



## Minutes Town Council Regular Meeting December 8, 2022

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Esteban F. V. Fuerte  
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, December 8, 2022, 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 6:10 p.m.

### B. ROLL CALL

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

Councilmembers Absent: Councilmember Joe Sánchez

Staff Present: Jeff Kulaga – Town Manager / Clerk, David Ledyard– Town Attorney

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Soto provided the invocation. Mayor Molina then led the Pledge of Allegiance.

### D. APPROVAL OF MINUTES

1. Approval of the October 27, 2022, Town Council Regular Meeting Minutes.
2. Approval of the November 10, 2022, Town Council Regular Meeting Minutes.
3. Approval of the November 10, 2022, Town Council Special Meeting Minutes.

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

1. Councilmembers approved the October 27, 2022, Town Council Regular Meeting Minutes.
2. Councilmembers approved the November 10, 2022, Town Council Regular Meeting Minutes.
3. Councilmembers approved the November 10, 2022, Town Council Special Meeting Minutes.

E. CALL TO THE PUBLIC: – None.

F. MAYOR and COUNCIL PRESENTATIONS: – None.



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## G. DISCUSSION AND POSSIBLE ACTION ITEMS:

### 1. PUBLIC HEARING – REZONING REQUEST FOR 9022 SOUTH AVENIDA DEL YAQUI (RZ2022-07)

Mayor Molina stated that this is a public hearing for a rezoning request for the property located at 9022 South Avenida del Yaqui. The request is to rezone the property from C-1 Neighborhood Commercial to C-2 General Commercial so that the current uses of the property would comply with allowable land uses, per the Guadalupe Town Code, Section 154.067(C) (3 & 4) for the C-2 zoning designation. The existing property use is the sale of automobile tires and minor auto repair including oil changes and brake repair. The current use of the property is not in compliance with C-1 zoning. The Applicant is Edward Cota Jr., Maricopa County Assessor Parcel #APN 301-12-112Q. *(related to G2)*

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

Mayor Molina opened the public hearing.

Jeff Kulaga, Town Manager / Clerk, stated we do not have any comment cards and applicant is in the audience and will not be speaking unless questions arise.

Councilmembers did not have any questions for applicant.

**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.

Councilmembers held a public hearing for a rezoning request for the property located at 9022 South Avenida del Yaqui. The request is to rezone the property from C-1 Neighborhood Commercial to C-2 General Commercial so that the current uses of the property would comply with allowable land uses, per the Guadalupe Town Code, Section 154.067(C) (3 & 4) for the C-2 zoning designation. The existing property use is the sale of automobile tires and minor auto repair including oil changes and brake repair. The current use of the property is not in compliance with C-1 zoning. The Applicant is Edward Cota Jr., Maricopa County Assessor Parcel #APN 301-12-112Q. *(related to G2)*

### 2. REZONING REQUEST – 9022 SOUTH AVENIDA DEL YAQUI (RZ2022-07)

Mayor Molina stated that this agenda item is for Council to consider a rezoning request for 9022 South Avenida del Yaqui from C-1 Neighborhood Commercial to C-2 General Commercial which aligns with the current uses of the property per the Guadalupe Town Code, Section 154.067(C) (3 & 4) for the C-2 General Commercial zoning designation. The existing uses of the property is the sale of automobile tires and minor auto repair including oil changes and brake repair. The Applicant is Edward Cota Jr., Maricopa County Assessor Parcel #APN 301-12-112Q.

Jeff Kulaga, Town Manager / Clerk, called upon Chris Anaradian, Consultant. Mr. Anaradian stated that the applicant is seeking being compliant with our code under C-2. Adjacent land uses a strip of C1 with residential properties located behind this business location. The current use of the business is compliant with C-2 zoning and would not require a use permit. Mr. Anaradian noted that screening is required up to 6 feet in height for open garages that could be viewed from the street. The yard adjacent to public streets is to be landscaped per the code. The code provides protections to residential zoning located to the rear of the parcel in that the code indicates any objectionable noise, order, dust, gas, smoke, and vibration shall be prohibited. Any residential structures within 500 feet should be protected against noise within normal and customary hours. The code does not specify such hours however it does specify hours when comes to automobile engines that are operating between 7am-8pm. Mr.



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Anaradian recommended approval at this request as the current use of the garage is seeking to become compliant with current town code.

In response to a question regarding how setbacks being moved impacts the existing building, Mr. Anaradian advised the 25 foot setback gives them more room to have buildings on the property and they currently does not violate either setback.

In response to a question regarding the residential noise restriction be set from 7-7, Mr. Anaradian advised current code could be revised or applicant could consent to stipulation for rezoning.

David Ledyard, Town Attorney agreed that Council can impose such restrictions however other C-2 zoned establishments do not have this restriction.

In response to a question regarding their current operating hours, applicant advised their hours are 7am-8pm.

**Motion by Councilmember Bravo to approve agenda item G2; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved a rezoning request for 9022 South Avenida del Yaqui from C-1 Neighborhood Commercial to C-2 General Commercial which aligns with the current uses of the property per the Guadalupe Town Code, Section 154.067(C) (3 & 4) for the C-2 General Commercial zoning designation. The existing uses of the property is the sale of automobile tires and minor auto repair including oil changes and brake repair. The Applicant is Edward Cota Jr. Maricopa County Assessor Parcel #APN 301-12-112Q.

### **3. REMOVED/DELETED AT THE REQUEST OF STAFF: PUBLIC HEARING – CONDITIONAL USE PERMIT REQUEST FOR 9022 SOUTH AVENIDA DEL YAQUI (CU2022-04):**

Hold a public hearing for a Conditional Use Permit request for the property located at 9022 South Avenida del Yaqui which would to continue per the Guadalupe Town Code, Section 154.067(C) (3E & 4) for the C-2 zoning designation to sell tires, change oil, and repair brakes, pending a request to rezone the property to C-2 General Commercial. The property is currently zoned C-1 Neighborhood Commercial (agenda items G1 & G2). The existing use of the property is for selling tires. The Applicant is Edward Cota Jr.. Maricopa County Assessor Parcel #APN 301-12-112Q. *(There is no material for this agenda item)*

**Motion by Councilmember Fuerte to remove agenda items G3 and G4; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.**

Councilmembers removed public hearing for a Conditional Use Permit request for the property located at 9022 South Avenida del Yaqui which would to continue per the Guadalupe Town Code, Section 154.067(C) (3E & 4) for the C-2 zoning designation to sell tires, change oil, and repair brakes, pending a request to rezone the property to C-2 General Commercial. The property is currently zoned C-1 Neighborhood Commercial (agenda items G1 & G2). The existing use of the property is for selling tires. The Applicant is Edward Cota Jr.. Maricopa County Assessor Parcel #APN 301-12-112Q.



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#### **4. REMOVED/DELETED AT THE REQUEST OF STAFF: CONDITIONAL USE PERMIT REQUEST FOR 9022 SOUTH AVENIDA DEL YAQUI (CU2022-04)**

Council will consider and may take action to approve or deny a Conditional Use Permit request for the property located at 9022 South Avenida del Yaqui to continue to conduct auto mechanic work and auto painting, pending a request to rezone the property to C-2 General Commercial (agenda items G1 & G2). The property is currently zoned C-1 Neighborhood Commercial. The existing use of the property is for auto repair, paint shop, and auto mechanic work. The Applicant is Edward Cota Jr., Maricopa County Assessor Parcel #APN 301-12-112Q. *(There is no material for this agenda item)*

See motion under item G3;

#### **5. INTERGOVERNMENTAL AGREEMENT – REGIONAL PHOENIX METROPOLITAN FIRE SERVICE AUTOMATIC AID (RESOLUTION NO. R2022.29)**

Mayor Molina stated that this agenda item is for Council to consider adopting Resolution No. R2022.29 authorizing the Mayor, or designee, to execute an intergovernmental agreement (IGA) (C2022-49) for the Regional Phoenix Metropolitan Fire Service Automatic Aid between area cities, towns, fire districts, governmental jurisdictions, and the Town of Guadalupe for the purpose of providing automatic aid assistance for fires and other types of emergency incidents as described under the terms of the Agreement (the "Automatic Aid System"). This IGA is for a ten-year term from December 19, 2022, through December 19, 2032, at no direct cost to the Town. Adoption of the resolution authorizes the Mayor, or designee to sign all necessary documents in furtherance of this agreement.

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is a renewal of the current 5-year Automatic Aid between area cities, towns, fire districts, to serve provide fires and medical service to the region and partner with neighboring cities and towns. This Agreement is for a 10-year term December 19, 2022, through December 19, 2032 and at no direct cost to the Town.

Wayne Clement, Fire Chief stated changes to this renewal is that is adds commute via Rio Verde into the system, adds Gilbert as a regional training academy within the system, and the term is extended to 10 years.

In response to a question regarding compliance upkeep responsibilities to the town, Mr. Clement confirmed it is keeping our fire department fully operational for our community as well as our partners.

In response to a question regarding budgeting classes in the last 5 years to stay compliant with this agreement, Mr. Clement advised classes are normally budgeted under training to remain compliant with NFTA on a national and regional level.

Mr. Kulaga stated he will provide Fire training budget numbers over the last 5 years within the next week.

**Motion by Councilmember Bravo to approve agenda item G5; second by Councilmember Soto. Motion passed unanimously on a voice vote 6-0.**

Councilmembers adopted Resolution No. R2022.29 authorizing the Mayor, or designee, to execute an intergovernmental agreement (IGA) (C2022-49) for the Regional Phoenix Metropolitan Fire Service Automatic Aid between area cities, towns, fire districts, governmental jurisdictions, and the Town of Guadalupe for the purpose of providing automatic aid assistance for fires and other types of emergency incidents as described under the terms of the Agreement (the "Automatic Aid System"). This IGA is for a ten-year term from December 19, 2022, through December 19, 2032, at no direct cost to the Town. Adoption of the resolution authorizes the Mayor, or designee to sign all necessary documents in furtherance of this agreement.





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## **6. FEDERAL TRANSIT ADMINISTRATION TITLE VI IMPLEMENTATION PLAN, SENIOR BUS TRANSIT PROGRAM – (RESOLUTION NO. 2022.30)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution authorizing the Mayor, or designee, to execute the Town of Guadalupe Federal Transit Administration Title VI Program for the Senior Bus Transit Program (C2022-50). This transit program plan is for a three-year term from March 1, 2023, through February 28, 2026, at no direct cost to the Town. The current plan expires on February 28, 2023.

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is a renewal of the current transit plan that allows the town use of federally funded bus for our senior center. Mr. Kulaga stated the original term will expire February 2023 and was set in place in February 2020. There were important requirements in this renewal, similar to the expiring plan include: we will not discriminate on who we transport on the buses and we will follow proper drug testing for the drivers. Staff recommends approval of this agenda item.

**Motion by Councilmember Fuerte to approve agenda item G6; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.**

Councilmembers adopted resolution authorizing the Mayor, or designee, to execute the Town of Guadalupe Federal Transit Administration Title VI Program for the Senior Bus Transit Program (C2022-50). This transit program plan is for a three-year term from March 1, 2023, through February 28, 2026, at no direct cost to the Town. The current plan expires on February 28, 2023.

## **7. EXTENSION OF WIRED TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT**

Mayor Molina stated that this agenda item is for Council to consider approving or denying an extension of wired telecommunications license and right-of-way use agreement (C2021-59) to the SPRINT COMMUNICATIONS COMPANY L.P., to construct, install, operate, maintain, and upgrade the system then in place, a Fiber Optics Communication System in, along, under, over and across certain streets and public ways within the Town. This license extension and agreement is for a five-year term from November 10, 2021, through November 9, 2026, where the Town will receive \$12,532.27 annually in General Fund revenues. The Council approved the original license agreement on November 17, 2016, for a five-year term.

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is an extension of the current wired telecommunications license and right-of-way use agreement with Sprint, originally 5 years. The current contract has been extended monthly since the term ended on November 10, 2021. This license agreement is for a 5-year period. The Town will receive \$12,532.27 annually in General Fund revenues. Staff recommends approval of this agenda item

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

Council awarded an extension of wired telecommunications license and right-of-way use agreement (C2021-59) to the SPRINT COMMUNICATIONS COMPANY L.P., to construct, install, operate, maintain, and upgrade the system then in place, a Fiber Optics Communication System in, along, under, over and across certain streets and public ways within the Town. This license extension and agreement is for a five-year term from November 10, 2021, through November 9, 2026, where the Town will receive \$12,532.27 annually in General Fund revenues. The Council approved the original license agreement on November 17, 2016, for a five-year term.



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## 8. AMENDED AND RESTATED BILLBOARD LICENSE AGREEMENT

Mayor Molina stated that this agenda item is for Council to consider approving or denying an amended and restated License Agreement (C2022-51), in substantially the form of, with CLEAR CHANNEL OUTDOOR, LLC, a Delaware limited liability company, to allow the use of Town owned land in the Town of Guadalupe for the purpose of erecting, maintaining, operating (whether physically on-premise or via remotely changeable off-premise technology), improving, supplementing, posting, painting, illuminating, repairing, repositioning and/or removing outdoor advertising structures (whether traditional static, digital or other technology displays), including, without limitation, wireless communications equipment, fixture connections, electrical supply and connections, panels, signs, copy and any equipment and accessories.. This amended and restated License is for a term of 25 years commencing on January 1, 2024, through December 31, 2049, where the Town will receive \$6,695,155.23 in General Fund revenues through the term of this license agreement. This amended and restated license agreement extends and combines two 20-year original agreements adopted in May 2003 and December 2003 respectively.

Jeff Kulaga, Town Manager / Clerk, stated CLEAR CHANNEL has had two separate 20-year license agreement with the Town for two billboards, one located on Carmen and the other on Yusuco. The previous agreements expire May 2023. This agreement is for the Carmen location specifically. The Yusuco location will be on the January meeting coming up. This amended and restated License is for a term of 25 years commencing on January 1, 2024, through December 31, 2049, where the Town will receive \$6,695,155.23 in combined General Fund revenues through the term of this license agreement. Staff recommends approval of this agenda item.

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

Councilmembers approved an amended and restated License Agreement (C2022-51), in substantially the form of, with CLEAR CHANNEL OUTDOOR, LLC, a Delaware limited liability company, to allow the use of Town owned land in the Town of Guadalupe for the purpose of erecting, maintaining, operating (whether physically on-premise or via remotely changeable off-premise technology), improving, supplementing, posting, painting, illuminating, repairing, repositioning and/or removing outdoor advertising structures (whether traditional static, digital or other technology displays), including, without limitation, wireless communications equipment, fixture connections, electrical supply and connections, panels, signs, copy and any equipment and accessories.. This amended and restated License is for a term of 25 years commencing on January 1, 2024, through December 31, 2049, where the Town will receive \$6,695,155.23 in General Fund revenues through the term of this license agreement. This amended and restated license agreement extends and combines two 20-year original agreements adopted in May 2003 and December 2003 respectively.

## 9. REQUEST FOR PROPOSALS – TOWN-OWNED LAND

Mayor Molina stated that this agenda item is for Council to consider authorizing staff to issue a Request for Proposals (RFP) to solicit interest in the lease and/or sale and development of four Town-owned parcels. Locations of the parcels are the northeast and northwest corners of Avenida del Yaqui and Guadalupe Road, 9050 S. Avenida del Yaqui; and The Mercado, 9241 S. Avenida del Yaqui. If approved, the RFP would be published and available on December 9, 2022, with a response due date of January 25, 2023.

Jeff Kulaga, Town Manager / Clerk, stated that this is the third time staff has requested approval to solicit an RFP for Town owned properties. Mr. Kulaga advised he has some interested parties that may have come up due to improvements to Avenida del Yaqui and/or the current real estate market. Staff recommends approval of this agenda item.



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

Councilmembers authorized staff to issue a Request for Proposals (RFP) to solicit interest in the lease and/or sale and development of four Town-owned parcels. Locations of the parcels are: the northeast and northwest corners of Avenida del Yaqui and Guadalupe Road, 9050 S. Avenida del Yaqui; and The Mercado, 9241 S. Avenida del Yaqui. If approved, the RFP would be published and available on December 9, 2022, with a response due date of January 25, 2023.

#### **10. TOWN MANAGER / CLERK EMPLOYMENT CONTRACT AMENDMENT**

Mayor Molina stated that this agenda item is for Council to consider approving an amendment to the employment contract (C2021-66A) between the Town of Guadalupe and the appointed Town Manager / Clerk, Jeff Kulaga. The proposed contract amendment is to add a one-time 120 personal time off leave hours to the employee leave balance for the Town Manager / Clerk. The employment contract was originally approved by Council on October 28, 2021, with an expiration date of October 30, 2023.

David Ledyard, Town Attorney, stated this is a measure to give the Town Manager additional PTO hours since he used a significant amount over the last year. Staff recommends approval of this agenda item.

In response to a question proposing a different number of hours, Mr. Ledyard stated it was advertised for this specific number so if the number is to change then we would have to advertise again.

**Motion by Vice Mayor Vital to approve agenda item G10; second by Councilmember Soto.  
Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved an amendment to the employment contract (C2021-66A) between the Town of Guadalupe and the appointed Town Manager / Clerk, Jeff Kulaga. The proposed contract amendment is to add a one-time 120 personal time off leave hours to the employee leave balance for the Town Manager / Clerk. The employment contract was originally approved by Council on October 28, 2021 with an expiration date of October 30, 2023.

#### **11. 2023 JANUARY– DECEMBER COUNCIL MEETING SCHEDULE**

Mayor Molina stated that this agenda item is for Council to consider approving the Town Council Regular Meeting Schedule for January through December 2023. Staff is recommending cancelling the November 23, 2023, and the December 28, 2023, Council Meetings because it conflicts with Thanksgiving and Christmas Holidays, respectively. Council may also wish to schedule a Council Retreat.

In response to a question regarding meeting our deadlines for the year, Jeff Kulaga, Town Manager / Clerk, stated we have.

In response to a question regarding December 2023 calendar dates Town hall is closed, Jeff Kulaga, Town Manager / Clerk, stated the correct dates Town Hall will be closed are December 22<sup>nd</sup> and December 25<sup>th</sup>.

In response to a question regarding the retreat reminder, Jeff Kulaga, Town Manager / Clerk, stated staff can schedule a Council Retreat in February.

Mr. Kulaga introduce Rocio Ruiz, Deputy Town Clerk, as a new hire replacing Kay Savard.



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**Motion by Councilmember Bravo to approve agenda item G10; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved the Town Council Regular Meeting Schedule for January through December 2023. Staff is recommending cancelling the November 23, 2023, and the December 28, 2023, Council Meetings because it conflicts with Thanksgiving and Christmas Holidays, respectively. Staff will schedule a Council Retreat in February 2023.

## **12. CANCEL DECEMBER 22, 2022 COUNCIL MEETING**

Mayor Molina stated that this agenda item is for Council to consider cancelling the Thursday December 22, 2022, Regular Council Meeting due to the Christmas Holiday.

Jeff Kulaga, Town Manager / Clerk, stated there are no pressing matters for the rest of the year. Staff recommends approval of this agenda item.

**Motion by Councilmember Fuerte to approve agenda item G12; second by Councilmember Soto. Motion passed unanimously on a voice vote 6-0.**

Council cancelled the Thursday December 22, 2022 Regular Council Meeting due to the Christmas Holiday.

## **H. TOWN MANAGER/CLERK'S COMMENTS**

Jeff Kulaga, Town Manager / Clerk

- Thanked staff for their work.
- Navidad – Wednesday December 21<sup>st</sup> at the Mercado from 4pm-8pm.
- Updated Council with multiple projects around town hall.

## **I. COUNCILMEMBERS' COMMENTS**

Councilmember Bravo

- Thanked staff for their work.
- Wished everyone a healthy and Happy holiday season.

Councilmember Soto

- Thanked staff for their work.
- Thanked Maricopa County Sheriff's Office for assisting in a recent incident.
- Wished everyone a safe Christmas and Happy New Year.

Vice Mayor Vital

- Event 12/17 at 1Pm
- Christmas party 4pm-8pm
- Thanked staff for their work.

Councilmember Osuna

- December 9th at 6pm Mass for Saint Juan Diego
- December 11th vigil at Santa Lucia Temple at 6pm
- December 12th Mass at Santa Lucia Temple at 6:30pm
- December 16th all night vigil in honor of our lady of Guadalupe at the lomita – rosemary at 8pm and mass at midnight
- December 17th first session from lomita to Santa Lucia Temple at 3pm
- December 28th all night vigil
- Thanked staff for their work.





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Councilmember Fuerte

- Little league early registration at the park on December 18th 12pm-4pm

Mayor Molina

- Thanked Arizona Cardinals and Tempe Elementary School for bringing out food boxes and Christmas tree event December 10th.
- Thanked Deputy Dominguez for his work.
- Wished Kay Savard well during her retirement
- Welcomed Rocio Ruiz as new Deputy Town Clerk
- Moving Coffee with MCSO to February as currently scheduled for December 17th due to conflict with Dia De La Virgen.

#### J. ADJOURNMENT

**Motion by Councilmember Fuerte to adjourn the Regular Council Meeting; second by Councilmember Soto. Motion passed unanimously on a voice vote 6-0.**

The meeting was adjourned at 7:10 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 December 8, 2022, 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