



Minutes Town Council Regular Meeting April 8, 2021

Valerie Molina
Mayor

Ricardo Vital
Vice Mayor

Mary Bravo
Councilmember

Gloria Cota
Councilmember

Elvira Osuna
Councilmember

Joe Sánchez
Councilmember

Anita Cota Soto
Councilmember

Agendas/Minutes:
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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, April 8, 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 6:06 p.m.

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina. The following councilmembers participated via video conference: Vice Mayor Ricardo Vital (*arrived at 6:20 p.m.*), Councilmember Mary Bravo, Councilmember Gloria Cota, Councilmember Elvira Osuna, Councilmember Joe Sánchez, and Councilmember Anita Cota Soto

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

C. INVOCATION/PLEDGE OF ALLEGIANCE

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

D. APPROVAL OF MINUTES: None.

E. CALL TO THE PUBLIC: No one spoke. Mayor Molina announced that Town Hall is open during Council meetings and that the public is welcome to address the Council.

F. MAYOR and COUNCIL PRESENTATIONS: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding current Town of Guadalupe COVID-19 positive case rates, upcoming testing events, vaccination information, Town services, and steps taken to safeguard public health and safety in response to the Coronavirus. Staff has developed updated messaging materials that include vaccine information, as well as including the previous recommendations of wearing a mask, washing hands, and maintaining social distancing.

On Saturday, April 10, 2021, the Pascua Yaqui Tribe will be hosting a free vaccination event for Guadalupe residents. Vaccinations are available for Arizonans 16 and older. Vaccination information is available on various websites. Everyone is encouraged to get vaccinated.

Mr. Kulaga discussed weekly positive cases as provided by the Maricopa County Health Department, and wastewater weekly average case rates for Guadalupe. Guadalupe positive case rates are trending downward.

Chicanos Por La Causa (CPLC) has partnered with Wells Fargo Bank to provide \$15,000 to small businesses in Guadalupe. A current business license and physical business location in Guadalupe are program requirements. CPLC and Wells Fargo Bank will evaluate the applications.



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Mr. Kulaga concluded by thanking the Towns' community partners. A Councilmember noted that there will be 500 doses of the vaccine on Saturday. Staff has contacted Guadalupe's seniors to inform them of vaccination information.

2. REOPENING TOWN FACILITIES

Jeff Kulaga, Town Manager / Clerk, stated that vaccinations are occurring, positive case rates are decreasing, however there are areas where there are spikes in infection rates. Council last discussed reopening Town facilities in May and July, 2020 and January 2021. As COVID-19 health conditions continue to evolve, he is recommending that any considerations of reopening Town Hall and the Senior Center and any consideration of permitting private parties, private events at the Mercado and or park facility reservations be discussed at the May 13, 2021 Town Council Meeting. This timeline will allow for the Town to determine if COVID-19 cases increased due to recent holiday gatherings. The renovation to Town Hall should be completed by May 13, 2021.

The most recent Governor's Executive Order allows government buildings to continue to require masks, which is the current practice in Town Hall. Mr. Kulaga discussed various municipal facility reopening's, special events, parks, and business practices that could be re-evaluated on July 22, 2021.

Mr. Kulaga reviewed various services, programs, and networking among various levels of government regarding the status of COVID-19. He noted that staff is also being asked to continue social distancing. Because of the configuration of the Council Chambers, Councilmembers would not be able to socially distance during Council meetings, therefore, he would recommend continuing holding Council meetings in the Museum Room, as is currently the practice. The Community Action Program will soon be moving into their renovated office space.

Vice Mayor Vital entered the meeting at 6:20 p.m.

The Town will be receiving nearly \$800,000 in federal COVID-19 relief funds that can be spent over the next two fiscal years.

A Councilmember voiced interest in staff providing the data on how many Guadalupe residents have been vaccinated; and supported Mr. Kulaga's recommendation to be cautious about reopening facilities. There are high school graduation ceremonies that will be allowing a limited number of in person attendees. A Councilmember has been contacted regarding permitting various parties, events, and sporting events at Biehn Park. The Governor's Executive Order does not require municipalities to issue permits for gatherings of 50 or more people.

3. TOWN-OWNED RIGHT-OF-WAY LAND SALE *(continued from the March 25, 2021, Regular Council Meeting)*

Jeff Kulaga, Town Manager / Clerk, stated that the new owners of the adjacent properties are interested in purchasing Town-owned right-of-way. The adjacent properties are located immediately north of this right-of-way and were recently rezoned. If staff is directed to sell this parcel, staff will adhere to state statute requirements. He displayed photo images of the right-of-way.

Andrew Brigham and John Oliver were in attendance to answer questions from Council (representing the adjacent property owner to the north).

In response to a question, David Ledyard, Town Attorney, stated that there is a bid process that must occur for the sale of Town-owned right-of-way. It is possible that the adjacent landowner would not be the highest bidder for that parcel if they choose to submit a bid.



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In response to a question, Mr. Kulaga stated that if the adjacent property owner is the highest bidder for the parcel, the property owner has committed to installing a gate that would allow the Town to have access to a billboard and Town right-of-way. Gated access would also deter undesirable behavior that is occurring in that area.

In response to a question regarding if the Council decided not to sell the land, John Oliver stated that the adjacent property owner would modify their exterior wall design.

Mr. Ledyard noted that the Town-owned parcel has little value to the Town as it is configured.

In response to a question regarding if a neighbor was in support or opposed to the adjacent properties project that was recently rezoned, Mr. Kulaga stated that the neighbor has stated in writing that he is not opposed to the rezoning and uses of the adjacent parcel, a Planned Area Development. That neighbor did not specifically indicate whether he was supportive or opposed to the sale of the parcel in question.

Motion by Councilmember Bravo to authorize staff to sell the Town-owned right-of-way located adjacent to 9438 South Calle Bella Vista; second by Vice Mayor Vital. Motion passed on a voice vote 6-1 with Councilmember Soto voting no.

Councilmembers directed staff to authorize the sale of 3,930 square feet of Town-owned right-of-way located adjacent to 9438 South Calle Bella Vista. The sale will comply with Arizona Revised Statute 9-402: Sale and disposition of property; advertising for bids; publication; donation; easements.

4. GUADALUPE CEMETERY ORDINANCE

Jeff Kulaga, Town Manager / Clerk, stated that agenda items G4 and G5 are related and entail the cemetery ordinance, burial fees, and land availability. He noted that no action is required from Council at this time.

Mr. Kulaga read the following excerpt from the Town Code of Ordinances – Cemetery Ordinance §94.01:

C) Only Town residents may be buried in the cemetery, D) defines as a person who has resided in the town for the last six month, E) acceptable proof of such residency shall be a driver's license, voter registration card, utility bill, birth certificate, and/or any other document that establishes the identity and address of the applicant and/or deceased person deemed acceptable by the Town Manager / Clerk.

Cemetery Burial Application: Allows the deceased to have a living relative who are residents of Guadalupe and, also immediate family relatives who are buried in the cemetery.

Mr. Kulaga noted that because the ordinance limits burials only to Town residents, it can be challenging to establish proof and is not the industry standard. The language on the cemetery burial application makes it challenging to determine if the deceased has a living relative who is/are residents of Guadalupe and related to someone buried in the cemetery. Language in the ordinance and on the application is subjective.

Mr. Kulaga reviewed the following staff recommendations:

- Remove from the Ordinance: Only Town residents may be buried in the cemetery.
- Remove from the burial application: Allows the deceased to have a living relative who are residents of Guadalupe and, also immediate family relatives who are buried in the cemetery.
- Remove the language in the ordinance that provides an appeal process of the Town Manager/Clerk's decision.
- Allow anyone to be buried in the cemetery.



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- Implement resident/non-resident fees, including an effective date of January 1, 2022.
- Revise cemetery / burial application to be consistent with Town cemetery ordinance.

Mr. Kulaga provided comparisons of cemetery fees for burials of various Arizona jurisdictions. Guadalupe's fees are low and not as comprehensive as other jurisdictions. There is also a differential between resident and non-resident and various types of fees, versus the plot fee which is the only fee that Guadalupe charges. Mr. Kulaga reviewed the number of burials 2018 – 2020, fees received (\$23,300), and annual cemetery expenditures (\$35,886).

Mr. Kulaga displayed a rendering outlining the remaining capacity in the cemetery, including areas that need to be preserved. This discussion relates to policy, fees, and consideration of locating another cemetery within the Town's jurisdictional limits.

Councilmembers discussed the possibility of scheduling study sessions to further discuss the issues raised by Mr. Kulaga. This process could include the services of a professional in the industry to assess the cemetery and associated issues. Years ago, there was a Cemetery Committee. The community is sensitive to these issues. It is important that the Cemetery Fund be solvent, and not supplemented by the Town. Councilmembers requested that discussion of these issues be included in upcoming budget discussions.

5. GUADALUPE CEMETERY FEES

Under agenda item G4, Councilmembers received a review of current cemetery burial fees, fee analysis, and proposed burial fee increase options for Council consideration. Should a rate increase ultimately be authorized, to comply with Arizona Revised Statutes, a public notice would be required 60 days prior to the final Council decision to increase the rate.

6. SOLID WASTE COLLECTION SERVICE PROPOSED RATE INCREASE REVIEW

Jeff Kulaga, Town Manager / Clerk, provided a review of solid waste services including current financials, five-year projected revenues and expenditures, rate analysis, and proposed solid waste service rate increase options. In April, 2019, it was determined that solid waste annual expenditures were exceeding revenues. In January, 2020, a new solid waste collection services provider was selected. The current monthly rate of \$20.75 was implemented in 2009. The Solid Waste Fund should be a self-sustaining enterprise.

Mr. Kulaga stated that staff is recommending that the Town discontinue quarterly bulk rate service – or charge \$3/month to customers to continue the service; and, for Council to select a rate increase. He then reviewed budget impacts of various rate increases and their impact on monthly water bills to customers. Notifications of potential rate increases have been included in the water bills and bilingual website survey. To date, staff has received 18 responses to the survey, 58% of which selected the 15% rate increase.

The discussion about potential rate increases began in February, 2021. Should a rate increase ultimately be proposed, to comply with Arizona Revised Statutes, a public notice would be required on April 23, 2021; 60 days prior to the fiscal year 2021/2022 final budget adoption scheduled for June 24, 2021.

Staff is working with a Councilmember to prepare a public service announcement about the potential rate increase. The rate increase will impact approximately 1,200 households. Residents are encouraged to participate in the on-line survey. Council requested follow up information regarding the number of trash cans there are in Town and if everyone is paying the correct amount monthly.

H. TOWN MANAGERS' COMMENTS – None.



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I. COUNCILMEMBERS' COMMENTS

Vice Mayor Vital

- o Thanked staff for their work.
- o April Saturday, April 10, 2021 – COVID-19 vaccination event. No appointment necessary.

Councilmember Osuna

- o Thanked staff for their work.
- o Promotora's are doing good work in the community.

Councilmember Osuna

- o Thanked staff for their work.

Councilmember Bravo

- o Thanked residents for the decline in positive COVID-19 cases.
- o Thanked community partners for improving the community.

Councilmember Soto

- o Thanked everyone for their work during Cuaresma. Community members were responsible.
- o Thanked her colleagues for their work on COVID-19 efforts.
- o Thanked staff for their work.

Mayor Molina

- o Thanked the Vice Mayor for coordinating the vaccination event.
- o Thanked staff for their work.
- o Thanked community members for their work.

Councilmember Sánchez

- o Thanked staff for their work.

J. ADJOURNMENT

Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Sánchez. Motion passed unanimously on a roll call vote 7-0.

The meeting was adjourned at 7:22 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 April 8, 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