

Minutes Town Council Regular Meeting February 25, 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, February 25, 2021, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Museum Room, Guadalupe, Arizona.

A. CALL TO ORDER

Mayor Molina called the meeting to order at 6:08 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 and Jennifer Drury – Assistant to the Town Manager, Cachi Castorena, MCSO Deputy, and, David Ledyard – Town Attorney

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Molina called for a moment of silence in recognition of those who have passed away due to Covid-19. Mayor Molina then led the Pledge of Allegiance.

D. APPROVAL OF MINUTES

1. Approval of the February 11, 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 February 11, 2021, Town Council Regular Meeting Minutes.

E. CALL TO THE PUBLIC: No one spoke.

Mayor Molina announced that Town Hall is open during Council meetings and invited community members to participate in the Call to the Public.

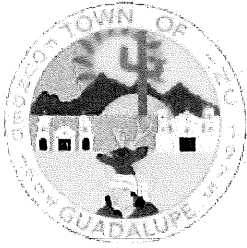
F. MAYOR and COUNCIL PRESENTATIONS: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

Mayor Molina stated that agenda item G10 will be the first item of business.

10. SCHEDULED PUBLIC APPEARANCE *(item taken out of order)*

Lindsey Wilcox, Crisis Response Network (CRN) Community Impact Liaison, discussed issues related to providing social services to the Town of Guadalupe. Ms. Wilcox stated that she oversees mobile clinics throughout the state of Arizona. CRN is a grant funded organization that provides free social services. Ms. Wilcox reviewed the various services and resources provided by CRN representatives; and, discussed the community partners that also work with CRN. There are no insurance or residency requirements to receive free services or products.



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In response to a question, Ms. Wilcox stated that the next mobile clinic in the Town of Guadalupe is scheduled for Thursday, March 11, 2021, from 4:00 PM – 8:30 PM, with the following clinic scheduled for Thursday, April 22, 2021.

In response to a question regarding resources available for the homelessness population, Ms. Wilcox stated that CRN provides case management services; provides utility assistance for individuals that are on the verge of becoming homeless; and, provides homeless shelter information and local housing assistance resources.

Ms. Wilcox stated that CRN distributes informational fliers regarding upcoming clinics to notify residents of the services available, including upcoming clinics scheduled for Guadalupe.

A Councilmember stated that it would be helpful to partner with CRN to distribute fresh produce to the senior population and to the Senior Center, once it reopens. The clinic operates once a month in Guadalupe.

Jeff Kulaga, Town Manager / Clerk, thanked Ms. Wilcox for the work and assistance CRN has provided to the Town's homeless population. *(there is no material for this agenda item)*

1. EMERGENCY PROPERTY CLEAN UP PROCLAMATION

David Ledyard, Town Attorney, stated that there are several properties in Guadalupe where the legal property owner of record has passed away and there is no living relative that has been found to be the responsible entity for the property. Per the Arizona Revised Statutes, the Town Council has the legal authority to Town to take emergency action to clear the property, which is a health hazard. The neighbors have filed several complaints about this property.

In response to a question regarding what the process is to clear the property, Mr. Ledyard stated that staff is prepared to use Town equipment to begin clearing the property in order to bring the property into a safe condition.

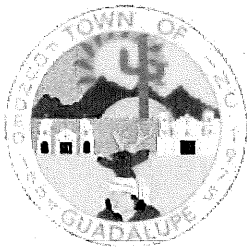
Mr. Ledyard discussed the notification process in situations where the property owner of record is alive, and noted that the process is lengthier because of the notification process.

Jeff Kulaga, Town Manager / Clerk, stated that Public Works staff will be available next week to clear the property. Mr. Kulaga noted that the proclamation under consideration references the property located at 8427 South Calle Batoua.

A Councilmember noted that someone other than the property owner is paying the property taxes on the property located at 5719 East Calle Magdalena. In cases like these, Mr. Ledyard stated that paying taxes on a property does not mean that the person paying the taxes has control of the property, or that they own the property. The statute gives the authority to the Mayor to declare that an emergency exists in these scenarios and it is the prerogative of the Mayor on whether or not to call for Council to vote on the proclamation.

Councilmembers discussed the numerous properties in Town that need to be cleaned up. By approving the Proclamation, it demonstrates to the community that the Town Council is taking property clean-ups seriously. It would also be appropriate to send letters to individuals that are paying taxes on problem properties to alert them of the need to clean up the property. There is due process for asking property owners to clean up their properties.

Motion by Vice Mayor Vital to approved agenda item G1; second by Councilmember Osuna. Motion passed unanimously on a voice vote 6-0.



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Councilmembers approved a Proclamation declaring that an emergency exists at the Property located at 8427 South Calle Batoua which constitutes an extreme health hazard requiring immediate and decisive emergency action to remedy; and, authorized the Town Manager / Clerk to take any legal means necessary to clean and clear the Property in order to remedy the emergency situation.

2. PUBLIC HEARING – RECREATIONAL MARIJUANA ORDINANCE (ORDINANCE NO. O2021.01)

David Ledyard, Town Attorney, stated that voters approved the recreational marijuana initiative which requires municipalities to take certain, limited, actions. The Town has two existing medical marijuana dispensaries, both of which have been given recreational marijuana licenses by the State of Arizona. The proposed ordinance prohibits additional recreational marijuana dispensaries in Town; and, exempts the existing two medical/recreational marijuana dispensaries.

Motion by Vice Mayor Vital to open the public hearing; second by Councilmember Cota. Motion passed unanimously on a voice vote 6-0.

Mayor Molina opened the public hearing.

Mr. Kulaga noted that there are no members of the public wishing to speak on this agenda item, nor has any public comment been received on this agenda item. Mr. Kulaga stated that the public hearing was posted and both of the Towns' existing dispensaries have been notified of the proposed ordinance.

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

Mayor Molina closed the public hearing.

Held a public hearing to receive public input to amend the Town Code of Ordinances, Chapter 154 Zoning, by adding a new subchapter titled Recreational Marijuana Sections § 154.086 – § 154.090. The proposed ordinance regulates recreational marijuana and contains the following: establishing a purpose setting forth definitions; prohibiting marijuana on public property; prohibiting recreational marijuana establishments and marijuana testing facilities; providing for the repeal of conflicting ordinances; setting forth violations; providing for enforcement and penalties; providing for exemptions; providing for severability; and setting an effective date. *(related to #3)*

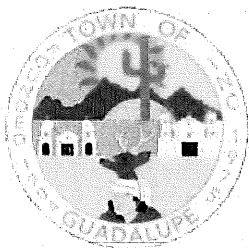
3. RECREATIONAL MARIJUANA ORDINANCE (ORDINANCE NO. O2021.01)

David Ledyard, Town Attorney, stated that the proposed ordinance aligns with State statutes related to recreational marijuana facilities. The ordinance prohibits the smoking of marijuana in public places. The Town has two existing medical marijuana facilities.

In response to a question regarding what the penalties are for smoking marijuana on public property, Mr. Ledyard stated that the penalty would be a misdemeanor. The State regulates dispensaries regarding marketing products to children.

Motion by Vice Mayor Vital to approve agenda item G3; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

Councilmembers adopted Ordinance No. O2021.01 amending the Town Code of Ordinances, Chapter 154 Zoning, by adding a new subchapter titled Recreational Marijuana Sections § 154.086 – § 154.090. The proposed ordinance regulates recreational marijuana and contains the following: establishing a purpose setting forth definitions; prohibiting marijuana on public property; prohibiting recreational marijuana establishments and marijuana testing facilities; providing for the repeal of conflicting ordinances; setting forth violations; providing for enforcement and penalties; providing for exemptions; providing for severability; and setting an effective date. *(related to #2)*



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4. FISCAL YEAR 2020/2021 MID-YEAR BUDGET STATUS REPORT

Jeff Kulaga, Town Manager / Clerk, presented the mid-year, fiscal year (FY) 2020/21 (July 2020 – December 2020) financial status report that includes Town General Fund, Special funds and enterprise fund balances, and year to date revenues and expenditures.

Mr. Kulaga reviewed various mid-year to date revenue compared to adopted fiscal year 2020/21 budget balances, which should be at approximately 50%. Local sales tax and transient occupancy tax balances are higher than anticipated. The Inn Suites is now closed, which will impact future transient occupancy taxes collected; and occupancy at the Best Western at the Mall Hotel is lower than expected. Restaurant and bar taxes are higher than anticipated; and, the AZ-Cares Fund provided by the State resulted in \$761,282 for COVID19 relief expenditures. Wild Land reimbursements and event revenues both have a zero balance, which was anticipated due to COVID-19. There were JCEF court funds of \$23,000 dedicated to being utilized for the transition of the Guadalupe Municipal Court. Overall, revenues are higher than expected at 62% versus 50% as originally anticipated.

In terms of expenditures, Mr. Kulaga stated that the Guadalupe Municipal Court has an expenditure budget of 132%, however, no additional expenditures are expected due to the transition of the Court to the City of Tempe. Several departmental funds have expenditures lower than 50% of what was anticipated due to COVID-19 relief funding for certain activities. A dedicated COVID-19 relief account was created for administrative and future audit purposes.

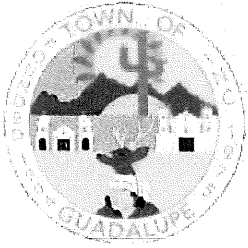
As adopted by Council, the total budget for fiscal year 2020/2021 was \$5,346,719. Over 65% of the \$5.3 million is allocated to the Maricopa County Sheriff's Office (38%) and to the Guadalupe Fire Department (25%). Mr. Kulaga reviewed fund transfers and their purposes; end of the year actual versus projected revenues and expenses; and, a summary of the mid-year General Fund balance, including projections.

Mr. Kulaga then reviewed the General Fund performance from fiscal year 2017 to the projected fiscal year 2021. Although the Town's fund balance is stronger than anticipated, the Towns' investment in municipal facilities, municipal resources, and employees continues to fall behind. Mr. Kulaga outlined various capital repair and improvements needed for municipal facilities, pension financial obligations, offering competitive employee salaries, and, levels of Town services/priorities. Arizona State University is assisting with an employee wage comparison. Town wages are not competitive within the municipal industry and there have been no employee wage increases in over 3 years. The Governor's Finance Officers Association recommends that municipalities have at least 25% or 3 months of expenditures in reserve, which would total \$1.3 million for the Town.

Mr. Kulaga reviewed the Highway User Revenue Fund, the Local Transportation Assistance Fund, the Senior Center Fund, and the Community Action Program Fund. Mr. Kulaga then reviewed the Cares Act fund balances which were provided by the State of Arizona and the Pascua Yaqui Tribe. Of concern is the Mercado Fund which is funded by events and suite rentals. The Mercado Fund will require approximately \$10,000 to be withdrawn from its fund balance to continue operations. For the Wastewater/Sewer Fund, there is approximately \$517,000 in Community Development Block Grant funding for repair of Town sewer lines. Staff is continuing to refine the Solid Waste fund.

General Fund:

- Revenues exceed expenditures: 4 straight years
- Fund Balance: \$891K to \$3.8M
- Building financial stability
- Current \$5.3M adopted budget provides for current levels of services and upkeep.
- The current \$5.4M does not allow for needed repair, added service levels, reducing liability.
- CAUTION: Moving in stable financial direction however responsible decisions are needed.



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Without recurring stable revenue streams:

- The Town of Guadalupe will continue facing fiscal struggles.
- Without eliminating direct services, there is nothing left to cut.

Other Funds:

- | | |
|-----------------------|--|
| 1. HURF: | in check relies on General Fund transfers |
| 2. LTAF | in check relies on General Fund transfers |
| 3. Senior Center | in check relies on General Fund transfers |
| 4. CAP | in check relies on General Fund transfers |
| 5. MPC Bond | in check relies on General Fund transfers |
| 6. CARES Act – PYT | complete; concluded December 2020 |
| 7. CARES Act – State | complete; concluded December 2020 |
| 8. Mercado | concern; fund balance approaching \$0.00 |
| 9. Sewer / Wastewater | concern repair, replacement needs continue |
| 10. Solid Waste | concern; after 12 years, rate hike is needed |

Revenue streams are critically important to the Town of Guadalupe.

In response to a question regarding the financial obligation needed to repair the water/wastewater sewer line system, Mr. Kulaga stated that over the span of five years, the cost of repairs totals approximately \$500,000 per year. The Town conducted urgent repairs and replacements of sewer lines in year one and was awarded \$517,000 in County Community Development Block Grant (CDBG) funds for repairs this year. However, Town management was recently notified that the Town was denied CDBG for next year's needed repairs. There are four more years of repairs needed at approximately \$500,000 annually. Due to this budgetary shortfall, the Town will only be addressing emergency repairs needed.

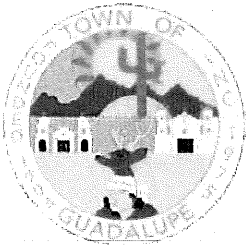
In response to a question concerning the status of the SAFER Grant that funds 3 firefighter positions, Robert Thaxton, Finance Director, stated that the SAFER grant is a five-year grant that will expire in three years.

A Councilmember noted that the Inn Suites is now closed for business and no longer serves as a source of revenue for the Town. Mr. Kulaga added that the Best Western Hotel has changed its name and its occupancy is down. The conversation continued regarding potentially losing revenue from two hotels and ways to replace those revenue streams.

Mr. Kulaga noted that it was unclear how COVID-19 would impact the Town when budgeting for this fiscal year. Fortunately, the impacts have not been as financially difficult as anticipated; however, staff anticipates that revenues and expenditures will align more closely for the remainder of the fiscal year. If that occurs, opportunities to reinvest in infrastructure, resources, and employee wages will continue to lag. The Council recently directed staff to issue a Request for Proposals for the development of Town-owned land. The Avenida del Yaqui Street Improvement Project may also spark interest in investment and development.

5. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding current steps taken to safe guard public health and safety in response to the Coronavirus and its impact to Town services. Mr. Kulaga stated that there appears to be flexibility in the eligibility of who may receive the COVID-19 vaccine. The Towns' website has information regarding how to schedule vaccinations. Mr. Kulaga then reviewed COVID-19 weekly positivity rates in Guadalupe, compared to Maricopa County (County); and, overall County positive case rates. To date, there have been 30 deaths in Guadalupe as a result of the virus, compared to 8,580 in the County.



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A Councilmember stated that the Pascua Yaqui Tribe is working with County health officials to host another vaccination event.

6. AVENIDA DEL YAQUI STREET IMPROVEMENT PROJECT UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update of the Avenida del Yaqui Street Improvement Project (Project). The Project includes resurfacing the roadway pavement, installing new curbs and gutters, sidewalks, driveways and striped bicycle facilities (designated bicycle lanes), new traffic control signs and enhanced pedestrian crosswalks. The project cost is estimated at \$5.6 million with \$5.3 million funded through federal transportation dollars and the remaining \$319,000 funded by the Town of Guadalupe. There will be a focus on complying with the Adults with Disabilities Act (ADA) requirements.

Project constraints include funding, private property, street width and lighting, utility poles and bus stops, and project schedule. The project will impact vehicle parking behind and on sidewalks and includes the removal of trees. Staff has begun meeting with property owners and has begun acquiring temporary construction easements.

In March 2016, Town staff filed a document stating its intention to comply with federal funding requirements. The project is approximately five years old. In June 2019, the Town was awarded \$3.3 million requiring a 5.7% Town investment for \$200,000; last month, the Town received an additional \$1.9 million in federal funding, increasing the Town's total to \$319,000.

Mr. Kulaga reviewed the project timeline and activities from 2017 to the anticipated construction date of September 2021, with construction being completed in the summer of 2022. COVID-19 delayed portions of the project.

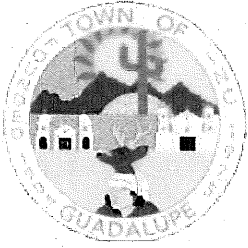
Mr. Kulaga displayed and explained aerial renderings of the proposed street improvements. Project balance is critical and includes resident preferences, intent within the right-of-way, compliance with standards, funding and land, and existing conditions and constraints. Federal funding could be jeopardized if the project does not remain on schedule. Mr. Kulaga discussed items scheduled for discussion at an upcoming community meeting scheduled for February 26, 2021 and the timeline of completing and submitting project revisions, the project bidding process, and construction. Staff is happy to meet with property owners.

In response to a question regarding the number of traffic lanes there will be on Avenida del Yaqui, Mr. Kulaga stated that given the width of Avenida del Yaqui, it would be difficult to accommodate four lanes of traffic, as well as bicycle lanes. Current plans do not include four lanes. If there were to be four lanes of traffic (two north bound/two south bound), the center left turn lane would need to be eliminated, which could result in an increase in traffic accidents. It would require the acquisition of private property to accommodate that level of traffic, safely. Ultimately, the Mayor and Council make the decision on how many lanes of traffic that they would prefer.

Councilmembers voiced support of the street improvement project and how this reinvestment will improve the Town.

In response to a question regarding who pays the price for project changes, Mr. Kulaga stated that the engineers would have to evaluate any change orders. The Town would be financially responsible to any significant project change orders. In addition, if the project does not move forward in a timely fashion, funding could be jeopardized and be reallocated to another jurisdiction.

Mayor Molina announced that the community meeting is scheduled for Friday, February 26, 2021, at the Mercado. This project is about reinvestment in the community. The intent is to not take away anyone's property. The Council will make the best decision based on the betterment of the entire community.



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7. AVENIDA DEL YAQUI STREET IMPROVEMENT PROJECT INTERGOVERNMENTAL AGREEMENT AMENDMENT NO. 1

Jeff Kulaga, Town Manager / Clerk, stated that the proposed agreement with the Arizona Department of Transportation, authorizes the Town to accept an additional \$2.2 million in project funding for the Avenida del Yaqui Street Improvement Project. If approved, the \$5.2 million of federal funds for this project exceeds the Town's annual expenditures by approximately \$200,000. Staff recommends approval of Amendment No. 1.

Motion by Vice Mayor Vital to approve agenda item G7; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

Councilmembers approved Amendment No. 1 (C2019-12A) to an intergovernmental agreement 19-0007278-1 with the State of Arizona, acting through its Department of Transportation (ADOT) for the purpose of revising project costs as a result of the Town of Guadalupe receiving an additional \$2,269,226 in federal funding for the Avenida del Yaqui Street Improvement Project; and, authorized the Mayor to execute all documents in furtherance of this agreement amendment. The revised project costs are as follows: Estimated total project cost: \$5,601,520; of which Federal Funds total: \$5,282,233 and Town funds; total \$319,287.

8. AUDIT SERVICES REQUEST FOR PROPOSALS REQUEST

Jeff Kulaga, Town Manager / Clerk, stated that staff is recommending that the Town move forward with a Request for Proposals (RFP) for auditor services. The existing auditor, Colby & Powell, has been conducting Town audits since 2004. A competitive solicitation is advisable.

Motion by Councilmember Bravo to approve agenda item G8; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.

Councilmembers approved the staff recommendation to issue a Request for Proposals for internal audit services.

9. CHIEF FISCAL OFFICER DESIGNATION (RESOLUTION NO. R2021.01)

Motion by Vice Mayor Vital to approve agenda item G9; second by Councilmember Soto. Motion passed unanimously on a voice vote 6-0.

Councilmembers adopted a resolution designating the Town Manager/Clerk as the Chief Fiscal Officer. The Chief Fiscal Officer is responsible for officially submitting the Fiscal Year 2022 Expenditure Limitation Report to the Auditor General.

11. STOTTEMYRE PARK SCOREBOARD REPLACEMENT

Jeff Kulaga, Town Manager / Clerk, stated that the Arizona Diamondbacks and Arizona Public Service (APS) have partnered to fund replacement of the Stottlemyre Park Little League scoreboard at an estimated cost of \$30,000. Installation is anticipated within the next two months. A ribbon cutting ceremony will be forthcoming.

H. TOWN MANAGERS' COMMENTS

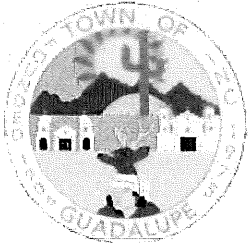
Jeff Kulaga, Town Manager / Clerk

- The Community Action Program (CAP) recently passed a United Food Bank audit.

I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- Congratulated CAP on the successful Food Bank audit.
- Everything the Council does is for the betterment of the community.
- Thanked staff and residents.



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Vice Mayor Vital

- o Thanked staff and residents.
- o Stay well and healthy.

Councilmember Soto

- o Thanked staff for their work.
- o The Pico was recently vandalized.
- o Concerned about traffic during the Avenida del Yaqui Street Improvement Project; and, the timing of this project in conjunction with the Interstate 10 project.
- o Grateful that COVID-19 infection rates are decreasing.
- o Grateful that children are going back to school; and, grateful for the teachers.

Mayor Molina

- o The Maricopa County Health Department and ASU are inviting residents that have had COVID-19 to participate on a panel; and, participants will be compensated.
- o Thanked staff for the budget presentation.

J. ADJOURNMENT

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

The meeting was adjourned at 8:02 p.m.

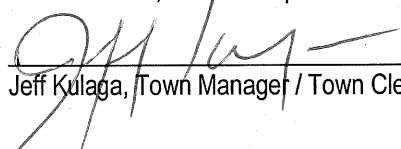

Valerie Molina, Mayor

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 February 25, 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