



Minutes Town Council Regular Meeting June 24, 2021

Valerie Molina
Mayor

Ricardo Vital
Vice Mayor

Mary Bravo
Councilmember

Gloria Cota
Councilmember

Elvira Osuna
Councilmember

Joe Sánchez
Councilmember

Anita Cota Soto
Councilmember

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Town Council Chambers
9241 S. Avenida del Yaqui
Guadalupe, AZ 85283
Phone: (480) 730-3080
Fax: (480)-505-5368

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, June 24, 2021, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Museum Room, Guadalupe, Arizona.

A. Mayor Molina called the meeting to order at 6:08 p.m.

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina and Councilmember Joe Sánchez. The following councilmembers participated via video conference: Vice Mayor Ricardo Vital (*arrived at 6:15 p.m.*), Councilmember Mary Bravo, Councilmember Elvira Osuna, and Councilmember Anita Cota Soto

Councilmember Absent: Councilmember Gloria Cota

Staff Present: Jeff Kulaga – Town Manager / Clerk (via video conference); and, David Ledyard – Town Attorney, Fire Chief, Wayne Clement, Jennifer Drury – Assistant to the Town Manager, Cachi Castorena, MCSO Deputy

C. INVOCATION/PLEDGE OF ALLEGIANCE:

Councilmember Bravo provided the invocation. Mayor Molina then lead the Pledge of Allegiance.

D. APPROVAL OF MINUTES

1. Approval of the May 27, 2021, Town Council Regular Meeting Minutes.
2. Approval of the June 10, 2021, Town Council Regular Meeting Minutes.

Motion by Councilmember Bravo to approve agenda items D1 and D2; second by Councilmember Sánchez. Motion passed unanimously on a voice vote 5-0.

1. Councilmembers approved the May 27, 2021, Town Council Regular Meeting Minutes.
2. Councilmembers approved the June 10, 2021, Town Council Regular Meeting Minutes.

E. CALL TO THE PUBLIC: No one spoke. Mayor Molina announced that Town Hall is open and that the public is welcome to address the Council in person or via e-mail.

F. MAYOR and COUNCIL PRESENTATIONS: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

Mayor Molina announced that agenda item G3 would be taken out of order.

3. (PUBLIC HEARING) REZONING REQUEST – 9215 SOUTH CALLE VAUO NAWI (*continued from the May 27, 2021 Regular Council Meeting*) (*item taken out of order*)

Councilmembers considered the approval or denial of a rezoning request for 9215 South Calle Vauro Nawi, APN 301-44-004, from R1-9 Single-family Residential, to C-M Commercial Mixed Use. If approved, the current use of the property, outdoor firewood retailer and storage, would be in compliance with the Town of Guadalupe Code of Ordinances. If denied, the current use is in non-conformance with allowable uses under R1-9 Single-family Residential zoning.



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Motion by Councilmember Bravo to open the public hearing; second by Councilmember Osuna; motion passed unanimously on a voice vote 6-0.

Mayor Molina opened the public hearing.

Angie Lopez, resident, thanked Councilmembers Gloria Cota and Joe Sánchez for their participation in a meeting to discuss her concerns regarding the (subject) property that has firewood stored on it. Ms. Lopez also thanked Councilmembers for viewing the property from a neighboring two-story home. She then thanked Mayor Molina, Vice Mayor Vital, Councilmember Bravo, and Jeff Kulaga, Town Manager / Clerk, for participating in two meetings.

Ms. Lopez noted that on May 27, 2021, the agenda items for the property in question were tabled by the Council. Of primary concern to the Citizens Safety Committee is that it is unsafe to store firewood next to residential properties. The Safety Committee is requesting that the rezoning request be denied, leaving the zoning at this location as residential. A petition in opposition to the rezoning request with 43 signatures has been submitted to Town officials.

Frank Lopez, resident, stated that the Citizens Safety Committee is requesting that the property remain zoned as residential; and, that the request to rezone the property to Commercial be denied. If approved, the residential environment would be disrupted. The Citizens Safety Committee is focused on the safety of residents. The property/business owner is focused on being a success; however, the business owner has not yet acknowledged that the firewood poses a safety hazard. It would be helpful if the business owner would acknowledge that the firewood poses safety hazard, for the record.

Jeff Kulaga, Town Manager / Clerk, provided an aerial view of the property and surrounding property zoning categories. The request under consideration is to rezone the property located at 9215 South Calle Vauro Nawi from R1-9 to C-M Mixed Use Commercial (C-M). Per the Town Code, C-M zoning is intended to provide for general and outdoor retail uses and light manufacturing and storage associated with commercial uses. Based on meetings with neighbors, the staff recommendation is to deny the rezoning request because of the intensity of the proposed land use. Instead, staff would recommend that the property be rezoned from R1-9 to a Planned Area Development (PAD) that would allow for specific land uses. Should the rezoning request be denied, the property owner would then have the option of pursuing a PAD.

Gary Jordan, Applicant, stated that if the rezoning request is denied, he would seek permission to store the firewood on the property until he determines whether he will be pursuing a PAD.

Motion by Councilmember Bravo to close the public hearing; second by Councilmember Osuna; motion passed unanimously on a voice vote 6-0.

Mayor Molina closed the public hearing.

Motion by Councilmember Soto to deny the rezoning request for 9215 South Calle Vauro Nawi from R1-9 to C-M Commercial Mixed; second by Vic Mayor Vital. Motion passed unanimously on a voice vote 6-0.

Councilmembers *denied* a rezoning request for 9215 South Calle Vauro Nawi, APN 301-44-004, from R1-9 Single-family Residential, to C-M Commercial Mixed Use. The current use is in non-conformance with allowable uses under R1-9 Single-family Residential zoning. *(related to item G2)*



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2. PUBLIC HEARING – REZONING REQUEST FOR 9215 SOUTH CALLE VAUO NAWI (continued from the May 27, 2021 Regular Council Meeting) (item taken out of order)

No members of the public spoke, nor was there any additional discussion on agenda item G2.

Per agenda item G3: Councilmembers *denied* a rezoning request from R1-9 to C-M Commercial Mixed Use so that the current use of the property will be consistent and in compliance with Town of Guadalupe Code §154.067 – Commercial Districts C-M Mixed Use Commercial. The property is located at 9215 South Calle Vaou Nawi, APN 301-44-004 and is presently zoned R1-9, Single-family Residential. The Applicant is Gary Jordan. *(related to item G3)*

1. VARIANCE REQUEST FOR 5911 EAST CALLE GUADALUPE ROAD & 9215 SOUTH CALLE VAUO NAWI (continued from the May 27, 2021 Regular Council Meeting)

Councilmembers considered the approval or denial of a variance request to install an 8' wall for security purposes at 5911 East Calle Guadalupe Road and 9215 South Calle Vaou Nawi. The Applicant is Gary Jordan.

Current Town Ordinance allows:

§ 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6. (C) *Permitted accessory uses.* (5) Fences, not to exceed four feet in height in front or street side yards or seven feet in height in the side or rear yards.

§ 154.067 COMMERCIAL DISTRICTS; C-1 NEIGHBORHOOD COMMERCIAL, C-2 GENERAL COMMERCIAL, AND C-M MIXED-USE COMMERCIAL. (5) In the C-M District, outdoor storage shall be screened from public street view and adjacent properties by opaque fences or walls, six feet in height. If approved, the Applicant would be authorized to build a wall 4' higher than the existing Town Code R1-9 height limit of 4 and 2' higher than existing Town Code C-Mix height limit of 6'.

Jeff Kulaga, Town Manager / Clerk, stated that the variance request is related to the height of the wall along Calle Vaou Nawi. Under the current ordinance requirements, the allowable height of a wall is 6' along the C-M Commercial Mixed zoning (C-M) portions of the property. Along the residentially zoned portion of the property, R1-9, the allowable wall height is 4' high. The property owner, Gary Jordan, is requesting an 8' high wall along the entire length of the property. There are three properties that the wall would abut.

Mr. Kulaga reviewed additional Town Code language related to R1-9 and C-M zoning concerning wall height requirements. He then reviewed criteria for approving or denying a variance, along with a variance analysis, and findings. The findings revealed that adding height would improve safety, better secure equipment and firewood product, and decrease theft, vandalism, and trespassing; and, it would better protect the Applicant's investment and improve the frontage of Calle Vaou Nawi. The staff recommendation is to approve the increased wall height, as requested, from 6' to 8' in height.

Frank Lopez, resident, stated that the Citizens Safety Committee would prefer that the Council adhere to the existing Town Code requirements.

Angie Lopez, resident, stated that the Code allows for a 6' high wall in Commercially zoned districts. Residents would like to be able to assist firefighters should there be a fire. A fire will not be visible over an 8' wall. A 6' high wall along the residentially zoned portion of the property is a possibility, yet it would be too high to see over.

William Richardson, Applicant's attorney, stated that he has known the Applicant, Gary Jordan, since 1970. Mr. Jordan will honor his word and has been a good neighbor. The purpose of a variance is to allow for deviating from Code requirements when appropriate. Mr. Jordan has safely operated at this property since 1982. The wall will result in a decrease in crime.



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Gary Jordan, Applicant, displayed photos of the condition the property was in when he purchased the property. At that time, the property posed a fire hazard due to what was being stored on the property. Mr. Jordan stated that he has cleaned up the property. He requested that the Council approve the variance for an 8' wall height along the south side of the property, for health and safety reasons.

In response to a question regarding the history of the property as it relates to fires, Fire Chief, Wayne Clement, stated that there have been five fires on the subject property many of which spread to surrounding properties. The clean-up of Mr. Jordan's property has greatly reduced hazardous conditions that previously existed. The number one fire hazard in Town is the residential property to the south which is currently not in compliance with the Town Code and the Fire Code.

In response to questions regarding the impact of an 8' wall, Mr. Clement stated that an 8' wall would provide an extra barrier from heat and it will provide a shield for fire equipment as well as firefighters. An 8' wall, as requested, will also improve the security on the property from the vandalism that is occurring.

Mr. Clement stated that the property owner has agreed to additional setbacks, reducing wood pile heights, and providing fire breaks and separation of the wood piles. Currently, the State Fire Code for commercially zoned properties allows for firewood to be stored 10' from a wall, and to be stacked 20' high. Mr. Jordan has agreed to reduce those firewood piles and to provide additional setbacks from the wall.

A Councilmember discussed a code reference that requires firewood to be stored indoors. The Mayor acknowledged that there is a misprint in the Town Code.

Motion by Councilmember Bravo to approve agenda item G1; second by Vice Mayor Vital. Motion passed on a voice vote 4-2 with Councilmembers Osuna and Soto voting no.

Councilmembers approved a variance request to install an 8' wall for security purposes at 5911 East Calle Guadalupe Road and 9215 South Calle Vaou Nawi. The Applicant is Gary Jordan.

4. PUBLIC HEARING – SOLID WASTE COLLECTION SERVICE PROPOSED RATE INCREASE (RESOLUTION NO. R2021.13)

Motion by Councilmember Bravo to open the public hearing; second by Councilmember Soto. Motion passed unanimously on a voice vote 6-0.

Mayor Molina opened the public hearing.

Jeff Kulaga, Town Manager / Clerk, recapped a budget presentation from April 25, 2019 regarding the status of the Solid Waste Fund and a proposed rate increase based on an anticipated fund deficit. He outlined the steps that have been taken to address the upcoming fund deficit, challenges ahead, and staff recommendations going forward. The last rate increase of 7.8% occurred in 2009. There was a bilingual water bill insert seeking public input regarding the proposed rate increase as well as an online survey. A majority of survey respondents voted in favor of a 15% rate increase.

Mr. Kulaga then reviewed the Council presentations related to a proposed rate increase, and actions taken to implement a rate increase, should one be approved by Council. If a rate increase is approved, it will be incorporated into the fiscal year 2021/2022 budget.

Motion by Councilmember Soto to close the public hearing; second by Councilmember Sánchez. Motion passed unanimously on a voice vote 6-0.

Mayor Molina closed the public hearing.



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Held a public hearing to solicit public input on whether to increase solid waste collection rates by 15%. As authorized by the Town Council and as required by Arizona Revised Statutes, a Notice of Intention was posted on Friday, April 23, 2021, notifying the public that the Town Council is considering a 15% solid waste collection rate increase.

5. SOLID WASTE COLLECTION SERVICE PROPOSED RATE INCREASE (RESOLUTION NO. R2021.13)

Councilmembers considered adoption of a resolution increasing solid waste collection rates by 15%. If adopted, the rate increase would become effective July 1, 2021, to coincide with the fiscal year 2021/2022 budget cycle.

Motion by Councilmember Bravo to approve a 15% Solid Waste Fund rate increase, effective July 1, 2021: second by Councilmember Sánchez. Motion passed unanimously on a voice vote 6-0.

Councilmembers adopted **RESOLUTION NO. R2021.13** increasing solid waste collection rates by 15%. If adopted, the rate increase would become effective July 1, 2021, to coincide with the fiscal year 2021/2022 budget cycle.

6. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk provided an update from Town staff regarding current Town of Guadalupe COVID-19 positive case rates, scheduled testing, vaccination information, Town service and steps taken to safeguard public health and safety in response to the Coronavirus. The COVID-19 positive case rates have been very low.

Mr. Kulaga noted that per the Maricopa County Health Department, the Town's vaccination rate stands at 37%. Town staff is working on increasing the vaccination rate. Mr. Kulaga reviewed upcoming vaccination events. It is unclear what areas of the community are choosing not to pursue a vaccination.

Vice Mayor Vital left the meeting.

Councilmembers discussed upcoming vaccination events for individuals 12 years and older. There is a Back to School event scheduled for Friday, July 23, 2021, at Frank Elementary School. It was suggested that vaccination events be planned for youth that intend to participate in school sports. The Town is also seeking partners who will assist in providing donations for school supplies for the Back to School event.

7. TOWN-OWNED RIGHT-OF-WAY LAND SALE (RESOLUTION NO. R2021.15) (continued from the March 25, 2021 & April 8, 2021, Regular Council Meetings)

Councilmembers considered adoption of a resolution authorizing the sale of Town-owned right-of-way. The 3,930 square feet of Town-owned right-of-way is located adjacent to 9438 South Calle Bella Vista. The sale would comply with Arizona Revised Statutes sections §28-7205 and §28-7208 declaring the property to be excess, approving the abandonment, and that compensation be paid to the Town.

Jeff Kulaga, Town Manager / Clerk, stated that the subject property is excess right-of-way. An interested party has offered \$5,000 to purchase the right-of-way and has agreed to build two gates, one on private property directly adjacent to the right-of-way, and a gate on town-owned property to allow access to town-owned land where a billboard is located.

David Ledyard, Town Attorney, stated that the right-of-way is small and is not part of the roadway. It is of no use to anyone other than the abutting property owner. The Town has complied with the Arizona Revised Statutes throughout this process. Attached to the resolution is the legal description, an agreement outlining what the property buyer intends to do, and a rendering of the gates.



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Motion by Councilmember Bravo to approve agenda item G7; second by Councilmember Sanchez. Motion passed unanimously on a voice vote 5-0.

Councilmembers adopted **RESOLUTION NO. R2021.15** authorizing the sale of Town-owned right-of-way. The 3,930 square feet of Town-owned right-of-way is located adjacent to 9438 South Calle Bella Vista. The sale would comply with Arizona Revised Statutes sections §28-7205 and §28-7208 declaring the property to be excess, approving the abandonment, and that compensation be paid to the Town.

8. CLAIMS

Councilmembers considered taking action to approve the check register for May 2021, totaling \$487,633.74.

Motion by Councilmember Sánchez to approve agenda item G8; second by Councilmember Bravo. Motion passed unanimously on a voice vote 5-0.

Councilmembers approved the check register for May 2021, totaling \$487,633.74.

Vice Mayor Vital joined the meeting.

H. TOWN MANAGERS' COMMENTS – None.

I. COUNCILMEMBERS' COMMENTS

Councilmember Sánchez

- Thanked staff for their work.
- Stay safe and healthy; get vaccinated.
- Check on elderly neighbors.

Councilmember Bravo

- Thanked residents for sharing their concerns with Council.
- Public safety is important.
- Get vaccinated; a 37% vaccination rate is too low.

Councilmember Soto

- Thanked staff for their upkeep of the Mercado.

Councilmember Osuna

- Thanked staff for their work.

Vice Mayor Molina

- There is a budget meeting following this meeting.

Vice Mayor Vital

- Thanked everyone.
- Saturday, June 26, 2021 – vaccination event that is open to the public.



J. ADJOURNMENT

Motion by Councilmember Sánchez to adjourn the Regular Council Meeting; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.

The meeting was adjourned at 7:20 p.m.


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ATTEST:


Jeff Kulaga, Town Manager / Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the June 24, 2021, Town of Guadalupe, Town Council Regular Meeting. I further certify the meeting was duly called and held, and that a quorum was present.


Jeff Kulaga, Town Manager / Town Clerk