a Yuma citizen, for her recent action that resulted in the apprehension of a violent sexual predator traveling through Yuma.

**I. CALL TO THE PUBLIC**

**Anne Harrison**, P.O. Box 1976, announced that February is Black History Month, the National Association for the Advancement of Colored People (NAACP) – Yuma has been in existence for almost 80 years. She thanked the City Council and the City of Yuma for recognizing NAACP's efforts and attending their activities. Also, the Yuma Heritage Library will be celebrating 90 years on Thursday, February 24, beginning at 10:30 a.m. there will be activities throughout the day, including a presentation on Yuma's first librarian. She invited the City Council, audience and community to attend the free celebration.

**Jesse Lavin**, 10542 Pearl Avenue, stated his reason for coming tonight is to plead with the City to work out an agreement with the Yuma County Planning and Zoning Commission that will allow the tenants on his commercial rental lot to remain in operation. Lavin alleges that the Yuma County Planning and Zoning Commission desires to close McMahan's RV located at 6772 E. Highway 80 and losing that business would result in a loss of taxes in an amount between \$35,000 - 45,000 a month.

**Charlene Ramos Fernandez**, 201 Bingham Avenue, Somerton, Congressional Community Representative for Congressman Raul Grijalva, stated her office was tasked with handling the Military Academy nominations for their district. Congressman Grijalva requested the nominations to be held in Yuma because it is a military town and it will offer a lot of support. Thirty kids applied to the Military Academy and interviews will be held at City Hall. She read a letter from Congressman Grijalva and presented City Administrator, Greg Wilkinson with a flag flown over the United States Capital as an offer of thanks for the City's support.

**Wilkinson:** On a suggestion from the Mayor, the Superintendent of the Yuma Union High School District was contacted regarding student involvement in local government. The students have been shadowing the City Council members for three days and have learned about the duties of the City Council. In a couple years these students will be taxpayers and it's important for them to know where their money will go. One of these young men or women may be a future Councilmember for the City of Yuma. **Mayor Krieger** stated this is a good program and he hopes other schools will participate.

## II. MOTION CONSENT AGENDA

**Motion** (Mendoza/Brooks): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

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

Special Joint City Council Meeting	November 18, 2010
Regular Council Meeting	December 15, 2010
Regular Council Meeting	January 5, 2011

### 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 Clyde Robert Nidiffer, on behalf of the Sunrise Rotary Club, for the Sunrise Rotary Beer Tasting event. The fundraiser event will be held at the Arizona Historical Society Sanguinetti House Museum located at 240 S. Madison Avenue, on April 15, 2011 from 6:00 p.m. to 10:00 p.m. (SP11-15) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Ali Beichler, on behalf of the Yuma Crossing National Heritage Area Corporation, for the 2nd Annual 3:10 to Yuma event. The fundraiser event will be held at the Yuma Territorial Prison located at 1 Prison Hill Road, on April 2, 2011 from 5:00 p.m. to 11:00 p.m. (SP11-16) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Barry Olsen, on behalf of Caballeros de Yuma, Inc for the Midnight at the Oasis Festival. The event will be held at the Ray Kroc Complex, located at 3500 S. Avenue A, on March 3, 2011 from 3:00 p.m. to 11:30 p.m., March 4, 2011 from 3:00 p.m. to 11:30 p.m., and March 5, 2011 from 8:00 a.m. to 12:00 a.m. (SP11-17) (Admin/Clerk)

5. Authorize staff to negotiate and execute a contract for a Landscape Architect - Final Design Smucker Park Development and Improvements with the following firm: Olsson Associates, Tucson, Arizona. (Bid # 2010000422) (Eng)
6. Award to the lowest responsive/responsible bidder for Quartermaster Depot State Historic Park Roof Replacement, at a total cost of \$145,080.10, to John H. Wright & Company, Inc., Casa Grande, Arizona. (Bid # 2011000224) (Eng)
7. Authorize an Intergovernmental Agreement (IGA) with Yuma County for a traffic control beacon installation at Avenue D and 32nd Street, at a cost of \$3,671.25. (Eng)
8. Approve the amended final plat of the Ponderosa Valley Estates #6 Subdivision. The property is located at the southwest corner of 24th Street and 31st Avenue. The applicant is Dahl, Robins and Associates, on behalf of Yuma Land and Cattle Company. (S2010-002-01R). (DCD/Planning)
9. Approve the time extension of the final plat for the Triple S Industrial Park Subdivision Phase #2. The property is located at the southeast corner of Arizona Avenue and 36th Street. The applicant is Dahl, Robins & Associates, on behalf of YLI, LLC. (S2005-017-01TE2) (DCD/Planning)
10. Authorize staff to negotiate and execute the following Agreements with Arizona Public Service (APS) for a 30 kW photovoltaic (PV) system (Project) to be installed on City owned property at the Yuma Civic Center: (1) Funding Agreement - Agreement for APS to fund the Project using Federal Funds, and to provide for the design and installation of the photovoltaic system; and, (2) Interconnection Agreement - Agreement allowing the Project to connect to APS's electrical grid; and, (3) Credit Purchase Agreement - Assigning renewable energy credits to APS for a period of twenty years, and requiring the City of Yuma to operate the PV system for the same period. (Admin/Facilities Maint)

### III. RESOLUTION CONSENT AGENDA

**Motion** (McClendon/Mendoza): To approve the Resolution Consent Agenda as recommended.

**Bushong** displayed the following title:

#### **Resolution R2011-03**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at the southwest corner of 26th Street and Avenue B (Ironwood Veterinary Clinic) (DCD/Planning)**

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

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Motion** (Mendoza/Brooks): To adopt the Ordinance Consent Agenda as recommended with the exception of O2011-03 and O2011-06, which were removed for separate consideration by Johnson.

**Bushong** displayed the following titles:

**Ordinance O2011-04**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, to add the Public Designation (P) Overlay District to various City-owned and maintained parks and amending the Zoning Map to conform thereto**

(Rezoning of Property: add public designation overlay to various City Parks) (DCD/Planning)

**Ordinance O2011-05**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the Zoning Code to remove the word 'Public' from the on-site signage criteria for public schools and providing penalties for violations thereof**

(Zoning Code Text Amendment: School Signage Requirements) (DCD/Planning)

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

**Ordinances Removed for Separate Consideration**

- A. Ordinance O2011-03 Animal Control Regulations** Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulations within City limits. (Admin)

**Speakers**

**Helen Mallernee**, 1127 S. 20<sup>th</sup> Avenue, stated she has stayed quiet with her concerns of feral cats for too long. Many residents spend hundreds of dollars to protect their property, health and quality of life from feral cats. Real Estate values are in jeopardy because of the offensive smells, lack of cleanliness, and quality of life – you can see, smell and hear the cats. The cat food that gets sold ends up in people's yards. She doesn't have a problem with cat owners who take care of their animals; it is the uncared for feral cats that are the problem.

**Liddy Causey**, 2110 S. Roadrunner Avenue, member of Feline Friends, thanked Councilmember Johnson for answering her emails and thanked the City Councilmembers who attended the feral cat clinics. Laws and ordinances are made because of irresponsible people, but passing an ordinance will not make people responsible. In order to cite irresponsible people, there must be an ordinance; however, this ordinance will hinder the people who are trying to do their best to control the feral cat population. She suggested if there must be permits for trap-neuter-release then don't make it more than a few dollars. She stated that she realizes some feral cats will be killed. If the City designates funds for euthanization, it should designate a like amount for trap-neuter-release; it's not fair to support one over the other. There are websites that say trap-neuter-release doesn't work but there are numerous cities where it has worked. This is a volunteer measure and there shouldn't be a charge; the City would get a better response if people didn't have to pay to register their colonies. There are websites that give people tips on how to keep feral cats out of their yard. There are a lot

of caring and tireless volunteers in this City that donate their time and money to help get this problem under control, please don't hinder them with more rules, regulations, permits or licensing fees.

**Mayor Krieger** asked if the ultimate ending of a feral cat that has been trapped, neutered and released is an early death due to environmental issues and disease, then why not humanely euthanizing the feral cat as opposed to subjecting the community, motoring public, children and elderly people to the issues the cat has been known to cause. The biggest problem is an overpopulation of feral cats. **Causey** stated that the cats face the same threats as humans. Humans are subject to disease and accidents; should they be treated the same? **Mayor Krieger** stated the comparison of humans to cats is not relevant. **Causey** stated her argument is for the feral cat colonies that are being taken care of, not the ones that don't have caregivers. **Student Iorns:** Wouldn't it be more humane to put the cats down than risk them getting hit by a car? **Causey** asked if a few cats are at risk of getting hit by a car, is it appropriate to euthanize all feral cats? **Student Iorns** responded that the problem is not just one or two getting hit and that drivers try to avoid hitting the cats which results in an accident injuring people. **Causey** stated that if all the feral cats were eliminated by accidents, the feral cat population would not be an issue.

**Wayne Greene**, 1881 San Marcos Drive, stated he and his wife take care of a colony of feral cats. They spay/neuter and vaccinate the cats, funded out of their own pockets. The lifespan of a feral cat is three to four years; with a caretaker that lifespan doubles. He encouraged people to visit his house and see the facilities they have for feral cats. His neighbors know that they feed cats and have no problem. He and his wife have had cats for 48 years; they have never contacted any disease nor have they known anybody that has. Birds are messier than cats; will there be a future ordinance attempting to eliminate the mess of birds? During the Humane Society meeting last week at the Hampton Inn, a gentleman made the statement "there were feral cats in Yuma before there was a Yuma, and there will be feral cats in Yuma when everybody in this room is dead and gone".

**Mendoza** asked what the Humane Society charges to spay/neuter the cats. **Greene** stated to spay/neuter and vaccinate four cats it will cost about \$160. **Mendoza:** After the cats are altered and vaccinated, are they let loose? **Greene:** Yes. Everything on the face of this earth has a right to live. There is no Christianity in euthanization. **Mendoza** asked if the neighbors are not bothered by the cats using their gardens as litter boxes. **Greene:** Not at all.

**Student Iorns:** The intent is to not get rid of all the feral cats but to limit the numbers. **Greene** stated that is the intent of the caretakers. **Student Iorns** stated that a cat's urine smells worse than birds. **Greene** invited Iorns into his home to see if they can smell cats and stated that no one has ever said his home smells of cat odor. **Student Iorns** asked if the neighbors had allergies; cat allergies are a disruption in many lives. **Greene** stated the neighbors applaud his effort, and if there were a problem they would let him know.

**Student Williams** reflected on Greene's statement regarding birds being messier; he disagrees and stated that bird's urine does not smell – cats spray and the smell is potent. **Stuart** stated the feral cats are spraying his cars, furniture, doors and walls around his house and the smell is bad.

**Mayor Krieger** stated a feral cat is a domesticated cat that reverts back to its wild state, therefore the statement about there always being feral cats in Yuma is incorrect. The bird comparison is not an accurate comparison because birds are not considered a domestic animal like dogs and cats.

**Lenore Anaya**, 1552 Sunrise Lane, stated that after the City Council meeting on January 19, 2011, she received phone calls from people concerned about the ordinance. She let them know that there would be some changes; however, after reviewing the new ordinance, there isn't much of a change. Her concerns are regarding the following areas in the ordinance:

- Permits – how can the City have an ordinance and not have any fees outlined? How can she let people know what the fees will be?
- 130-006 – Unlawful feeding of dogs and cats
- 130-025 – Collar and License Tag to be worn, once a feral cat has been trapped, it will be impossible to trap it again to put a collar on it or a microchip.
- 130-088 – Cat Impoundment Authorized, the failure to return the traps within 15 days will result in a charge to the citizen's utility bill, but what is that cost? Will the City purchase their own traps? The Humane Society only has 60 and Feline Friends depend on the Humane Society's traps.
- 130-092 – the trap-neuter-release, any organization within the City may do so with their own funding.
  - It took Feline Friends and Planned Pethood three years to get funding; once the money is gone it is back to square one.
  - Why won't the City support trap-neuter-release financially with the money received from the permits and licensing? Where is that money going? Is it going strictly for euthanizing cats?

Continuing, **Anaya** stated that she feels the doors are being slammed in her face and the City Council is just going through the motions, not genuinely caring about the issue. At the last City Council meeting, Councilmember McClendon asked that a meeting be set up with Shawn Smith, was that done? We want to meet with the Council and to communicate together to reach a solution. Once the ordinance is adopted, it becomes effective 30-days later, what is the rush? The City asked the public to speak, they spoke. The City asked for solutions, they gave but the ordinance still needs work. 15,000 cats have been euthanized in Yuma County in four years; the Humane Society needs to stop accepting cats for euthanasia immediately and focus on their mission – being a Humane Society.

**Mayor Krieger** stated there isn't a rush to pass the ordinance, former Councilmember Shoop has been working on the feral cat issue for at least ten years. The City and the County are extracting money out of the citizens pockets, whether they have a pet or not, to provide funding to the Humane Society. Over ten years, ten million dollars has been given to the Humane Society; the City can't support the funding any longer without a solution. People can donate anytime to the Humane Society, as they are a 501(C)(3) organization. The revenue stream has dried up; the City can't afford to continue funding the Humane Society.

**Wilkinson** stated the intent of the permit is not to raise money but rather to know who is participating in trap-neuter-release and to ensure they are working with a veterinarian and doing things right. The permit will have no cost associated with it. The traps were likely bought with the monies provided by the City, the County and donations. The City does not intend on taking the traps from the Humane Society, because the Humane Society still acts as the animal control agency. If people can't afford the \$60 deposit for the traps, City residents would be able to get a trap with no money down; however, if the traps were not returned within 15 days, the cost of the trap would be added to their utility bill. The intent is that the money generated from licensing should be able to offset the Humane Society charge [\$20.00] for City residents and hopefully cover the cost of additional traps. **Anaya** stated that her frustration stems from not working together.

**Wilkinson** stated **Anaya** brought up the idea of a tax; however, that idea wouldn't go over well due to the current economic situation. Part of the money collected by the Humane Society goes back into the Humane Society and part goes into Yuma County CAFERS. The City wants to bring licensing revenue in to take care

of animal control. The City will not be collecting revenue from non-profits participating in the trap-neuter-release program. The ordinance will allow the groups to continue their efforts.

**Mayor Krieger** stated the County has a tax that the City residents all pay, which a portion goes to the Yuma County Health Department who is charged with animal control as it relates to rabies. There are several motions on the dais that will address some of the issues of concern. **Anaya** asked why a donation couldn't be added to the water bill, as Councilmember Beeson suggested. **Mayor Krieger** stated it is an option.

**Johnson** stated the City doesn't fund trap-neuter-release because it is not an essential service of the City mandated by State law. Additionally, the country is currently in a recession, the Cities revenues have gone down 30%, personnel has been cut by 154 positions. The City doesn't have the money to maintain the level of service it traditionally would have provided. The money that the State collects on behalf of the cities takes approximately two years to be distributed; therefore, if the economy turns around, the City won't feel the effects for a couple of years.

**Bob Johnson**, 1439 S. 35<sup>th</sup> Avenue, expressed his support of the feeding ban, stating he is opposed to the maintaining of feral cat colonies in residential neighborhoods. One reason for the feral cat problem today is due to society not dealing with cats the same as dogs. Animal control agencies need to deal with cats the same as dogs. If the City allows a trap-neuter-release program, then it must regulate who, where and how many cats people can have. Trap-neuter-release groups must be held accountable for the colonies well being and for the damages they do. Cats in the trap-neuter-release program should be vaccinated and licensed and if they are found to carry disease, they need to be euthanized. The licensing will generate revenue that should only be used for the animal control programs.

**Thomas Smith**, 1031 S. Brahma Lane, thanked the City Council for their service during this difficult economic crisis. He expressed his opposition to the City sanctioning groups to conduct trap-neuter-release, as he does not consider trap-neuter-release programs to be humane. He urged the City Council not to approve the trap-neuter-release program.

**Thomas Fox**, 4772 W. 18<sup>th</sup> Place, expressed his support of the proposed animal control ordinance.

**Angela Sellers**, 1516 S. 7<sup>th</sup> Avenue, clarified that cats that spray are unaltered; cats that are neutered don't spray or urinate on vehicles, furniture or anything else. Neutered cats are not destructive and they do not fight. The Humane Society stated that in four years 15,000 cats were euthanized, obviously, that is not working. If the City wants euthanasia, they should do it and let the Humane Society be humane. Caregivers of colonies take care of the cats. When the cats are neutered, their ear is notched to show that cat has already been altered. The cats have food, water and when they get sick they are trapped, taken to the vet and released back into their environment, they are not set free in random neighborhoods. The money the City has given to the Humane Society includes the care of dogs as well. Of course the money sounds like a lot, but when the amount of animals taken care of is realized the money doesn't go very far. The City should consider taking over euthanization of the feral cats that are not managed.

**Stuart** stated his neighbor complains of his wife's neutered cats spraying their exercise equipment, if it is not the cats then what is it? **Sellers** stated that if a cat is neutered too old, it might continue to spray; however, in most cases it is not spray, it is urine that washes away.

**Mayor Krieger** asked Sellers if she felt the feral cat population was too large. **Sellers:** Yes, however, those who manage the feral cats should be heard. She urged City Council to go see some of the colonies. **Mayor Krieger** agreed that the Humane Society should remain humane and not have to euthanize animals. The City has made efforts to communicate with the community through neighborhood meetings. This issue has been addressed for years through past City Councils and the current City Council. **Sellers** stated she is speaking about the here and now; she is a cat person and can offer help.

**Wilkinson** stated that everything the organizations are doing now would still be permitted under the proposed ordinance. All the City is requiring is the groups to obtain a no-cost permit. **Sellers** stated her concern is not the permit, she is asking the City to take care of the euthanization and let the Humane Society use humane concepts of dealing with the feral cats.

**Johnson** informed the listeners that the City Councilmembers are bound by the Arizona Open Meeting Laws, if he receives an email, he will respond; however, if that email is forwarded to another Councilmember it can be construed as a violation of the laws. Individual meetings are okay; however, if the information discussed is discussed with another Councilmember that too could be construed as a violation of the laws. He asked for understanding of the restriction set forth for City Council. **Sellers** stated that a meeting was mentioned with the Humane Society, it would be a great idea to include the caregivers in that meeting to figure out a solution.

**Mayor Krieger** stated that was done and resulted in the creation of the proposed ordinance. There have been plenty of opportunities for people to weigh in on the subject through the City's neighborhood meetings and the Humane Society's town hall meeting.

**Student Williams** stated that the military base has very strict rules when it comes to pets. It is expensive to fix what animals damage. Feral cats can be destructive, why would anyone risk paying for damages to other people's property?

**Fatimah Ahad**, no address provided, asked why the City would consider an outside agency for licensing? Who will pay for it? Feral cats do wander on to people's property but they have lost their territory due to development.

**Wilkinson** stated the payments for the licensing would be through an online company. The Humane Society currently uses Google for their payments; the City would use a similar company structured more for online payments and tracking. The Humane Society will still be utilized for animal control contingent upon the Humane Society entering into a contract with the City.

**Nancy Meister**, 840 W. 19<sup>th</sup> Place, stated her concern is that of public health; cats carry diseases transferable to humans such as E. coli, toxoplasmosis, and cat scratch fever. She congratulated the City on their efforts to get a handle on the problem. The trap-neuter-release program would not solve the feral cat issue because roaming cats still spread disease, use gardens as litter boxes and continue to spray.

**Cary Meister**, 840 W. 19<sup>th</sup> Place, stated that although he has read the scientific literature on trap-neuter-release he still remains skeptical that it works. The American Veterinary Medical Association is neutral on the issue and sees trap-neuter-release as an interim solution. Trap-neuter-sanctuary seems to be a more humane and effective solution because the cats would not be exposed to the dangers of their environment. If trap-neuter-release is not successful in Yuma, it will only bring further discredit to the program; however, if the

City allows trap-neuter-release, accountability and effectiveness should be required. He thanked the City Council for their efforts and for not giving up.

**Paul Moreno**, 3048 W. 28<sup>th</sup> Place, expressed his appreciation of the City Council for their efforts, but stated the issue needs closure.

#### Discussion

**Beeson** stated that he recalls the traps being purchased through a co-op with the Humane Society. **Wilkinson** stated documentation shows that as part of the contract, the City did supply funds for the traps.

**Motion** (Brooks/Johnson): To amend Ordinance O2011-03 by deleting Section 130-009, Injuring Animals, in its entirety, and to renumber the remaining sections accordingly. Roll call vote: **adopted 7-0.**

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

At Section 130-096 (B) to change the number "14" to the number "10" in the last line of the subsection; and, At Section 130-999 (B) to add the words "or Section 130-006 Unlawful Feeding of Dogs or Cats" on the first line of the subsection between the words "Animals At-large" and "of this chapter". Roll call vote: **adopted 7-0.**

**Motion** (Johnson/Mendoza): To re-introduce Ordinance O2011-03: Animal Control Regulations, as amended.

#### Discussion

**McClendon** thanked the public for their emails; she did not answer them because she only requested input. In January, she requested a meeting with the Humane Society but because she was out of town on business, she wasn't able to attend the roundtable where suggestions to the ordinance were made. She requested a committee be formed to update and fine tune the ordinance before it is adopted. The committee should have a representative from the Humane Society, the City, the County, a veterinarian, someone pro trap-neuter-release and someone against trap-neuter-release.

**Wilkinson** stated details of the process to implement the ordinance are being worked out. Staff will be setting up a preliminary working group of six people that will include a representative from the Humane Society, a pro trap-neuter-release person, a person opposed to trap-neuter-release, a veterinarian and a representative from the Police department. The work group will be lead by the City's Management Analyst, Brant Hanson. The group will address the implementation of the ordinance for enforcement by July 2011.

Reflecting on information she read from an email, **McClendon** stated, animal control issues are not always viewed in the same light, but they are always emotional. Time, energy and effort needs to be taken to reach a solution that will work. The City Council will not please everyone, but an attempt needs to be made to please the majority of people.

**Stuart** stated the ordinance is a work in progress and not an instant solution; the ordinance can be amended as time goes by. It is the consensus to have a humane solution and the City Council will do their best for the entire community. **Johnson** agreed and thanked everyone for their input.

**Mendoza** echoed what McClendon and Stuart said and added that during two unrelated events, people approached him regarding the ordinance. He kept the conversation neutral and listened to their concerns. He touched on the following:

- There is a lot of passion when it comes to animals and not everyone will be satisfied.
- When looking at the studies for or against the trap-neuter-release program, consider the source, most studies are conducted by special interest groups.
- People need to be considerate of their neighbors. Although some neighbors are okay with feeding of feral cats, there are some that are not.
- The ordinance can be amended as things are found to work or not work.
- Some residents are concerned with their tax dollars paying for trap-neuter-release stating it should remain an operation paid for by donations.
- Requiring a permit will allow for the tracking of the organizations participating in the trap-neuter-release program.

**Brooks** agreed the subject is very emotional. The ordinance is a great start; a committee with a variety of people would work well in identifying areas that need to be amended.

**Beeson** stated the issue of feral cats has been ongoing and although there are areas in the ordinance he doesn't agree with, he will not stand in the way of progress.

**Mayor Krieger** stated the issue has been going on too long and now is the time to address the problem. The ordinance may have to be refined as time goes along and the City will continue to ask for the public's input. People need to step up to the plate and take responsibility for the feral cat issues, because the City doesn't have the money to fund all the problems. If someone emails and doesn't request a response, one will not be sent as the emails are viewed as informational only.

**Bushong** displayed the following title:

**Ordinance O2011-03, as amended**

**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)

**McClendon** explained the reason for her vote is because she would like to see a committee put together; there are a lot of things to the ordinance that need to be put in place before it is finalized.

Roll call vote: **approved** 6-1; McClendon voting nay.

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**B. Ordinance O2011-06 Zoning Code Text Amendment: Medical Marijuana** Amend the City of Yuma Zoning Code adding Article 22 Non-profit Medical Marijuana Dispensaries as a result of the approval of State Proposition 203 in the November 2010 General Election. (DCD/Planning)

Speakers

**Joann Villareal**, 1198 S. 9<sup>th</sup> Avenue, stated she is a patient and advocate for medical marijuana. She was directed in a previous meeting to work with the staff in Community Development; she wanted to thank the staff and let the community know the Council is here for the patients, the residents and non-residents and that makes her proud to be a citizen in Yuma.

**Motion** (Johnson/Mendoza): To amend Ordinance O2011-06 at Section 154-22.03 to replace Subsection A with the following language: "A non-profit medical marijuana dispensary may contain cultivation, infusion, and/or dispensing of medical marijuana, or any combination thereof, at one location." Roll call vote: **adopted** 7-0.

**Motion** (Johnson/Brooks): To re-introduce Ordinance O2011-06 Zoning Code Text Amendment: Medical Marijuana, as amended.

**Mendoza** noted that the City of Yuma is not unique with the medical marijuana dispensary ordinance; other cities are going through the same issue due to the new law.

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

**Bushong** displayed the following title:

**Ordinance O2011-06, as amended**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the Zoning Code by adding Article 22, Medical Marijuana Dispensaries, and providing penalties for violations thereof (DCD/Planning)**

**V. INTRODUCTION OF ORDINANCES**

**Bushong** displayed the following title:

**Ordinance O2011-07**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that a certain parcel of real property, hereinafter described, be conveyed by easement to Arizona Public Service Company by the City of Yuma, for the reason that such easement is required for the relocation, reconstruction, operation and maintenance of Arizona Public Service Company powerline utility infrastructure**

(Conveyance of Easement: 1<sup>st</sup> Avenue, between 14<sup>th</sup> Street and 13<sup>th</sup> Street) (Eng)

**VI. PUBLIC HEARINGS - none**

**VII. ANNOUNCEMENTS AND SCHEDULING**

**Beeson** requested reconsideration of the bid award for a new 12" watermain and pavement replacement on 5th Avenue from 8th Street to 16th Street that was approved at the Regular City Council Meeting of September 15, 2010.

**Mayor Krieger** thanked the students who shadowed the City Council and attended tonight's meeting.

The students expressed their appreciation for being allowed to shadow the City Council members stating this has been a great opportunity to learn about local government.

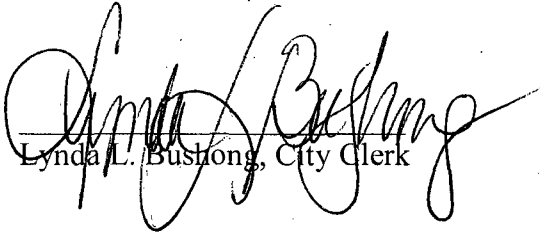
**VIII. SUMMARY OF CURRENT EVENTS**

**Wilkinson** reported the following:

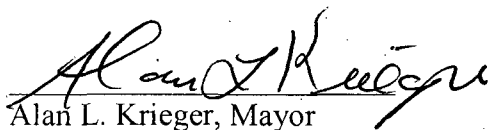
- "Operation Flower Pot" shut down 9 of 21 Valentine's Day flower stands for not having a proper business license.
- 28 people have signed up for the Citizens Academy.
- On February 23, 2011 there will be a public meeting on the 2012 General Plan at the Yuma Readiness Center
- The City of Yuma auction is scheduled for February 25, 2011.

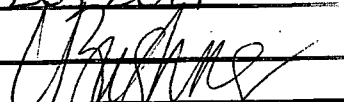
**IX. EXECUTIVE SESSION/ADJOURNMENT**

There being no further business, **Mayor Krieger** adjourned the meeting at 7:39 p.m. No Executive Session was held.

  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of: <u>April 20, 2011</u>
City Clerk: <u></u>