



Minutes Town Council Regular Meeting August 26, 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, August 26, 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 6:15 p.m.

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina. The following councilmembers participated via video conference: Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Gloria Cota, Councilmember Elvira Osuna, and Councilmember Anita Cota Soto

Councilmember Absent: Councilmember Joe Sánchez

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

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Molina called for a moment of silence in remembrance of the recent passing of a former Fire Chief. Mayor Molina then led the Pledge of Allegiance.

A. APPROVAL OF MINUTES

1. Approval of the August 12, 2021, Town Council Regular Meeting Minutes.

Motion by Councilmember Bravo to approve agenda item D1; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.

1. Councilmembers approved the August 12, 2021, Town Council Regular Meeting Minutes.

B. 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.

C. MAYOR and COUNCIL PRESENTATIONS: None.

D. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. COVID-19 ACTION UPDATE

Mayor Molina stated that this agenda item is for staff to provide an update 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.

Jeff Kulaga, Town Manager / Clerk, stated that the Town continues to display COVID-19 informational posters throughout Town and to promote wearing a mask, washing hands, maintaining social distancing, and getting vaccinated. The number of residents getting vaccinated is rising and stands at 39.3%. The number of positive COVID-19 cases is increasing county-wide.



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Mr. Kulaga thanked the Pascua Yaqui Tribe who will be providing approximately \$3 million in COVID-19 relief funds to the Town. There will be an action item on the September 9, 2021, Regular Council Meeting agenda authorizing the Town to accept the funds. There will be project managers on staff that will administer how the funds are spent.

A Councilmember discussed Guadalupe's low vaccination rate and urged everyone to get vaccinated. A Councilmember then thanked the Pascua Yaqui Tribe for their support of the Town and for providing funding to address the needs of residents.

2. SPECIAL EVENT LIQUOR LICENSE REQUEST

Mayor Molina stated that this agenda item is to forward a recommendation of approval, denial, or no recommendation to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License. The Applicant is Ralph A. Cota on behalf of the American Legion Post 124 Guadalupe Veterans, a non-profit organization. The event location is the Mercado de Guadalupe, 9201 South Avenida del Yaqui, Suite #3, Guadalupe, AZ. The proposed event will be held on Saturday, October 16, 2021, 7:00 PM – 11:00 PM. Maricopa County Sheriff's Office personnel will provide event security and the Post will provide age identification verification for alcohol consumption.

Jeff Kulaga, Town Manager / Clerk, stated that for special event liquor licenses, state law requires that the local governing body, the Town Council, forward a recommendation of approval, denial, or no recommendation to the State liquor board. This process is required in order for the Post to obtain a special event liquor license. The Post is expecting approximately 60 people at their fundraiser. The cost of the one-day special event liquor license is \$25.

In response to questions, Mr. Kulaga stated that there will be two Maricopa County Sheriff's Office deputies at the event. Attendees will not be permitted to bring their own ice chests into the event. The application to rent the Mercado includes language that gives the Town the flexibility to cancel the event for public safety purposes.

Vice Mayor Vital announced that he would like to abstain from participating in the vote.

In response to questions, Mr. Kulaga stated that the alcohol will be for sale. In order to qualify for a special event liquor license, a non-profit entity must be part of the application process. In this case, the liquor license would allow for the sale of beer on the patio portion of the Mercado. Alcohol would not be able to be taken beyond the interior perimeter of the Mercado. It is the responsibility of the Post representatives to manage the entrances and exits to ensure that no alcohol is taken outside of the event perimeter.

Mr. Kulaga outlined the State liquor license application requirements and process for special event liquor licenses. David Ledyard, Town Attorney, stated that the final decision on whether to grant a special event liquor license rests on the State.

In response to questions, Mr. Ledyard stated that if an existing Mercado tenant wanted to extend their area of liquor service beyond the perimeter of their suite, they would be required to get a permit from the State to do so. The existing Mercado businesses would not be part of the proposed event.

A Councilmember discussed a previous event where the Post sold mixed drinks and liquor.

In response to a question, Mr. Kulaga stated that the special event liquor license process is administered by the State Liquor Board, which is comprised of representatives from all over the State of Arizona.

A Councilmember discussed a previous instance where the Town Council recommended denial of a liquor license and how that recommendation was overturned and approved by the State Liquor Board.



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Motion by Councilmember Osuna to approve the special event liquor license application for the American Post Legion; second by Councilmember Cota. Motion passed on a roll call vote 4-0-2 with Vice Mayor Vital and Councilmember Soto abstaining.

Councilmembers voted to approve forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License. The Applicant is Ralph A. Cota on behalf of the American Legion Post 124 Guadalupe Veterans, a non-profit organization. The event location is the Mercado de Guadalupe, 9201 South Avenida del Yaqui, Suite #3, Guadalupe, AZ. The proposed event will be held on Saturday, October 16, 2021, 7:00 PM – 11:00 PM. Maricopa County Sheriff's Office personnel will provide event security and the Post will provide age identification verification for alcohol consumption.

3. AVENIDA DEL YAQUI STREET IMPROVEMENT PROJECT – ARIZONA DEPARTMENT OF TRANSPORTATION PAYMENT

Mayor Molina stated that this agenda item is for Council to consider concurring with the construction bid amount and approve a payment in the amount of \$1,011,362 to the Arizona Department of Transportation for the Avenida del Yaqui Street Improvement Project. The revised estimated total project cost is \$6,612,882 an increase of \$1,011,362 because of August 16 construction bid amount. The original total project cost was \$5,601,520; of which Federal funds total \$5,282,233; and the Town was responsible for 5.7% (\$319,287) of the project cost. Per the adopted May 31, 2019, intergovernmental agreement (IGA) (#2 g. page 3 of 9) between the Town of Guadalupe and the State of Arizona, Department of Transportation, the Town is responsible for the difference between estimated and actual costs, if applicable. Concurrence and approval of this \$1,011,362 amount fulfills this IGA provision. Concurrence and approval of the payment authorizes the Mayor, or designee, to sign all necessary documents in furtherance of this project.

Jeff Kulaga, Town Manager / Clerk, introduced Trisha Brown, Project Manager, Arizona Department of Transportation (ADOT), and Vince Gibbons, Town Engineer, Dibble Engineering, both of which are participating in the meeting via Zoom.

Mr. Kulaga outlined the Avenida del Yaqui Pedestrian and Bicycle Improvement Project purpose, constraints, community impacts, public involvement, right-of-way acquisitions, and funding. The project began in 2014 with a road safety assessment. Since that time, the roadway has continued to deteriorate. Mr. Kulaga reviewed a timeline of the project to date.

Mr. Kulaga noted that the project construction bid came in slightly \$1 million over the anticipated construction cost estimate, which now totals \$6,012,882. Since June 2019, construction costs have risen which have increased the percentage match the Town is responsible for paying. The 5.7% percentage match for the Town has risen from \$201,421 to the current match amount of \$1,011,362 due to the construction bid overage. Per the June 2019, intergovernmental agreement with ADOT, the Town is responsible for construction overages. The Town's total financial responsibility now stands at \$1,330,649, 20.1%.

The next step in this process is for the Town Council to determine if they concur with the construction overage amount that the Town is responsible for paying. If the Council concurs with the new match amount of \$1,011,362, ADOT would move forward with providing the Town with an invoice for actual project costs. Staff has identified approximately \$150,000 in Highway User Revenue Funds that could be allocated to this project, leaving a project funding shortfall of approximately \$858,000. To date, the Town has spent \$456,746 on this project, which is not reimbursable to the Town.

Staff has provided four options (A-D) moving forward for Council consideration. Option A is to "Decline and not concur"; Option B is to "Decline and reduce/revise scope"; Options C and D are to "Concur and



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approve" with additional actions. Staff is recommending Option D, with Option C as a backup plan as follows:

Option D: (staff recommendation)

- Accept and concur with the August 16, 2021, project estimate and approve the \$1,011,362 expenditure.
- Apply for Maricopa Association of Governments (MAG) closeout funds of \$858,682.
- MAG closeout process occurs in fall, decisions late 2021.
- No guarantee of closeout award.

Option C:

- Concur with the August 16th estimate and approve the \$1,011,362 expenditure.
- Redirect \$500,000 from the approved fiscal year 2021/2022 budgeted Highline Canal project to Avenida del Yaqui – should Federal grant funding be awarded, or delay canal project.
- The remaining \$358,682 difference funded through the General Fund balance.

Mr. Kulaga noted that the Town is financially prepared to absorb the construction overage of \$1 million.

In response to questions, Trisha Brown, Project Manager, Arizona Department of Transportation (ADOT), stated that only one bid was received and that the bid process was open for five weeks, which is two weeks longer than what ADOT typically offers for bid processes. ADOT's project estimate was based on the available information at the time the estimate was being prepared. Contractors are challenged with an increase in the cost of construction materials as well as construction material and staffing shortages. In the event that the cost of construction materials goes down, it does not change the amount that the contractor receives for completing the project.

In response to a question, Vince Gibbons, Town Engineer, Dibble Engineering, state that the project bid received is not inconsistent with what is happening in the construction industry. The cost of construction materials has risen, labor and subcontractors are challenging to find.

In response to a question, Ms. Brown stated that inflation was not factored into the project construction estimate; however, ADOT did increase the estimated project total in February 2021, based on an increase in the cost of materials.

A Councilmember noted that the Town has received MAG closeout funds in the past. If approved for closeout funds again, it could help supplement the increased cost of this project.

Motion by Vice Mayor Vital to approve Option D; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

Councilmembers concurred with the construction bid amount and approved a payment in the amount of \$1,011,362 to the Arizona Department of Transportation for the Avenida del Yaqui Street Improvement Project. The revised estimated total project cost is \$6,612,882 an increase of \$1,011,362 because of August 16 construction bid amount. The original total project cost was \$5,601,520; of which Federal funds total \$5,282,233; and the Town was responsible for 5.7% (\$319,287) of the project cost. Per the adopted May 31, 2019, intergovernmental agreement (IGA) (#2 g. page 3 of 9) between the Town of Guadalupe and the State of Arizona, Department of Transportation, the Town is responsible for the difference between estimated and actual costs, if applicable. Concurrence and approval of this \$1,011,362 amount fulfills this IGA provision. Concurrence and approval of the payment authorizes the Mayor, or designee, to sign all necessary documents in furtherance of this project.



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4. CLAIMS

Mayor Molina stated that this agenda item is for Council to take action to approve the check register for July 2021, totaling \$882,743.20.

In response to a question, Jeff Kulaga, Town Manager / Clerk, stated that staff periodically reviews contracts, services provided by vendors, and prices. If directed by Council, staff could conduct a more in-depth assessment of Town contracts and vendor policies. Dave Ledyard, Town Attorney, noted that generally, contracts are awarded to low bidders and their policies are not part of the contract assessment.

**Motion by Councilmember Bravo to approve agenda item G4; second by Councilmember Osuna.
Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved the check register for July 2021, totaling \$882,743.20.

H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- Friday evening through early Monday morning, eastbound I-10 will be closed between State Route 51 and US 60.

I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- Urged everyone to get vaccinated.
- Thanked the Pascua Yaqui Tribe for their support.
- Be safe.

Councilmember Osuna

- Thanked everyone for staying safe and checking on elders.
- Urged law enforcement to be more vigilant in traffic enforcement during school hours.

Councilmember Soto

- Thanked Public Works staff for the community clean-up after the storms.
- Wash hands, socially distance, and take care of elders and children.

Vice Mayor Vital

- Thanked the Pascua Yaqui Tribe for their support.
- Saturday, September 11, 2022 – vaccination clinic, open to everyone 12 years and older.
- Thanked staff for their work.

Mayor Molina

- Thanked staff for their work.



J. ADJOURNMENT

**Motion by Vice Mayor Vital to adjourn the meeting; second by Councilmember Bravo.
Motion passed unanimously on a voice vote 6-0.**

The meeting was adjourned at 7:16 p.m.


Valerie Molina, Mayor

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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 August 26, 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

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