

Ricardo Vital Vice Mayor

Mary Bravo Councilmember

Gloria Cota Councilmember

Elvira Osuna Councilmember

Joe Sánchez Councilmember

Anita Cota Soto Councilmember

Agendas/Minutes: www.guadalupeaz.org

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

Minutes Town Council Regular Meeting March 25, 2021

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, March 25, 2021, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Museum Room, Guadalupe, Arizona.

A. Vice Mayor Vital called the meeting to order at 6:05 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 Elvira Osuna, Councilmember Joe Sánchez, and Councilmember Anita Cota Soto

Councilmember Absent: Councilmember Gloria Cota

Staff Present: Jeff Kulaga – Town Manager / Clerk, Jennifer Drury – Assistant to the Town Manager, Cachi Castorena, MCSO Deputy, David Ledyard – Town Attorney, and Kay Savard – Deputy Town Clerk

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Molina called for a moment of silence in remembrance of a recent fallen Police Officer. Mayor Molina then led the Pledge of Allegiance.

D. APPROVAL OF MINUTES

- 1. Approval of the March 11, 2021, Town Council Regular Meeting Minutes.
- 2. Approval of the March 17, 2021, Town Council Special Meeting Minutes.

Motion by Vice Mayor Vital to approve agenda items D1 and D2; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

- 1. Councilmembers approved the March 11, 2021, Town Council Regular Meeting Minutes.
- 2. Councilmembers approved the March 17, 2021, Town Council Special Meeting Minutes.

E. CALL TO THE PUBLIC: No one spoke.

F. MAYOR and COUNCIL PRESENTATIONS:

Mayor Molina read a Proclamation declaring April 10 - 16, 2021 the Week of the Young Child. Lisa Ciolli, Community Outreach Coordinator, First Things First, thanked Councilmembers for their support and partnership with First Things First.



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G. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 1. MARICOPA COUNTY ANIMAL CARE AND CONTROL (moved to the last item on Section G of the agenda)
- 2. PUBLIC HEARING REZONING REQUEST FOR 9438 SOUTH CALLE BELLA VISTA Motion by Councilmember Bravo to open the public hearing; second by Councilmember Sánchez. Motion passed unanimously on a voice vote 6-0.

John Oliver, Applicant representative (Applicant) from Tiffany & Bosco, stated that the Applicant is seeking a rezoning request from R1-6 to a Planned Area Development (PAD). The proposed PAD will only permit outdoor storage. Mr. Oliver provided a description of where the property is located and surrounding zoning for those parcels. The Applicant has met with surrounding neighbors to discuss the project and the proposed zoning request. Noxious odors, noise, and dust will be prohibited on the PAD. The property setback is 10' and the wall height is 8'. If approved, the Applicant would like to install a speed hump to slow traffic down and will work with a civil engineer to ensure that storm water retention on the property is done properly. If the property owner does not adhere to the PAD standards, the Town can assess fines. The PAD would beautify and secure a vacant lot. Dessert landscaping would be incorporated into the PAD and the wall will shield residential properties from Interstate 10. Agenda item G4 is related to this request.

Fidelis Garcia, resident, praised the Applicant for working with him, as a neighbor to the property. Mr. Kulaga added that he received an e-mail from Mr. Garcia stating that Mr. Garcia is not opposed to the project.

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

Held a public hearing for a rezoning request from R1-6 to a Planned Area Development district to allow for the outdoor storage of materials, vehicles, equipment, or similar items. The outdoor storage shall be screened with a solid/wall fence or combination wall/fence and landscaping. The 27,878 square foot property is located at 9438 South Calle Bella Vista, APN 301-42-001D and is presently zoned R1-6. The Applicant representative for this rezoning request is William E. Lally – Tiffany & Bosco, P.A., on behalf of Mavlife1, LLC. (related to item G3)

3. REZONING REQUEST - 9438 SOUTH CALLE BELLA VISTA

In response to a question regarding property setbacks, Jeff Kulaga, Town Manager / Clerk, stated that the property setback is 10'.

In response to questions, John Oliver, Applicant representative (Applicant), confirmed that the speed hump installation that he discussed earlier would be paid for by the Applicant. The site plan that will be required will include storm water retention elements. The outdoor storage will be primarily vehicles. When the PAD is drafted, it will include specific language regarding what type of outdoor storage the Applicant is envisioning.

In response to a question regarding how the Town will ensure that the Applicant is in compliance with the rezoning, David Ledyard, Town Attorney, stated that it could be complaint based, or if Town staff observed something of concern, staff could follow up with the property owner.

In response to a question, Mr. Oliver stated that the Applicant has not included a provision for security measures in their plan, however, should the need arise, it will be addressed.

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



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 Councilmembers approved a rezoning request for 9438 South Calle Bella Vista. The approved request is to rezone the 27,878 square foot property presently zoned R1-6, APN 301-42-001D, to a Planned Area Development district for outdoor storage of materials, vehicles, equipment, or similar items; and, for the installation of a solid/wall fence or combination wall/fence and landscaping. (related to item G2)

4. TOWN-OWNED RIGHT-OF-WAY LAND SALE

Jeff Kulaga, Town Manager / Clerk, stated that the Applicant, John Oliver, Applicant representative from Tiffany & Bosco, is requesting that this agenda item be continued to the April 8, 2021, Regular Council Meeting. This item is related to agenda item G3. Mr. Kulaga displayed an aerial view of the Townowned parcel which currently acts as a driveway to the adjacent parcel.

Motion by Councilmember Soto to continue agenda item G4 to the April 8, 2021, Regular Council Meeting; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.

At the request of the Applicant, Councilmembers continued the request to provide direction to staff on whether to authorize the sale of 3,930 square feet of Town-owned right-of-way located adjacent to 9438 South Calle Bella Vista to the April 8, 2021, Regular Council Meeting. The sale would comply with Arizona Revised Statue 9-402: Sale and disposition of property; advertising for bids; publication; donation; easements. (related to items G2 & G3)

5. PUBLIC HEARING – VARIANCE REQUEST FOR 5300 SOUTH PRIEST DRIVE

Jeff Kulaga, Town Manager / Clerk, stated that the Applicant for agenda items G5 and G6 has requested a continuance to the April 22, 2021, Regular Council Meeting.

Larry Lazarus, Applicant representative, stated that the Applicant is continuing to explore alternatives to the variance request. Mr. Kulaga added that staff supports the continuance request.

Motion by Vice Mayor Vital to continue agenda item G5 to the April 22, 2021, Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

At the request of the Applicant, Councilmembers continued the public hearing to the April 22, 2021, Regular Council Meeting to receive public input regarding a variance request of the Town of Guadalupe Zoning Code of Ordinances to increase allowable density from C-2 standards to 43.5 dwelling units per acre. The property is located at 5300 South Priest Drive, Guadalupe, AZ, APN 301-10-011Q, where a hotel is presently operating. The Applicant is Harc Holdings LLC. (related to item G6)

6. VARIANCE REQUEST FOR 5300 SOUTH PRIEST DRIVE

Motion by Vice Mayor Vital to continue agenda item G6 to the April 22, 2021, Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

At the request of the Applicant, Councilmembers continued a variance request to the April 22, 2021, Regular Council Meeting to increase allowable density from C-2 standards to 43.5 dwelling units per acre for the property located at 5300 South Priest Drive, Guadalupe, AZ, APN 301-10-011Q, where a hotel is presently operating. The Applicant is Harc Holdings LLC. *(related to item G5)*

7. CONTRACT - INSITUFORM TECHNOLOGIES, LLC:

Jeff Kulaga, Town Manager / Clerk, stated that the Town was awarded \$517,000 in Maricopa County Community Block Grant funds in July, 2020. Insituform Technologies, LLC was the low bidder at \$233,446 on the Wastewater Collection System Project. Dibble Engineering coordinated the bid process.



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 In response to a question, Vince Gibbons, Dibble Engineering representative, stated that construction will begin within the next 10 days. Insituform Technologies, LLC is well known for their work on these types of projects. Mr. Kulaga added that staff will provide Council with specific locations where the work will be occurring.

In response to a question regarding the problem the Town is having with manhole covers being removed by unauthorized individuals, Mr. Gibbons stated that the bid did not include a price for the contractor to secure the manholes. Mr. Kulaga noted that staff and Dibble Engineering will pursue this further with the contractor to determine how much it would cost to secure manhole covers. This is an on-going project for the next four years.

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

Councilmembers approved a contract (C2021-29) in the amount of \$233,446 with Insituform Technologies, LLC, to provide contracted services for the Wastewater Collection System Project, CDBG20GD. The scope of work for sanitary sewer line renovation includes removal and replacement of 12 linear feet of 12-inch diameter sanitary sewer pipe, installation of 1,826 linear feet of 8-inch Cured-In-Place-Pipe (CIPP) liner, epoxy coat seven (7) sanitary sewer access manholes, and adjust six (6) sanitary sewer access manhole frames and covers. Funding for this project is from Maricopa County Community Block Grant funds, as approved by the Council on July 23, 2020.

8. AVENIDA DEL YAQUI STREET IMPROVEMENT PROJECT UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding the Avenida del Yaqui Street Improvement Project (Project). Mr. Kulaga stated that the Town has hosted neighborhood meetings to discuss the Project. Mr. Kulaga reviewed the Project purpose and various elements; constraints; funding changes over time; timeline; the funding process and sources; engineer selection process; parking options; delays due to COVID-19; costs, federal and local; and, the construction schedule.

In response to inquiries from residents regarding including on-street parking between Sonora and Cerritos, two engineering groups conducted on-street parking assessments and have determined that on-street parking at that street segment is not possible due to: lack of public rights-of-way, needed land acquisition of private properties, cost, and scheduling. To provide for on-street parking, acquisition of private property would span from 1' to approximately 8'. The intent of the Project has always been to work within the existing right-of-way. If Council were to desire this level of change to the Project scope, then the Project would need to start from the beginning in order to expand the magnitude of the Project.

Congestion Mitigation and Air Quality Improvement (CMAQ) funds are available to fund pedestrian ways and bicycle lanes. CMAQ funding is included in this Project.

Mr. Kulaga provided an overview of various grant funding the Town has received and emphasized that there is not enough grant funding that would cover the cost of this Project if the Town desired to fund the Project on its own. Most of the grant funding provided to the Town is dedicated for specific social services or programs.

Mr. Kulaga stated that if the Town were to request a one-year delay in the Project, then the Town would lose \$1.9 million in Federal funding. Elimination of the bicycle lane would require that the Town provide the eliminated funding in order to match the scope of the project. If the Town chooses to simply renovate Avenida del Yaqui as is, there are no grant funding programs for maintenance projects. To repave the street would cost approximately \$2.25 million. Last year, the Town spent approximately \$40,000 on pothole repairs, sidewalk repairs, and restriping streets. Avenida del Yaqui is deteriorating to a point where it is difficult to repair.



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 The Town's annual budget for this fiscal year is \$5.3 million. This Project costs more than the Town's annual General Fund. The Town does not have the funding to pursue this project without Federal funding assistance. Based on current projections, staff anticipates that within the next five years Town expenditures will exceed revenues.

Mr. Kulaga read the following excerpt from the Town code:

§ 72.05 PARKING VEHICLES ON SIDEWALKS:

No person shall park any vehicle, whether in usable condition or not, nor shall an owner permit his or her vehicle to be parked upon any sidewalk or public right-of-way in the town.

For decades, the practice of parking vehicles on sidewalks has been allowed and the ordinance has not been enforced. Staff has received public comment and has met with several residents about the impacts of this Project. Many residents at the public meetings were opposed to the Project. Staff recently received a petition of approximately 25 people indicating their support of the Project. There are potions of the Project where on-street parking will be available.

Mr. Kulaga outlined the next steps in the Project. The Project is estimated to cost \$5.6 million with \$5.3 million funded through Federal transportation funding and \$319,000 funded by the Town of Guadalupe, which represents the required 5.7% local funding responsibility. If approved, construction is anticipated to begin in September 2021. *(related to G9)*

In response to a question regarding if the Project will have four lanes of traffic, Mr. Kulaga stated that the street is not wide enough to accommodate four lanes of traffic, including a center turn lane. The street becomes unsafe without a turn lane. There will be one traffic lane in each direction and bicycle lanes on each side of the street.

David Ledyard, Town Attorney, noted that there is also an Arizona Revised Statute that prohibits parking on sidewalks.

In response to questions, Mr. Kulaga stated that the bus pullout area on Avenida del Yaqui will not be impacted. Stormwater drainage is not a component of this Project.

A Councilmember emphasized that the role of Council is to ensure decisions are made for the betterment of the entire community.

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

Mayor Molina called upon members of the audience that wish to address the Council on agenda item G9.

Bernie Paulino, resident, spoke in opposition of the Avenida del Yaqui Street Improvement Project (Project). Ms. Paulino acknowledged that there is a Town code that addresses no parking on sidewalks. She discussed concerns about the lack of parking in front of her grandmother's home for repair vehicles. She would prefer to eliminate the bicycle lanes. She urged Council to place the Project on hold for one year, and to seek alternative solutions for parking and additional funding sources.

David Ledyard, Town Attorney, stated that a potential solution for on-street parking by utility companies and emergency vehicles is to set up cones around the vehicle. This could be a coordinated process with the Town.

Lisa Hernandez, resident, spoke in opposition of the Avenida del Yaqui Street Improvement Project. She discussed the need to slow traffic down and potentially installing speed humps. There are homes that do not have driveways, making on-street parking the only option. Bicycle lanes will add to the congestion.



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 Leticia Hernandez, resident, spoke in opposition of the Avenida del Yaqui Street Improvement Project (Project). More thought needs to be put into the Project. Residents will not use the bicycle lanes. Issues such as traffic and parking are what the Town should be addressing. She urged Council to place the Project on hold.

Margie Verdugo, resident, spoke in opposition of the Avenida del Yaqui Street Improvement Project (Project). Bicycle lanes will increase traffic. She supports the installation of speed humps and would support an alternative to this Project.

Cesario Saucedo, resident, spoke in support of installing a vertical curb because he has had problems with neighbors parking on the sidewalk, at times blocking his driveway. Sidewalk parking makes it difficult for him to safely enter the roadway from his property. This is unsafe for pedestrians and other vehicles on the roadway. He would support ticketing cars that are parked on sidewalks because it is against the law and is a safety hazard.

Juan Saucedo, resident, spoke in support of the Avenida del Yaqui Street Improvement Project (Project). Parking on sidewalks is unsafe and illegal. He would like the law prohibiting parking on sidewalks enforced. He would not support removing the center lane of traffic. He would support the installation of a vertical curb. This Project will benefit the Town.

Councilmember Bravo stated that the Project has been thoroughly studied and much effort has been made to accommodate residents. The Council wants what is best for the Town.

Councilmember Soto stated that like many Council's before this Town Council, it is time to make difficult decisions. All aspects of the Project have been studied and considered. The Council cares about the community.

Mayor Molina voiced support for this Project. She noted that Councilmembers have heard how residents feel about the project. Councilmembers run for election because they want to make changes to the community. There have been years of neglect within the community, such as 40-year-old sewer pipes not being maintained, a Town Code that was not codified for 32 years, and years of budgetary problems. Over the past four years, and with the assistance of the Town Manager / Clerk, the Town now has \$3.3 million in cash reserves. Mayor Molina discussed several projects that need to be undertaken within the community, and the desire to prioritize these projects. Town staff are few and many programs have been eliminated due to lack of available funding. There is little left to eliminate from the budget. If the Town were to undertake this project on its own it would cost \$2.2 million. Difficult decisions must be made, for the survival of the Town.

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

Councilmembers approved a payment in the amount of \$287,082 to the Arizona Department of Transportation for the Avenida del Yaqui Street Improvement Project. The estimated total project cost is \$5,601,520; of which Federal funds total \$5,282,233; with the Town being responsible for 5.7% (\$319,287) of the project cost. This payment fulfills 90% of the Town's responsibility. Approval of the payment authorizes the Mayor, or designee, to sign all necessary documents in furtherance of this Project. (related to G8)

10. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding current Town of Guadalupe COVID-19 positive case rates, scheduled testing events, vaccination information, Town services, and steps taken to safeguard public health and safety in response to the Coronavirus.



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 Mr. Kulaga discussed an upcoming vaccine clinic for Guadalupe residents scheduled for April 10, 2021. He then updated Council on the most recent Executive Order (Order) issued by Arizona Governor Doug Ducey. He read the portion of the Order that impacts local jurisdictions:

"....no county, city or town may make or issue any order, rule or regulation that conflicts with or is in addition to the policy...This includes but is not limited to mandated use of face coverings. Any city, town or county that has a rule, regulation or ordinance not in place as of March 11, 2020 that is in conflict with the provisions of this order shall not be enforced."

The Governors' Order preempts the Towns Order that was issued in June, 2020, regarding requiring face mask coverings. Mr. Kulaga reviewed various other elements of the Order that impact private businesses, how government operates, and private and public events. Several cities and towns are seeking further clarification and guidance from the Governor's office relating to public parks and event space such as the Mercado patio and multi-purpose room.

Mr. Kulaga emphasized that everyone is urged to continue wearing a mask, wash hands, social distance, and get vaccinated. He then provided updated COVID-19 vaccination doses administered, vaccine age requirements, and where to find additional information regarding vaccines. The number of COVID-19 infections among Guadalupe residents are decreasing, which is a positive trend.

Mr. Kulaga stated that Chicanos Por La Causa (CPLC) has partnered with Wells Fargo to offer Town of Guadalupe businesses up to \$1,000 through an application process if the business can demonstrate how they were impacted by COVID-19. There is a total of \$15,000 for this program. April 9, 2021, is the application deadline. Information will be available on the Town's website. CPLC has also offered to conduct business assistance seminars for small businesses in Town.

In response to a question, Vice Mayor Vital clarified that the Moderna vaccine can be administered to anyone 18 years of age and older, and the Pfizer vaccine can be administered to anyone 16 and older. Additional COVID-19 testing events will be scheduled after Easter. Maricopa County will continue to partner with the Town on COVID-19 efforts.

In response to a question, Mr. Kulaga clarified that CPLC and Wells Fargo require that eligible businesses have a physical business location in Guadalupe.

Fidelis Garcia, resident, thanked the Mayor and Council for the COVID-19 vaccination that he recently received. The CPLC/Wells Fargo Small Business Program is a good program. CPLC also offers a housing counseling program and a prisoner re-entry program.

In response to inquiries from the public regarding when the Town will begin issuing party permits, Mr. Kulaga stated that originally staff was going to schedule a Town facility reopening discussion with Council in July. Given the latest Governor's Order, and the upcoming Easter holiday, it is a balance of community health and safety versus returning to normalcy, a difficult choice. Staff anticipates that the remodel for the Community Action Program office and the Town Hall reception area will be completed in mid-April. Bathrooms will have touchless fixtures. Town Hall may be ready to reopen on May 1, 2021. Town Hall is currently open daily for business by appointment.

Fidelis Garcia volunteered to provide information to the Council regarding COVID-19 related death benefits that will soon be available from the Federal Emergency Management Agency.

Vice Mayor Vital reminded everyone about the April 10, 2021, vaccination event. 500 vaccine shots will be available. Councilmember Bravo urged everyone to continue to remain cautious.



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Town Council Chambers 9241 S. Avenida del Yaqui Guadalupe, AZ 85283 Phone: (480) 730-3080 Fax: (480)-505-5368 Mr. Kulaga stated that the Town partnered with the Pascua Yaqui Tribe, Arizona State University (ASU), Native Health, and the Maricopa County Health Department to prepare a video regarding how ASU students are working within the community to address the impacts of COVID-19, and to promote social good. He then played the video.

1. MARICOPA COUNTY ANIMAL CARE AND CONTROL (item taken out of order)

Jeff Kulaga, Town Manager / Clerk, introduced Christopher Kunszt, Maricopa County Animal Care and Control (MCACC) representative. Mr. Kunszt stated that MCACC received 292 calls for service in Guadalupe from July, 2019 – June, 2020. A majority of the calls were related to stray dogs or dog bites.

In response to a question regarding homes that have an excessive number of dogs, Mr. Kunszt stated that it depends upon the circumstances such as if there is animal abuse. In some cases, the Maricopa County Sheriff's Office may be asked to investigate. MCACC operates on a complaint basis. He noted that Livestock are regulated by the Department of Agriculture.

H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- O Clarified that Councilmember Osuna voted yes on agenda items G7 and G9.
- Freeway ramp closures this weekend on westbound U.S. 60, approaching I-10. The closures
 are related to the Arizona Department of Transportation Broadway Road Curve Project. Once
 the construction schedule is finalized, the Town will know when and how it will be impacted.

I. COUNCILMEMBERS' COMMENTS

Councilmember Soto

- o Thanked everyone for attending the meeting and for protecting the community.
- o Thoughts are with those that have experienced loss due to COVID-19.

Councilmember Bravo

- Thanked her colleagues and Town residents for their understanding of the Avenida del Yagui Street Improvement Project.
- O Urged everyone to be careful, continue to wear a mask, and to get vaccinated.

Councilmember Sánchez

- Thanked everyone.
- Urged everyone to continue to stay safe and healthy.

Vice Mayor Vital

- Thanked everyone for attending the meeting.
- Thanked Council supporters, community members, and Town staff.
- o Saturday, April 10, 2021 COVID-19 vaccination event. No appointment necessary.

Mayor Molina

- Thanked staff for keeping the community clean.
- o Be safe.
- Happy Easter.

In response to a question, Mr. Kulaga stated that Town Hall will be closed on Friday, April 2, 2021, in observance of Good Friday, and on Monday, April 5, 2021, in observance of Easter.



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J. ADJOURNMENT

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

The meeting was adjourned at 8:20 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 March 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.