



NOTICE OF REGULAR MEETING OF THE GUADALUPE TOWN COUNCIL

THURSDAY, MARCH 14, 2024

6:00 P.M.

GUADALUPE TOWN HALL
9241 SOUTH AVENIDA DEL YAQUI, COUNCIL CHAMBERS
GUADALUPE, ARIZONA

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

Agendas/Minutes:
www.guadalupeaz.org

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

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Guadalupe Town Council and to the public that the Guadalupe Town Council will hold a meeting, open to the public, on Thursday, March 14, 2024, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona. Meetings are streamed live on the Town of Guadalupe Facebook page at <https://www.facebook.com/guadalupeaz.org>.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. INVOCATION/PLEDGE OF ALLEGIANCE

D. APPROVAL OF MINUTES

1. Approval of the December 14, 2023, Town Council Regular Meeting Minutes.

E. CALL TO THE PUBLIC: An opportunity is provided to the public to address the Council on items that are not on the agenda. A total of 3 minutes will be provided for the Call to the Audience agenda item unless the Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

F. MAYOR and COUNCIL PRESENTATION: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. **PUBLIC HEARING – CONDITIONAL USE PERMIT APPLICATION (CU2024-01):** Hold a public hearing to receive public input regarding a request for a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). The lot is zoned R-1-6, Single-family Residential. This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV: LAND USAGE, CHAPTER 154: ZONING, § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6. (items G1 and G2 related)

2. **CONDITIONAL USE PERMIT REQUEST FOR 9022 SOUTH CALLE AZTECA (CU2024-01):** Council will consider and may take action to approve or deny a Conditional Use Permit request to locate a manufactured home on the currently vacant property at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV: LAND USAGE, CHAPTER 154: ZONING, § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6. The Applicants are Kenny and Pamela Guerrero, property owners. Council may provide direction to the Town Manager / Clerk. (items G1 and G2 related)



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3. **SPECIAL EVENT LIQUOR LICENSE REQUEST:** Council will consider and may take action to forward a recommendation of approval, denial, or no recommendation to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License. The Applicant is Ralph Cota on behalf of the American Legion Post 124 Guadalupe Veterans, a non-profit organization. The event location is the Mercado de Guadalupe patio and Multi-purpose Room Suite #3, 9201 South Avenida del Yaqui, Guadalupe, AZ. The proposed event will be held on Saturday, May 18, 2024, 7:00 PM – 12:00 Midnight. Maricopa County Sheriff's Office personnel will provide event security and the Post will provide age identification verification for alcohol consumption. Council may provide direction to the Town Manager / Clerk.

4. **CONTRACT AMENDMENT NO. 8 TO A LEASE AGREEMENT WITH THE MARICOPA COUNTY HEAD START PROGRAM:** Council will consider and may take action to authorize the Mayor, or designee, to sign the Amendment No. 8 to a lease agreement (C2019-04B) between the Town of Guadalupe and Maricopa County for the County to lease 2,364 square feet of classroom, kitchen, and restroom space at 9401 South Avenida del Yaqui for Head Start Program use. Amendment No. 8 would extend the term of the lease for a five-year period ending May 31, 2029. Monthly rent will be \$1,576.00, totaling \$18,912 annually plus rental tax, and an additional \$216 monthly custodial fee. All other terms of the original lease agreement and previous amendments will remain in full force. Approval of this amendment authorizes the Mayor, or designee, to sign all necessary documents in furtherance of this agreement. Council may provide direction to the Town Manager / Clerk.

5. **INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND TOWN OF GUADALUPE FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS:** Council will consider and may take action to authorize the Mayor, or designee, to sign an Intergovernmental Agreement (IGA) (C2024-05) between the Town of Guadalupe and Maricopa County for the County to maintain and operate the traffic signal located at the Avenida del Yaqui and Guadalupe Road intersection. The term of this IGA is for five years, from July 1, 2024, to June 30, 2029, with a \$2,000 routine maintenance cost. The present five-year IGA expires on June 30, 2024. Funds for this IGA are allocated in the Highway User Revenue Fund (HURF) cost center of the adopted FY24 budget. Council may provide direction to the Town Manager / Clerk.

H. TOWN MANAGER/CLERK'S COMMENTS

I. COUNCILMEMBERS' COMMENTS

J. ADJOURNMENT



March 8, 2024

To: The Honorable Mayor and Town Council

From: Jeff Kulaga, Town Manager / Clerk

RE: **March 14, 2024, Town Council Regular Meeting Information Report**

The purpose of this report is to provide brief information regarding each agenda item.

Agenda Items:

D1. DECEMBER 14, 2023, REGULAR COUNCIL MEETING MINUTES (PAGES 5 – 20).

G1. and G2. CONDITIONAL USE PERMIT REQUEST FOR 9022 SOUTH CALLE AZTECA (CU2024-01): (PAGES 21 – 48) A public hearing is required for conditional use permit requests. This request is to locate a manufactured home on the vacant property at 9022 S. Calle Azteca, Guadalupe, Arizona. Maricopa County Assessor Parcel #APN 301-12-031, zoned R1-6, Single-Family Residential. The Applicants are Kenny and Pamela Guerrero.

Town of Guadalupe Town Code, Section 154.065 (D) (5) requires:

§ 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6.

(D) Conditional uses. The following uses shall be permitted as conditional uses, subject to obtaining a conditional use permit.

(5) One mobile home per lot.

Additionally, the Town set forth further manufactured / mobile home requirements per Town Code §150.21 Dwelling Unit Standards and Resolution 95-19, attached as Manufactured Home Requirements, February 7, 2020.

A conditional use permit is defined as: **§ 154.019 CONDITIONAL USE PERMITS.**

(A) Conditional use permits which may be revokable, conditional, or valid for a term period, may be granted only when expressly permitted in the zoning district herein specified by this chapter and only after the Town Council has filed, in writing, that the granting of such conditional use permit will not be materially detrimental to the public health, safety, and welfare and that the characteristics of the use proposed in such conditional use permits are compatible with the types of uses permitted in the surrounding area.

(B) The burden of proof satisfying these requirements shall rest with the applicant.

(C) In the case where a use permit is conditional upon a time schedule of development, if the property has not been developed within one year or on a schedule agreed upon by the Town Council, the conditional use application shall cease. Any request for an extension to these conditions shall be considered as a new application.

Town staff have reviewed the conditional use permit application packet for completeness and conformance with the Town Code of Ordinances. The property has been properly posted, a notification of the rezoning request and public hearing has been mailed to property owners located within 150' of the property, and properly advertised in a newspaper per State Statues. The Applicant has paid all applicable fees. To date, the Town has not received any comment or feedback regarding this rezoning request.

It is recommended that a conditional use permit be approved for the property that includes the stipulation of compliance with all Town manufactured / mobile home requirements as described in Manufactured / Mobile Home Requirements.

G3. SPECIAL EVENT LIQUOR LICENSE REQUEST (PAGES 49 – 52): The Arizona Department of Liquor Licenses and Control requires local municipalities to forward a recommendation of approval, denial, or no recommendation for Special Event Liquor License applications. The American Legion Post 124 Guadalupe Veterans, a non-profit organization has filed a Special Event Liquor License application with the Arizona Department of Liquor Licenses and Control. The Applicant is Ralph Cota on behalf of the American Legion Post 124 Guadalupe Veterans. The event is scheduled for Saturday, May 18, 2024, 7:00 PM – 12:00 Midnight at 9201 South Avenida del Yaqui, the Mercado de Guadalupe patio and Multi-purpose room Suite 3, Guadalupe, AZ. Maricopa County Sheriff's Office personnel will provide event security and the Post will provide age identification verification for alcohol consumption. This is a fundraising dance for the Post, where approximately 150 people are expected to attend. The Special Event Liquor License application is complete and properly prepared. Staff recommends approval of this license.

G4. CONTRACT AMENDMENT NO. 8 TO A LEASE AGREEMENT WITH THE MARICOPA COUNTY HEAD START PROGRAM (PAGES 53 – 56): Council will consider and may take action to authorize the Mayor, or designee, to sign the Amendment No. 8 to a lease agreement (C2019-04B) between the Town of Guadalupe and Maricopa County for the County to lease 2,364 square feet of classroom, kitchen, and restroom space at 9401 South Avenida del Yaqui for Head Start Program use. Amendment No. 8 would extend the term of the lease for a five-year period ending May 31, 2029. Monthly rent will be \$1576.00, totaling \$18,912 annually plus rental tax, and an additional \$216 monthly custodial fee. All other terms of the original lease agreement and previous amendments will remain in full force.

Through this lease agreement, the Town provides facility space for the County's Head Start program. This partnership began on June 20, 2001 with the original lease agreement and seven subsequent amendments extending the lease. As Head Start offers early education to ready children for kindergarten, staff recommends approval of this lease agreement amendment.

G5. INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND TOWN OF GUADALUPE FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS (PAGES 57 – 64): Council will consider and may take action to authorize the Mayor, or designee, to sign an Intergovernmental Agreement (IGA) (C2024-05) between the Town of Guadalupe and Maricopa County for the County to maintain and operate the traffic signal located at the Avenida del Yaqui and Guadalupe Road intersection. The term of this IGA is for five-years, from July 1, 2024 to June 30, 2029 with a \$2,000 routine maintenance cost. The present five-year IGA expires on June 30, 2024. Funds for this IGA are allocated in the Highway User Revenue Fund (HURF) cost center of the adopted annual budget.

This is an on-going series of maintenance service contract which have been in place for more than 20 years. To note, this contract does not include costs for major repairs to the traffic signal.

Staff recommends approval of service contact C2024-05.



Minutes Town Council Regular Meeting December 14, 2023

Minutes of the Guadalupe Town Council Regular Meeting held on December 14, 2023, at 6:00 p.m., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona.

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A. Mayor Valerie Molina called the meeting to order at 6:03 p.m.

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina, Councilmember Mary Bravo, Councilmember Esteban F. V. Fuerte, and Councilmember Anita Cota Soto

Staff Present: Jeff Kulaga – Town Manager / Clerk, Dave Ledyard – Town Attorney and Rocio Ruiz – Deputy Town Clerk

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 12, 2023, Town Council Regular Meeting Minutes.
2. Approval of the October 18, 2023, Town Council Special Meeting Minutes.

Councilmember Soto stated she was present at the October 18, 2023, Town Council Special Meeting and that correction should be made.

Motion by Councilmember Soto to approve agenda item D1 and D2; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

1. Councilmembers approved the October 12, 2023, Town Council Regular Meeting Minutes.
2. Councilmembers approved the October 18, 2023, Town Council Special Meeting Minutes with the correction of including Councilmember Soto as present.

E. CALL TO THE PUBLIC

Mayor Molina stated an opportunity is provided to the public to address the Council on items that are not on the agenda or included on the consent agenda. A total of 3 minutes will be provided for the Call to the Audience agenda item unless the Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Mayor Molina called upon Brianna Muñoz to address Council. Ms. Muñoz highlighted the historical significance of the Mercado, citing its significance in fostering community bonds and cherished memories for families. Ms. Muñoz emphasized the building's role as a symbol of unity and pride for the Town of Guadalupe, noting its welcoming presence to passersby. Ms. Muñoz mentioned the Mercado's



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association with various community events, such as car shows, Christmas gatherings, and weddings, underscoring its importance as a central hub for communal activities. Ms. Muñoz also acknowledged the presence of longstanding businesses within the vicinity, illustrating the Mercado's integral role in supporting local commerce. Ms. Munoz urged decision-makers to consider residents' sentiments, emphasizing the significance of preserving these landmarks amidst ongoing changes in the town.

Mayor Molina called upon Patricia Jimenez to address Council. Ms. Jimenez outlined key points of negotiation agreement with The Richman Group, including its duration of one year, with provisions for extensions. Ms. Jimenez emphasized the importance of transparency in negotiations and urged the Town Manager to provide updates on progress. Ms. Jimenez highlighted the agreement's aim to ensure the comfort of the Mayor and Council in voting for the proposal. Ms. Jimenez concluded by stressing the community's right to know the status of negotiations and encouraged clarity on the Town's stance regarding the proposed apartments by The Richman Group.

Mayor Molina called upon Enrique Vega to address Council. Mr. Vega conveyed feedback from elders who expressed disinterest in the Richman Group Proposal. Mr. Vega emphasized the importance of community engagement and expressed concern about potential negative impacts on local businesses and the environment. Mr. Vega highlighted the risk of displacement for existing businesses and voiced apprehension about increased traffic and pollution. Mr. Vega cautioned against the influx of national chains, suggesting that it could diminish the town's unique character. Mr. Vega concluded by reiterating the elders' opposition to the project due to anticipated adverse effects on the community.

F. MAYOR and COUNCIL PRESENTATION: Mayor Molina stated there are no presentations.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. **MARICOPA COUNTY SHERIFF'S OFFICE UPDATE**

Mayor Molina noted the absence of Maricopa County Sheriff's Office for updates. Mayor Molina suggested taking note of concerns raised over the past month. Mayor Molina highlighted a specific issue related to party permits, mentioning instances where individuals with permits were not informed about unpermitted parties occurring at nearby residences. Mayor Molina highlighted concerns raised about abandoned and broken-down vehicles, particularly on the east side of town. Mayor Molina noted that despite reports to authorities, these vehicles remained on the streets. Mayor Molina recalled previous discussions with Officer Dominguez regarding regulations for moving vehicles and expressed concern that the reported vehicles were not being addressed.

Councilmember Bravo noted concerns regarding dogs loose in the community. Mayor Molina stated Councilmember Osuna had concerns regarding response times. Councilmember Soto raised concern over Sheriffs not showing up to an event at the Mercado that led to no security for that event. Mayor Molina noted concerns over vehicles and an RV parked near the south basin area.

2. **CALLE QUINTERO – (RESOLUTION NO. 2023.19)**

Mayor Molina stated Council will consider and may take action to adopt a resolution authorizing the Mayor, and/or designee, to execute the change of the name of a cul-de-sac segment of Calle Vaou Nawi, addresses 9643, 9645, 9649 and 9651 South Calle Vaou Nawi, to 5904, 5908, 5912 and 5920 East Calle Quintero (R2023.19). This action is a condition of the public right-of-way purchase agreement with the Quintero family approved by Town Council at the August 10, 2023, Regular Town Council Meeting. Adoption of the resolution authorizes the Mayor, and/or designee, to execute all necessary documents in furtherance of this resolution and street name and corresponding property address changes.

Jeff Kulaga, Town Manager/Clerk provided an update on an agreement (C2023-22) approved by Council and Quintero family in August 2023. The agreement involved the Town purchasing property for potential future public road right-of-way. Mr. Kulaga outlined three other terms and conditions of the



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agreement, including the maintenance of the existing fence, identification of roadway improvements by the town engineer, and the initiation of a name change from Calle Vaou Nawi to Calle Quintero for the subject right-of-way. Mr. Kulaga detailed the process of informing various public agencies about the name change, including county offices, emergency services, and utility providers. Mr. Kulaga also discussed assisting residents with address changes and the installation of a new sign. Staff recommends approval.

Motion by Councilmember Fuerte to adopt agenda item G2; second by Councilmember Soto. Motion passed unanimously on a voice vote 4-0.

Councilmembers adopted Resolution No. R2023.19 authorizing the Mayor, and/or designee, to execute the change of the name of a cul-de-sac segment of Calle Vaou Nawi, addresses 9643, 9645, 9649 and 9651 South Calle Vaou Nawi, to 5904, 5908, 5912 and 5920 East Calle Quintero.

3. PUBLIC HEARING – LIQUOR LICENSE APPLICATION

Mayor Molina stated Council will hold a public hearing for a Series 9 Liquor Store Liquor License application for: Nihal LLC, 8207 South Avenida del Yaqui, Guadalupe, AZ 85283. The Owner and Applicant is Nihal LLC, and the Agent is Lauren Kay Merrett.

Motion by Councilmember Bravo to open the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

Mayor Molina called upon Sandra Gonzalez to address Council. Ms. Gonzalez raised concerns about high alcohol consumption rates and its impact on the community, particularly regarding youth drinking. Ms. Gonzalez suggested Council consider asking Nihal LLC to give back to the community as a result of their liquor sales. Additionally, Ms. Gonzalez highlighted the significant markup on products sold at the business compared to neighboring supermarkets. Ms. Gonzalez proposed discussing the approval of a liquor license in relation to the percentage increase in food prices, emphasizing the importance of fair pricing for community members who rely on the business for their shopping needs. Ms. Gonzalez urged Council to address the issue.

Motion by Councilmember Soto to close the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

Councilmembers held a public hearing for a Series 9 Liquor Store Liquor License application for: Nihal LLC, 8207 South Avenida del Yaqui, Guadalupe, AZ 85283. The Owner and Applicant is Nihal LLC, and the Agent is Lauren Kay Merrett.

4. LIQUOR LICENSE APPLICATION – NIHAL LLC

Mayor Molina stated Council may take action to forward a recommendation of approval, disapproval, or no recommendation, to the Arizona Department of Liquor Licenses and Control for State Liquor License No. 09070095, for Nihal LLC, 8207 S. Avenida del Yaqui, Guadalupe, AZ 85283. The Owner and Applicant is Nihal LLC, and the Agent is Lauren Kay Merrett.

Jeff Kulaga, Town Manager/Clerk emphasized to the Mayor and Council that it is within their purview to make the decision regarding recommendation for approval or denial to the State Liquor Board within the required 60-day timeframe as per state statute. Mr. Kulaga noted that the premises were posted for a public hearing within 20 days and advertised in the newspaper, but no public comment had been received. Mr. Kulaga clarified that there had been no protests or support regarding the liquor license transfer up to that point. Mr. Kulaga emphasized that Council's decision would determine the approval or denial of the liquor license transfer, which was necessary due to a change in ownership of the business.



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In response to a question from Mayor Molina regarding who makes the final decision of issuing a liquor license, Dave Ledyard, Town Attorney, clarified that the state Liquor Board makes the final decision. Mr. Ledyard explained that while the Town can recommend approval or denial, the state board has the authority to decide independently. Mr. Ledyard noted that even if the town takes no action, the state may interpret it as passive approval.

In response to a question from Mayor Molina regarding potential price gouging, Dave Ledyard, Town Attorney, responded that the Town lacks authority in that area, emphasizing the nature of market dynamics where prices can vary between establishments.

Councilmember Soto expressed concern about the significant markup in prices at a local store, particularly affecting the Native American community. Councilmember Soto highlighted issues of alcoholism, substance misuse, and health problems within the community, attributing some of these challenges to the soaring prices of necessities at the store. Councilmember Soto urged Nihal LLC owner to consider the impact on the community's well-being and emphasized the importance of treating customers with respect and fairness. Councilmember Soto emphasized the longstanding presence of the community and called for respectful treatment and fair pricing.

Harsimrat Singh, Owner of Nihal LLC addressed Council, stating that they had taken over the Guadalupe Market about five weeks ago. Mr. Singh emphasized their commitment to being part of the community and mentioned that the previous owners had been at the location for over 30 years. In their short time as owners, Mr. Singh claimed to have already reduced prices by about 10% and expressed the intention to further decrease prices. Mr. Singh also mentioned plans to implement stricter ID checks for alcohol and tobacco purchases. Mr. Singh assured Council that they were focused on reducing prices rather than increasing them.

Mayor Molina emphasized the need for community accountability regarding underage drinking, stating that responsibility cannot solely fall on one entity. Mayor Molina highlighted the importance of holding adults accountable for their role in facilitating underage drinking at parties. Mayor Molina stressed that responsibility starts at home and called for collective action to address issues within the community, acknowledging the presence of trauma and the need for support services.

Councilmember Fuerte acknowledged the market downturn and expressed understanding that pricing may need to increase in response to the current market conditions, citing six years of experience in navigating such cycles in business.

Councilmember Bravo welcomed the new business to the community, emphasizing the tight-knit nature of their neighborhood and the importance of understanding the local clientele. Councilmember Bravo reminisced about longstanding local businesses and the integral role they played in the community. Despite acknowledging the challenges, such as alcoholism, Councilmember Bravo expressed hope for positive change and urged the new business to consider the needs of the community they serve. Councilmember Bravo underscored the significance of community support in ensuring the success of local businesses.

Mayor Molina highlighted a previous study conducted by the Guadalupe Prevention Program, revealing that two liquor stores in the area had the highest sales rates in Arizona. Mayor Molina expressed concerns about the impact of these stores on youth, as their prominent advertisements could normalize alcohol consumption. Mayor Molina urged the new business owners to consider toning down their advertising to contribute to the beautification of the town. Additionally, Mayor Molina encouraged community involvement, inviting the business to participate in local events and help support residents who may lack transportation to essential services like grocery shopping.



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Councilmember Soto highlighted that there are eight establishments near the town hall area with liquor licenses, starting from Circle K off Baseline Road. Councilmember Soto emphasized the considerable number of such establishments in proximity to the town hall, which is notable for a small town with a population of 5,100 residents.

Motion by Councilmember Soto to deny item G4; no second motion. Motion failed due to lack of a second.

Motion by Mayor Molina to take no action on item G4; second Councilmember Bravo. 2-2-0. Motion failed due to a lack of majority vote.

Motion by Councilmember Fuerte to approve item G4; no second motion. Motion failed due to lack of a second.

Dave Ledyard, Town Attorney, clarified that no action was taken; therefore, no recommendation will be sent to the State Liquor Board.

Motion by Councilmember Bravo to approve item G4; Second by Councilmember Fuerte. 2-2-0. Motion failed due to a lack of majority vote.

Councilmembers did not have a recommendation for the Arizona Department of Liquor Licenses and Control for State Liquor License No. 09070095, for Nihal LLC, 8207 S. Avenida del Yaqui, Guadalupe, AZ 85283.

5. PUBLIC HEARING – CONDITIONAL USE PERMIT (CU2023-05) AND CONDITIONAL USE PERMIT (CU2023-06)

Mayor Molina stated Council will hold a public hearing to receive public input regarding a request for conditional use permits to energize and operate two digital billboards, one located at 5402 East Calle Yusucu Guadalupe AZ, 85283 (APN 301-11-937), and one located at 9600 South 54th St, Guadalupe, AZ, 85283 (APN 301-42-033). These conditional use permit requests are in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, SIGN REGULATIONS, SECTION § 154.147 BILLBOARD SIGNS(D)-(K).

Motion by Councilmember Soto to open the public hearing; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Jeff Kulaga Town Manager/Clerk stated the Town did not receive public input.

Mayor Molina called upon Sandra Gonzales. Ms. Gonzales stated the construction of these billboards had already begun. Ms. Gonzales highlighted issues with public notification and the impact of billboard lighting on the neighborhood. Additionally, Ms. Gonzales requested information about the revenue generated by the billboards to ensure transparency for the community.

Motion by Councilmember Bravo to close the public hearing; second by Councilmember Soto. Motion passed unanimously on a voice vote 4-0.

Councilmembers held a public hearing to receive public input regarding a request for conditional use permits (CU2023-05 and CU2023-06) to energize and operate two digital billboards, one located at 5402 East Calle Yusucu Guadalupe AZ, 85283 (APN 301-11-937), and one located at 9600 South 54th St, Guadalupe, AZ, 85283 (APN 301-42-033). These conditional use permit requests are in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, SIGN REGULATIONS, SECTION § 154.147 BILLBOARD SIGNS(D)-(K).



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6. **CONDITIONAL USE PERMIT REQUEST FOR 5402 EAST CALLE YUSUCU (CU2023-05)**

Mayor Molina stated Council will consider and may take action to approve or deny a Conditional Use Permit request to energize and operate a digital billboard located at 5402 E Calle Yusucu Guadalupe AZ, 85283 (APN 301-11-937). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 156, CONSTRUCTION, LOCATION AND RELOCATION OF FACILITIES, SECTION § 156.03 LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY.

Jeff Kulaga Town Manager/Clerk called upon Chris Anaradian, Town Consultant, to address Council regarding the conditional use permit request CU2023-05. Mr. Anaradian emphasized that the new agreement represents a significant increase in revenue for the Town compared to the previous one from 2002. The new agreement includes stipulations such as turning off the billboards between 11:00 PM and sunrise to reduce light pollution. Mr. Anaradian also discussed the factors contributing to the increased value of the agreement, such as changes in technology, the height allowance for billboards, and analysis of freeway traffic. The deal ensures fixed revenue for the town over the next 25 years, with annual increases, which will support core services and contribute to the town's economic sustainability. Mr. Anaradian highlighted the positive partnership with Clear Channel Outdoor throughout the negotiation process.

In response to a question from Mayor Molina regarding the notification radius for the community, Mr. Anaradian specified a 150-foot radius.

Mr. Kulaga stated that the discussion pertains to the conditional use permit for activating and operating a new Billboard at 5402 E Calle Yusucu, per the terms of the contract. The aim is to replace the existing Billboard, which has been in place for about 20 years, with a new structure. The new Billboard will be slightly relocated to the east, approximately 10 to 15 feet from its original position.

Motion by Councilmember Soto to approve item G6; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved a Conditional Use Permit request (CU2023-05) to energize and operate a digital billboard located at 5402 E Calle Yusucu Guadalupe AZ, 85283 (APN 301-11-937). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 156, CONSTRUCTION, LOCATION AND RELOCATION OF FACILITIES, SECTION § 156.03 LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY.

7. **CONDITIONAL USE PERMIT REQUEST FOR 9600 SOUTH 54TH ST (CU2023-06)**

Mayor Molina stated Council will consider and may take action to approve or deny a Conditional Use Permit request to energize and operate a digital billboard located at 9600 South 54th St, Guadalupe, AZ. APN 301-42-033. This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, SIGN REGULATIONS, SECTION § 154.147 BILLBOARD SIGNS(D)-(K).

Jeff Kulaga, Town Manager/Clerk stated this conditional use permit request is to activate and operate a digital billboard located at 9600 S 54th St. This billboard is situated in the southwestern corner of Guadalupe, adjacent to the I-10 Freeway, on the property where the towing company yard currently resides, previously known as the old KUPD studios.

Motion by Councilmember Fuerte to approve item G7; second by Councilmember Soto. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved a Conditional Use Permit request (CU2023-06) to energize and operate a digital billboard located at 9600 South 54th St, Guadalupe, AZ. APN 301-42-033. This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, SIGN REGULATIONS, SECTION § 154.147 BILLBOARD SIGNS(D)-(K).



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8. PUBLIC HEARING – VARIANCE REQUEST FOR 8829 S CALLE TOMI (V2023-11)

Mayor Molina stated Council will hold a public hearing per Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, VARIANCES, SECTION § 154.031(A)-(F) to receive public input regarding a variance request for a variance of the Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.065(E), SINGLE FAMILY RESIDENTIAL DISTRICTS R1-9 AND R-1-6, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from ten feet to seven feet for the property located at 8829 S Calle Tomi, Guadalupe, AZ 85283. APN 301-06-181. The lot is zoned R1-9, Single-family Residential.

Motion by Councilmember Bravo to open the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

No members of the public spoke.

Motion by Councilmember Soto to close the public hearing; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers held a public hearing per Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, VARIANCES, SECTION § 154.031(A)-(F) to receive public input regarding a variance request (V2023-11) for a variance of the Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.065(E), SINGLE FAMILY RESIDENTIAL DISTRICTS R1-9 AND R-1-6, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from ten feet to seven feet for the property located at 8829 S Calle Tomi, Guadalupe, AZ 85283. APN 301-06-181. The lot is zoned R1-9, Single-family Residential.

9. VARIANCE REQUEST FOR 8829 S CALLE TOMI (V2023-11)

Mayor Molina stated Council will consider and may take action to approve or deny a variance request of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.065(E), SINGLE FAMILY RESIDENTIAL DISTRICTS R1-9 AND R-1-6, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from ten feet to seven feet for the property located at 8829 S Calle Tomi, Guadalupe, AZ 85283. APN 301-06-181. The lot is zoned R1-9, Single-family Residential. The Applicant is Duane A Stilwell.

Jeff Kulaga Town Manager/Clerk called upon Sam Amaya, Planner, to address Council regarding the variance request. Mr. Amaya presented a request for a variance for the property located at 8829 South Calle Tomi, seeking to reduce the required 10-foot setback to seven feet to construct a 360 square foot addition onto the existing home. The property's current zoning is R1-9 with a lot size of 8,944 square feet. The presentation included images of the property and proposed addition, illustrating the slight extension into the required setbacks. Notification was sent out to a 150-foot radius area, and no comments in opposition, support, or protest have been received thus far. The town code for R1-9 zoning mandates a 30-foot setback for side yards, but the owner is requesting a 7-foot setback. The adjacent properties were shown to have similar extensions into required setbacks. Staff recommends approval of the variance, asserting that it would not be detrimental to the neighborhood or grant special privileges.

In response to a question from Mayor Molina regarding if the variance will ensure access for emergency services, Mr. Kulaga stated the variance in question is relatively small, just the tip of the proposed addition. It was noted that ensuring compliance with building codes is important to maintain adequate access for emergency services, and the property owner, Mr. Stillwell, has been collaborating effectively with the town's building permit staff.

Motion by Councilmember Fuerte to approve item G9; second by Councilmember Soto. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved a variance request (V2023-11) of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.065(E), SINGLE FAMILY RESIDENTIAL DISTRICTS R1-9 AND R-1-6, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from ten feet to seven feet for the property located at 8829 S Calle Tomi, Guadalupe, AZ 85283. APN 301-06-181. The lot is zoned R1-9, Single-family Residential. The Applicant is Duane A Stilwell.

10. PUBLIC HEARING –VARIANCE REQUESTS FOR 9010 SOUTH CALLE AZTECA (V2023-07); (V2023-08); (V2023-09); (V2023-10)

Mayor Molina stated Council will hold a public hearing per Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, VARIANCES, SECTION § 154.031(A)-(F) to receive public input regarding a:

- Variance request (V2023-07) to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 3,248 square feet of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-08) to decrease the Minimum Side Yard Setback from seven feet to zero feet on the north side of the property of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-09) to decrease the Minimum Back Yard Setback from twenty feet to zero feet of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-10) to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 4,937 square feet of lot (B) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).

Motion by Councilmember Soto to open the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

No members of the public spoke.

Motion by Councilmember Soto to close the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

Councilmembers held a public hearing per Town of Guadalupe Zoning Code of Ordinances, TITLE XV, LAND USAGE, CHAPTER 154, VARIANCES, SECTION § 154.031(A)-(F) to receive public input regarding a:

- Variance request (V2023-07) to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 3,248 square feet of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-08) to decrease the Minimum Side Yard Setback from seven feet to zero feet on the north side of the property of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-09) to decrease the Minimum Back Yard Setback from twenty feet to zero feet of lot (A) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).
- Variance request (V2023-10) to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 4,937 square feet of lot (B) per the Town of Guadalupe Zoning Code of Ordinances Section § 154.066(E).



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11. VARIANCE REQUEST FOR 9010 SOUTH CALLE AZTECA (V2023-07)

Mayor Molina stated Council will consider and may take action to approve or deny a variance request of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 3,248 square feet of lot A. The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

Jeff Kulaga, Town Manager/Clerk called upon Sam Amaya, Planner, to address Council. Mr. Amaya presented variances for the Guzman family property, including two lot size variances and two setback variances. The property, located in an R-2 zoning area, seeks to split into two lots. Mr. Amaya stated there have been no objections from neighboring properties. The proposed split would result in one lot with 2,679 square feet and another with 4,629 square feet. Town staff recommends approval of all variances, asserting that they would not be detrimental to the neighborhood and would comply with existing home structures.

In regards to a question from Mayor Molina regarding why the lot split did not occur in 1998 when the homes were built, Mr. Kulaga stated that the reasons were not clear due to a lack of records. Mr. Kulaga mentioned that two dwelling units were allowed on the property at the time, and the homes were built according to the setbacks required by the zoning code. Despite the tight constraints imposed by the existing structures, efforts are being made to accommodate the homeowner's request for a lot split while ensuring safety and proper setbacks.

Motion by Councilmember Fuerte to approve item G11; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved variance request (V2023-07) of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 3,248 square feet of lot A. The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

12. VARIANCE REQUEST FOR 9010 SOUTH CALLE AZTECA (V2023-08)

Mayor Molina stated Council will consider and may take action to approve or deny a variance request of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from seven feet to zero feet on the north side of the property of lot A. The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

Motion by Councilmember Fuerte to approve item G12; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved variance request (V2023-08) of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to decrease the Minimum Side Yard Setback from seven feet to zero feet on the north side of the property of lot A. The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.



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13. VARIANCE REQUEST FOR 9010 SOUTH CALLE AZTECA (V2023-09)

Mayor Molina stated Council will consider and may take action to approve or deny a variance request of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to decrease the Minimum Back Yard Setback from twenty feet to zero feet of lot (A). The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

Motion by Councilmember Fuerte to approve item G13; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved variance request (V2023-09) of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to decrease the Minimum Back Yard Setback from twenty feet to zero feet of lot (A). The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

14. VARIANCE REQUEST FOR 9010 SOUTH CALLE AZTECA (V2023-10)

Mayor Molina stated Council will consider and may take action to approve or deny a variance request of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 4,937 square feet of lot (B). The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

Motion by Councilmember Fuerte to approve item G14; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved variance request (V2023-10) of the Town of Guadalupe Zoning Code of Ordinances TITLE XV, LAND USAGE, CHAPTER 154, ZONING, COMPOSITION OF DISTRICTS, SECTION § 154.066(E), TWO-FAMILY R-2 DISTRICT AND MULTI-FAMILY R-3 AND R-4 DISTRICTS, Area, height, and setback regulations. The variance request is to reduce the Minimum Lot Area Per Dwelling Unit First Two Dwelling Units from 5,000 square feet to 4,937 square feet of lot (B). The property is located at 9010 S Calle Azteca Guadalupe AZ (APN 301-12-034). The lot is zoned R-2, One- and Two-Family Residential. The Applicant is Steven Guzman.

15. TOHONO O'ODHAM NATION GRANT-IN-AID AGREEMENT (RESOLUTION NO. R2023.20)

Mayor Molina stated Council will consider and may take action to adopt Resolution No. R2023.20 authorizing the Mayor, and/or designee, to execute a Grant-In-Aid agreement, GIA (C2023-31), between the Tohono O'odham Nation and the Town of Guadalupe to accept an awarded 12% local revenue sharing contribution in the amount of \$275,000 to be transmitted to the Boys & Girls Club of the Valley – Thunderbird Guadalupe Branch for the construction of a secure club entrance.

Jeff Kulaga, Town Manager/Clerk stated Council approved acting as a sponsor for a gaming grant application to enhance security at the Boys and Girls Club entryway on June 8, 2023. The grant, totaling \$275,000 was approved by the Tohono O'odham Nation. As per the grant and aid agreement, the Town of Guadalupe commits to passing on the funds to the Boys and Girls Club once received. This procedure complies with state statutes and gaming pack regulations. Representatives from the Boys and Girls Club are available for any inquiries regarding the matter.



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**Motion by Councilmember Soto to approve item G15; second by Councilmember Fuerte.
Motion passed unanimously on a voice vote 4-0.**

Councilmembers adopted Resolution No. R2023.20 authorizing the Mayor, or designee, to execute a Grant-In-Aid agreement, GIA (C2023-31), between the Tohono O'odham Nation and the Town of Guadalupe to accept an awarded 12% local revenue sharing contribution in the amount of \$275,000 to be transmitted to the Boys & Girls Club of the Valley – Thunderbird Guadalupe Branch for the construction of a secure club entrance.

16. CONTRACT – HOMELESSNESS SERVICES

Mayor Molina stated Council will consider and may take action to award a homelessness services contract (C2023-32) with Phoenix Rescue Mission (PRM), in an amount not to exceed \$240,000. The contracted services to be provided include bilingual outreach, crisis interventions, diversion assistance, collaboration with service agencies, case and care management and provide monthly program reports. The agreement term shall be from December 1, 2023, through June 30, 2025. Funding for these services is available through an American Rescue Plan Act (ARPA) grant award from Maricopa County administered by its Human Services Department, as approved by the Town Council at the June 22, 2023, Regular Meeting.

Jeff Kulaga, Town Manager/Clerk stated the Town applied for a \$240,000 grant from the county to provide outreach services, including hygiene and food supplies for those in need. A contract has been established with Phoenix Rescue Mission to deliver these outreach services. Representatives from both Community Action Program (CAP) and Phoenix Rescue Mission are present to address any inquiries regarding the contract and services. They are prepared to commence operations promptly to aid those requiring assistance.

In response to a question from Councilmember Bravo regarding the number of residents being served and whether there was a quota for assistance, Mr. Kulaga stated there is no quota and assistance is provided based on individual needs.

Gabriel Priddy, Street Outreach Supervisor, with Phoenix Rescue Mission (PRM) explained that their mobile case management teams serve anyone in need without a specific office location, aiming to meet individuals where they are. The period for assistance varies depending on the situation, with efforts made to provide immediate help, including referrals to long-term recovery programs if desired. Additionally, PRM are mandated reporters and would involve appropriate services for homeless children encountered during outreach. PRM's involvement serves to alert relevant authorities to ensure appropriate care for those in need.

In response to a question from Councilmember Soto regarding if there is a requirement for individuals seeking long-term residential services to be enrolled in the Arizona Health Care Cost Containment System (AHCCCS), Mr. Priddy responded that while they can assist individuals in accessing AHCCCS if needed, enrollment in AHCCCS is not mandatory for accessing their services. Councilmember Soto inquired about families with children, and Mr. Priddy explained that PRM have separate facilities for men, women, and children up to age 14. For families with older children or differing ages, PRM would connect them with appropriate external resources. If a parent or guardian is unwilling to seek assistance, they cannot force them to do so.

In response to a question from Mayor Molina regarding PRM outreach approach, Mr. Priddy explained that PRM would engage with people on the streets, building relationships and trust. PRM would provide necessities like water and hygiene products to initiate conversations and understand the needs of the community. While PRM does not have mobile laundry or showers, they have access to facilities where they can take people for showers, although it is quite far away.

**Motion by Councilmember Fuerte to approve item G16; second by Councilmember Bravo.
Motion passed unanimously on a voice vote 4-0.**

Councilmembers approved a homelessness services contract (C2023-32) with Phoenix Rescue Mission (PRM), in an amount not to exceed \$240,000. The contracted services to be provided include bilingual outreach, crisis interventions, diversion assistance, collaboration with service agencies, case and care management and provide monthly program reports. The agreement term shall be from December 1, 2023, through June 30, 2025. Funding for these services is available through an American Rescue Plan Act (ARPA) grant award from Maricopa County administered by its Human Services Department, as approved by the Town Council at the June 22, 2023, Regular Meeting.

17. CONTRACT – FINANCE AND BUDGETING CONSULTING SERVICES AGREEMENT

Mayor Molina stated Council will consider and may take action to authorize the Mayor, or designee, to enter into a Financial Consulting Services Agreement (C2023-33) for FY24 budget and five-year forecast preparation (FY24-FY28); assistance with selection and implementation of new financial system software, and accounting process efficiency improvements between the Town of Guadalupe and Pat Walker Consulting LLC. The total contract shall not exceed \$60,000 from January 15 to June 30, 2024, with an hourly rate of \$125 /hour, and not to exceed \$7,500 monthly. The initial contract term is January 15 – June 30, 2024, with an option for two additional consecutive annual renewals.

Jeff Kulaga, Town Manager/Clerk corrected some details regarding the fiscal year budget and proposed a contract amendment with Pat Walker for financial consulting services. The amendment adjusts the contract terms to better accommodate the workload and extends it for the fiscal year 2025 budget, covering the five-year forecast from 2025 to 2029. This consulting service is crucial for analyzing post-COVID financial scenarios, ensuring consistent revenues, managing expenditures, and implementing new software systems. Staff recommends approval, as the funds were allocated in the June budget for such professional services.

In response to a question from Councilmember Fuerte regarding the frequency of updates regarding the budget forecast, Mr. Kulaga stated that updates would be provided regularly throughout the budget process. Mr. Kulaga explained that the fiscal year 2025 budget process would commence in January, with a proposed budget presented in late April for Council consideration. Approval of the tentative budget would occur in May, followed by final budget approval in June. Thus, Council would receive updates at least three times by July.

In response to a question from Mayor Molina regarding whether the consultant would be able to conduct an overhaul highlighting public safety in the financial analysis, Mr. Kulaga affirmed that they would include that task in the consultant's responsibilities.

Pat Walker, Financial consultant for Pat Walker Consulting LLC, expressed anticipation for collaborating with Cindy Goelz, who will be onsite frequently and has over 30 years of experience in handling numbers. Combined, they possess over 70 years of experience working with various cities and towns in the state, and they are eager to contribute to the progress ahead.

Mr. Kulaga highlighted Cindy Goelz experience as the Chief Financial Officer (CFO) for Maricopa County, bringing over 25 years of service in the county's financial domain to the Town of Guadalupe through the contract. Mr. Kulaga emphasized her significant role, considering Maricopa County's approved budget of \$4.3 billion contrasted with Guadalupe's annual budget of approximately \$15 million.

**Motion by Councilmember Bravo to approve item G17; second by Councilmember Fuerte.
Motion passed unanimously on a voice vote 4-0.**



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Councilmembers approved a Financial Consulting Services Agreement (C2023-33) for FY24 budget and five-year forecast preparation (FY24-FY28); assistance with selection and implementation of new financial system software, and accounting process efficiency improvements between the Town of Guadalupe and Pat Walker Consulting LLC. The total contract shall not exceed \$60,000 from January 15 to June 30, 2024, with an hourly rate of \$125 /hour, and not to exceed \$7,500 monthly. The initial contract term is January 15 to June 30, 2024, with an option for two additional consecutive annual renewals.

18. ARIZONA MUTUAL AID COMPACT AGREEMENT

Mayor Molina stated Council will consider and may take action to approve Agreement (C2023-34) that enables participating political subdivisions and tribal nations to share resources, personnel, etc. during emergencies and then be reimbursed for the resources. This agreement is for a term of 10 years commencing January 1, 2024, through December 31, 2033.

Jeff Kulaga, Town Manager/Clerk discussed the expiration of the current 10-year agreement, emphasizing the need for a new contract effective from January 1st, 2024, to December 31st, 2033. This agreement facilitates the sharing of emergency equipment and services among different agencies, ensuring preparedness for significant emergencies.

In response to a question from Councilmember Bravo regarding how the contract is managed, Wayne Clement, Fire Chief, stated the program in question is managed by the state and is primarily for sharing resources in case of emergencies like major sewer blowouts. The town's emergency operations plans are managed by their team, with designated points of contact for requests and decision-making. If resources are borrowed or loaned, there's a billing mechanism in place for reimbursement, ensuring that all participating agencies, including school districts and tribes, can share resources as needed.

Motion by Councilmember Fuerte to approve item G18; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved an Agreement (C2023-34) that enables participating political subdivisions and tribal nations to share resources, personnel, etc. during emergencies and then be reimbursed for the resources. This agreement is for a term of 10 years commencing January 1, 2024, through December 31, 2033.

19. CEMETERY FINANCIAL AND FEE REVIEW

Mayor Molina stated Council will receive a review of cemetery services including current financials, five-year projected revenues and expenditures, rate analysis, and gravedigger requested costs options for Council consideration. Should a rate increase be proposed, to comply with Arizona Revised Statutes, 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.

Jeff Kulaga, Town Manager/Clerk presented challenges and potential changes to the town's cemetery. Four key challenges were highlighted, including limited space, burial policy complexities, projected financial gaps, and a request for payment from grave diggers. Three options were proposed for discussion, focusing on different approaches to address the financial sustainability of the cemetery, including adjustments to burial fees and the introduction of grave digger fees. Mr. Kulaga emphasized the need for further review, potential formation of a cemetery committee for input, and a timeline for decision-making, with no decisions finalized during the meeting.

Mayor Molina called upon Sandra Gonzales to address Council. Ms. Gonzales expressed concern about the financial situation regarding the grave diggers, noting that despite significant revenues from certain sources like liquor sales, there's not enough money to pay them. Ms. Gonzales highlighted the dedication of the grave diggers and emphasized that they don't ask for compensation, but rather work from the heart. Ms. Gonzales also mentioned that the grave diggers specifically requested not to raise



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Mayor

Ricardo Vital
Vice Mayor

Mary Bravo
Councilmember

Esteban F. V. Fuerte
Councilmember

Elvira Osuna
Councilmember

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Councilmember

Anita Cota Soto
Councilmember

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fees for families. Ms. Gonzales expressed frustration about the lack of progress on this issue despite efforts to engage with Councilmembers and Vice Mayor. Ms. Gonzales urged the Town to find a solution to compensate the grave diggers, suggesting that the money should be available somewhere.

Mayor Molina raised several questions regarding the payment and employment status of the grave diggers. Mayor Molina inquired whether the grave diggers would become contract employees if they were paid for their services. In response, Mr. Kulaga explained that one option could involve the grave diggers becoming contract employees, which would entail considerations such as providing a W-9, insurance, and liability. Mayor Molina inquired about who would be responsible for providing insurance for the grave diggers, Mr. Kulaga mentioned that further review was necessary to determine this. Additionally, Mayor Molina questioned the pricing at Rest Haven, where tribal members are charged \$450 for burial. Mayor Molina sought clarification on whether this fee includes all associated costs. Mr. Kulaga stated these inquiries prompt further discussion on the logistical and financial aspects of compensating the grave diggers and understanding the pricing structure at Rest Haven.

Councilmember Soto and Councilmember Bravo engaged in a discussion regarding the role and compensation of grave diggers. Councilmember Soto shared personal experiences of having to pay burial fees for deceased family members and expressed concerns about families taking advantage of grave diggers' services without adequately compensating them. Councilmember Soto emphasized the importance of families taking responsibility for honoring their loved ones and suggested that paying grave diggers should be the responsibility of the family rather than the Town. Councilmember Bravo echoed these sentiments, highlighting the significant role grave diggers play in honoring the deceased and advocating for families to take personal responsibility for compensating them. Councilmember Soto and Councilmember Bravo emphasized the need for further discussion on this issue and proposed establishing a cemetery committee to explore potential solutions and ensure proper acknowledgment and compensation for grave diggers.

Councilmember Bravo emphasized the need to find funds to sustain the community and ensure its cultural integrity. Councilmember Bravo expressed concern about societal issues like substance abuse and the lack of understanding among some community members about the responsibilities of grave diggers. Councilmember Bravo highlighted the importance of treating the town as a business entity to ensure its long-term viability, suggesting that increased fees and revenue generation were necessary for sustainability. Sandra Gonzales reiterated the point that current fees collected from families were not being directed towards compensating grave diggers, advocating for a change in this practice. Mayor Molina proposed a temporary solution of reimbursing grave diggers \$500 per burial until a more permanent solution could be established. Mr. Kulaga supported this idea, acknowledging the Town's improved fiscal condition but also emphasizing the need for caution regarding expenditures exceeding revenues. Dave Ledyard, Town Attorney, suggested that the Town Manager could handle the reimbursement without the need for a formal vote. Mr. Kulaga supported the agreement on the proposed reimbursement plan and a plan to further address the issue in January.

20. 2024 JANUARY– DECEMBER COUNCIL MEETING SCHEDULE

Mayor Molina stated Councilmembers will consider and may take action to approve the Town Council Regular Meeting Schedule for January through December 2024. Staff is recommending cancelling the November 28, 2024, and the December 26, 2024, Council Meetings because it conflicts with Thanksgiving and Christmas Holidays, respectively.

Rocio Ruiz, Deputy Town Clerk, discussed the scheduling of meetings for the upcoming year 2024, adhering to the Town Code's pattern of holding meetings on the 2nd and 4th Thursday of each month. However, challenges arise with meetings falling on significant dates such as Holy Thursday in March, Thanksgiving in November, and the day after Christmas in December. Ms. Ruiz stated the decision to maintain the current schedule or to adjust the schedule is left to the Mayor and Council.



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Mayor Molina asked the Town Manager if he will require a special meeting on any of the proposed days due to grant deadlines. Mr. Kulaga explained that canceling the Holy Thursday meeting would be challenging because it's when the Council typically reviews gaming grant approvals. Mr. Kulaga noted the critical timing for Native American entities' submissions, which often start in April. Mr. Kulaga also highlighted the significance of the second meeting in December due to holiday-related agenda items. Mr. Kulaga stated he believes the proposed schedule meets their deadlines. Mayor Molina suggested potentially moving the March meeting to a different day if necessary. Mr. Kulaga questioned whether moving the Holy Thursday meeting to Wednesday would be feasible, considering Holy Week. Mayor Molina asked if a special meeting would be required if they didn't have a meeting March 14. Mr. Kulaga noted the difficulty of back-to-back week meetings and expressed that it would be challenging for Town Staff.

Motion by Councilmember Soto to approve item G20; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

Councilmembers approved the Town Council Regular Meeting Schedule for January through December 2024. Staff recommended cancelling November 28, 2024, and December 26, 2024, Council Meetings because they conflict with Thanksgiving and Christmas Holidays, respectively.

21. **CANCEL DECEMBER 26, 2024, COUNCIL MEETING**

Mayor Molina stated Councilmembers will consider cancelling the Thursday, December 26, 2024, Regular Council Meeting due to the Christmas Holiday.

Jeff Kulaga, Town Manager/Clerk stated that during the 2023 Council session, Council did not cancel the December 26 meeting but instead convened on December 26. Mr. Kulaga suggested that it would be suitable to treat December 28, similarly, canceling it due to the lack of urgent business during the week between the Christmas and New Year's holidays.

Rocio Ruiz, Deputy Town Clerk, clarified that in December 2022 Council cancelled the Council Meeting scheduled for December 28, 2023. This Agenda item is to cancel the December 26, 2024, meeting.

Motion by Councilmember Fuerte to approve item G21; second by Councilmember Bravo. Motion passed unanimously on a voice vote 4-0.

Councilmembers cancelled the Thursday, December 26, 2024, Regular Council Meeting due to the Christmas Holiday.

H. TOWN MANAGER/CLERK'S COMMENTS

Jeff Kulaga, Town Manager / Clerk

- Announced CAP office will remain open on December 26, but there will be no food distribution.
- Announced CAP office will be open Jan. 2, and food distribution will take place as usual.
- Dec. 21 marks the distribution of holiday meals for 100 families at the CAP office.
- Invited the community to join the "Navidad in Guadalupe" Christmas party on Dec. 20 at 4 PM, located at the Cuarenta property, between the churches.
- Please note that Town Hall will be closed on Dec. 22 and 25, as well as Jan. 1. The Mercado will be closed on Dec. 25 and Jan. 1. However, the maintenance yard and cemetery will operate as usual. Trash collection will be delayed by one day during the weeks of Christmas and New Year's Day.



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I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- Urged the community to have a safe and enjoyable holiday season.
- Acknowledged the challenging work put in by everyone on the Council.
- Wished everyone a blessed holiday.

Councilmember Fuerte

- Announced Little League will start in Spring, more to follow.

Councilmember Soto

- Wished everyone a Merry Christmas and Happy New Year.
- Thanked staff for their work.

Mayor Molina

- Thanked staff for their work.
- Reminded residents to obtain Party, building, variance, and zoning permits at the Town Hall during operating hours as Town Manager has announced schedule.
- Announced Guadalupe Prevention Program at Boys and Girls Club will be held in January.
- Wished everyone a blessed holiday.
- Urged residents to exercise caution on Dia de la Virgen procession, Dec. 16.

J. ADJOURNMENT

Motion by Councilmember Bravo to adjourn the Regular Council Meeting; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 4-0.

The meeting was adjourned at 8:48 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 14, 2023, 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



PLANNING & ZONING APPLICATION FOR: VARIANCE, CONDITIONAL USE OR ZONING CHANGE

1. Please complete this application and attach all required items as outlined.
2. Once submitted, please allow a minimum of two weeks for staff to review and determine whether submittal is complete or additional information/material is needed.
3. Once application is determined complete and acceptable, staff will schedule a public hearing.
4. Complete/accepted application must be submitted to the Town Clerk in final form no less than 30 days prior to scheduled Town council meeting. **Applicant must attend all public hearings/meetings.**

GENERAL INFORMATION:

Project name: GUERRERO Conditional use Permit.
 Existing use of property: VACANT
 Proposed use of property: MANUFACTURE HOME
 Existing zoning: R-6 Requested zoning (if applicable): _____

PROPERTY INFORMATION:

Address: 9022 S. Calle AZTECA Guadalupe Az. 85283
 Legal Description*: Section _____ Township _____ Range _____
 Maricopa County Assessor's Parcel Number (APN)*: ~~301~~ 301-12-030
 Subdivision Name & Lot # (if applicable/available) Gastello

*Available at: <https://mcassessor.maricopa.gov/>

APPLICANT INFORMATION:

Name: KENNY & PAMELA GUERRERO
 Mailing Address: 6612 S. 40th Way Phoenix, Az. 85042
 Contact phone #: 602437-8524 Email: PGUERRERO35@gmail.com
 Status (owner, agent, lessee, etc): OWNERS.

APPLICATION MUST INCLUDE THE FOLLOWING (per Town Code 154.036):

- Filing fee(s) (as outlined on page 2) – attach
- Legal description – attach
- Letter of explanation – complete page 3
- Plot plan – attach
- Site plan (drawn to scale, showing what is planned for the property, including lot dimensions, existing and proposed buildings, etc.) – attach
- Vicinity map of property owners within 150' of property – attach
- Mailing labels (Name/Address) for property owners within 150' of property – attach
- Proof of property ownership

LETTER OF EXPLANATION:

Briefly describe the nature and intent of the proposed development and reasons justifying the request. Include references to effects on surrounding neighborhoods and the town at large.

Intention is to be able to downside to a more convenient home.

FEE SCHEDULE:

Type of Application	Fee	Calculate Fees
Appeals of administrative decisions	\$25	
Site plan review application	\$50	
Amendments to the Zoning Map for:		
Continued items, continued at the request of the applicant after the property has been posted and public hearing notices are mailed	\$25	
Multi-family residential, commercial and industrial districts	\$400	
Planned area development	\$400	
Single-family residential	\$100	
Site plan review application	\$50 + \$25/acre for each acre over one	
Conditional Use Permits		
Manufactured homes	\$50	50
All other	\$50	
Variances		
Single-family residential	\$50	
All other	\$50	
TOTAL		

Paid: 2/8/2024

APPLICANT SIGNATURE:

Samela DeSeno

 (Signature)

1-25-2024

 (Date)

STAFF USE ONLY

Town of Guadalupe Review Process

Case# _____

Zoning District: _____

Date of Application: _____

Fee: _____

Accepted by: _____

Date Application Deemed Acceptable by Staff: _____

Date of Legal Advertisement: _____

Date(s) of Public Hearing(s): _____

Council Decision: _____



TOWN OF GUADALUPE – ZONING CODE SETBACK REQUIREMENTS

RESIDENTIAL ZONING DISTRICTS – TOWN CODE §154.066 (E) (1) & (2)

Zoning District	Minimum Lot Area per D.U. First 2 D.U.	Minimum Lot Area per D.U. Add'l D.U.	Minimum Lot Width	MINIMUM YARD SETBACKS				Maximum Building Height
				Front	Side	Street Side	Rear	
R-2	5,000 square feet		75'	25'	7**	20'	20'	30'
R-3	5,000 square feet	2,500 square feet	100'	20'	7**	15'	15'	30'
R-4	5,000 square feet	1,250 square feet	100'	20'	7**	15'	15'	30'

*For ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
R-1-9	30'	10'	20'	10'	30'
R-1-6	25'	7'	15'	10'	30'

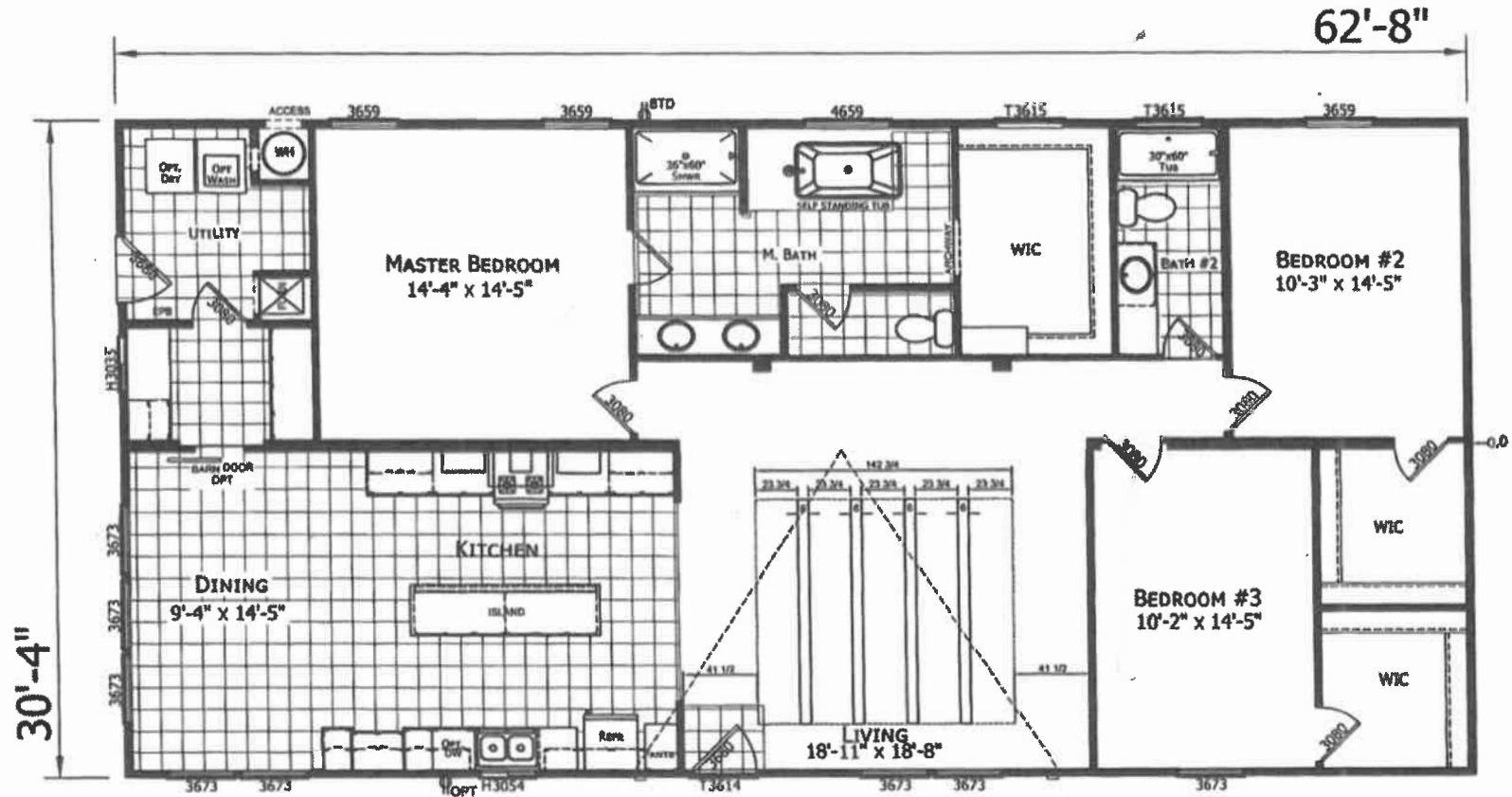
The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

COMMERCIAL ZONING DISTRICTS – TOWN CODE §154.067(F)

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
C-1	25'	12'	15'	15'	30'
C-2	20'	12'	15'	15'	30'
C-Mix	30'	20'	30'	30'	40'

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

Farmhouse



LG - GABLE

Farmhouse

MODEL AF3262HD

3 BEDROOM, 2 BATH
TOTAL AREA: 1901 SQ. FT.
Revised 08/05/2010

INFORMATION ON THIS LITERATURE MAY VARY FROM THE ACTUAL HOME. WE RESERVE

<p>CHAMPION MANUFACTURED BEAUTIFULLY™ 6430 WEST ALBION AVE. CHANDLER, AZ 85226</p>	<p>MODIFICATIONS</p>	<p>PROJECT: 157-AF3262HD 62'-8"X30'-4" 3 BD 2 BTH</p>	<p>TITLE: LITERATURE PLAN</p>	<p>SHEET: L-101 AF3262HD</p>
		<p>DATE: 11-06-19 SCALE: 1/8" = 1'-0"</p>	<p>FILENAME: ENG\073 * (AF3262HD) (STOCK) - REV1</p>	<p>PROPRIETARY AND CONFIDENTIAL THIS DRAWING AND SPECIFICATIONS ARE DRAWING PROPERTY AND CONFIDENTIAL INFORMATION OF CHAMPION. COPYRIGHT © 1996-2009 BY CHAMPION</p>

BENEFICIARY DEED

DO NOT REMOVE

This is part of the official document

When Recorded Return to:

Kenny and Pamela Guerrero
6612 S 40th Way
Phoenix AZ 85042

BENEFICIARY DEED

EXEMPT FROM RECORDING AFFIDAVIT OF VALUE PURSUANT TO A.R.S. §11-1134(B)(12)

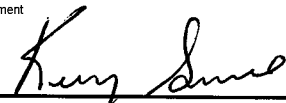
We, Kenny Guerrero and Pamela Guerrero, husband and wife, do hereby grant and convey to Roy Guerrero, Kenny Guerrero Jr., and Kenny DeAnda Guerrero, effective upon our deaths, all our right, title, and interest in the following described real property:

LOT 31, GASTELLO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 62 OF MAPS, PAGE 42.


(APN 301-12-031; Address: 9022 S Calle Azteca, Guadalupe AZ 85283)

Unofficial Document

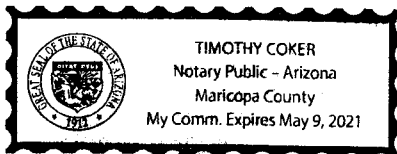
Dated: 1-21-2020



Kenny Guerrero
Grantor

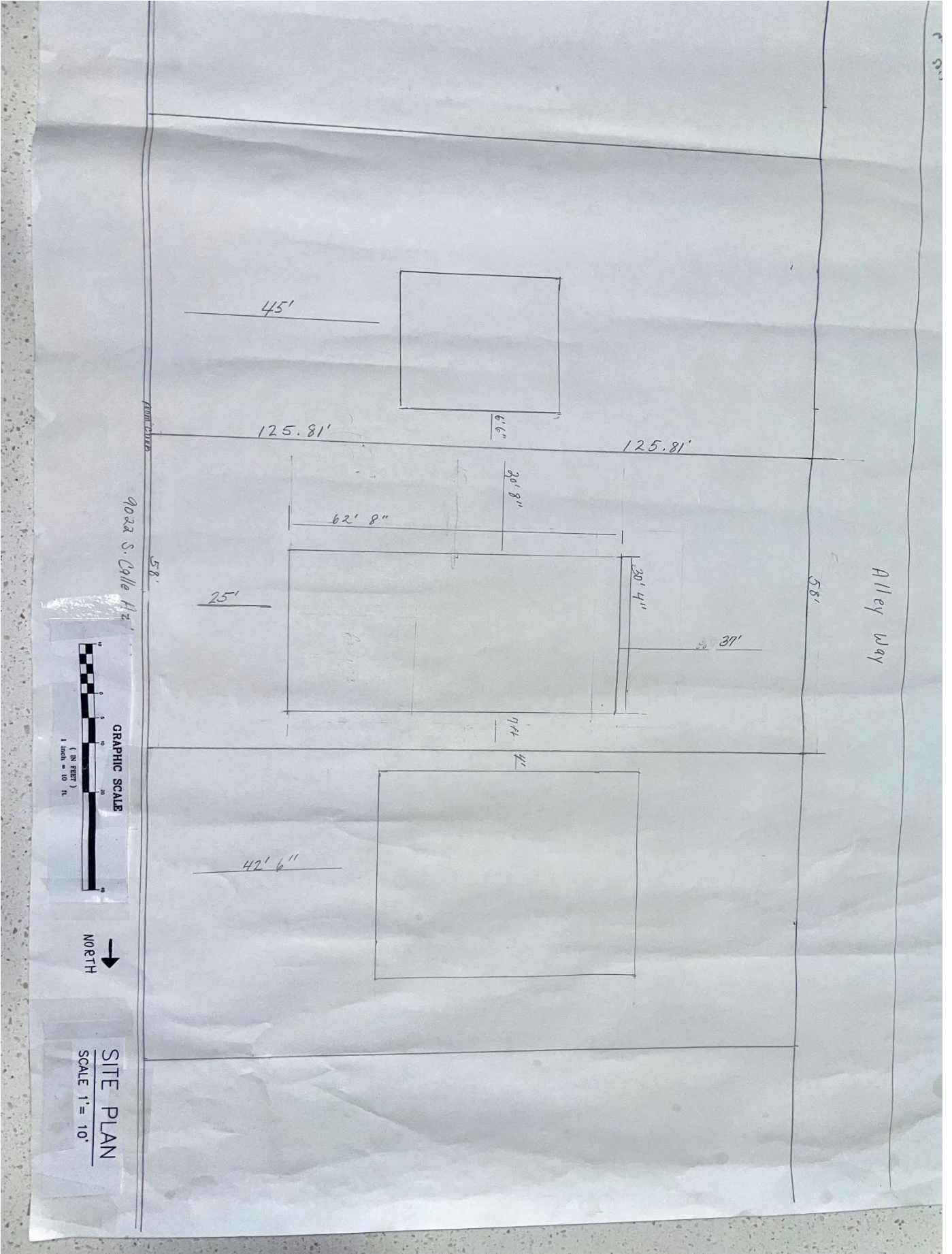
Dated: 1/21/2020


Pamela Guerrero
Grantor

On this 21 day of January, 2020, before me personally appeared Kenny Guerrero and Pamela Guerrero, whose identities were proved to me on the basis of satisfactory evidence and who subscribed to this document before me.




Notary Public



→
NORTH

SITE PLAN
SCALE 1" = 10'

9022 S. Calle Azul

Alley Way

45'

125.81'

125.81'

62' 8"

25'

30' 8"

30' 4"

30'

17' 4"

42'

42' 6"

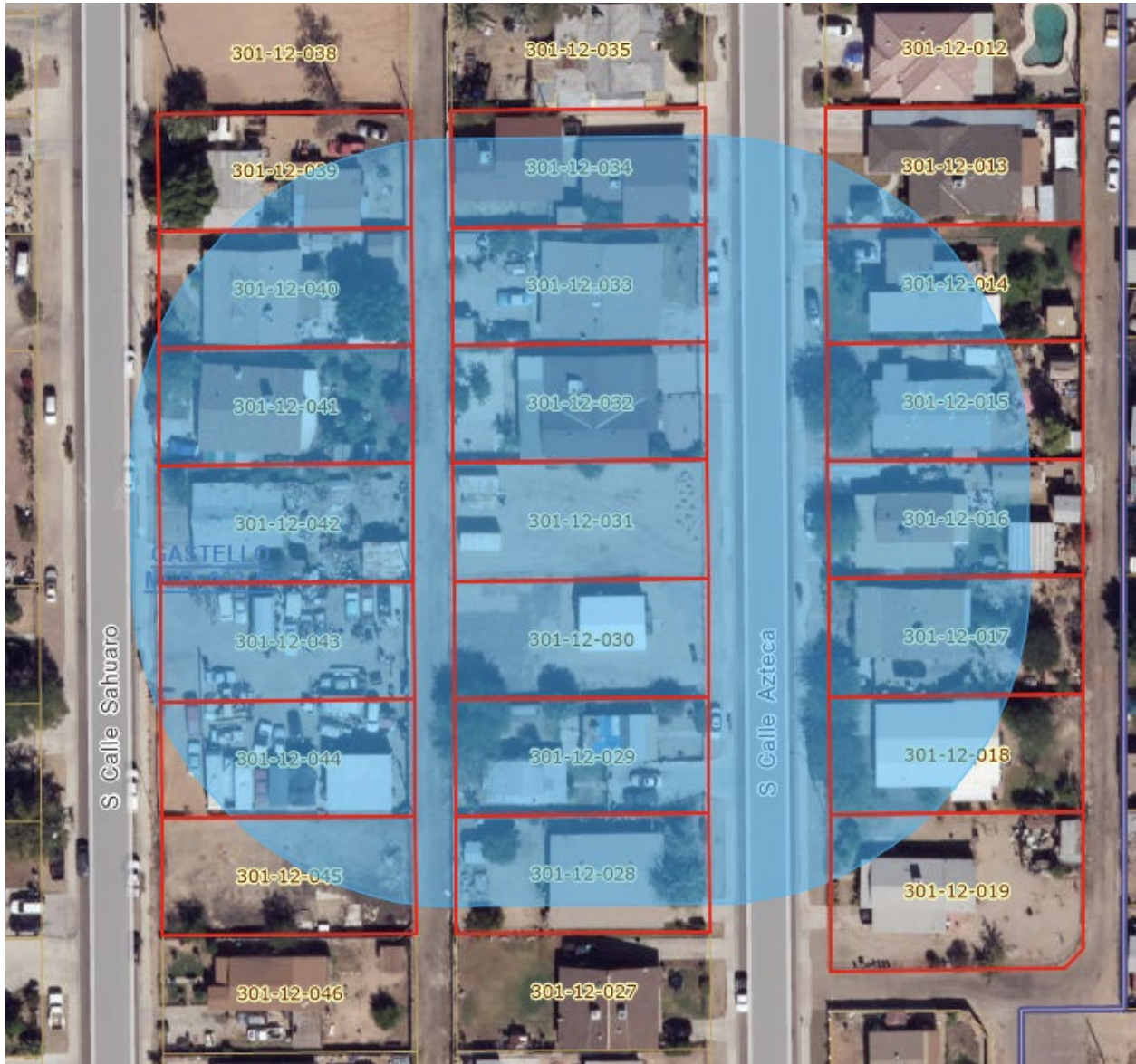
58'

6' 6"



S. Calle Azteca

9022 S CALLE AZTECA
150FT NOTIFICATION AREA



9022 S. Calle Azteca
Mailing Labels

32

DOREEN FRANCES PEREZ
9009 S CALLE AZTECA
GUADALUPE AZ USA 85283

MANUEL & GUADALUPE MARTINEZ
9015 S CALLE AZTECA
GUADALUPE AZ USA 85283

GERARDO CASTORENA
9019 S CALLE AZTECA
GUADALUPE AZ USA 85283

ALICE ORTIZ
9023 S CALLE AZTECA
GUADALUPE AZ USA 85283

ISIDRO & YOLANDA GASTELO
9027 S CALLE AZTECA
GUADALUPE AZ USA 852832525

JUAN GASTELO JR
9031 S CALLE AZTECA
GUADALUPE AZ USA 85283

SAMUEL & VICTORIA HOLGUIN
9035 S CALLE AZTECA
GUADALUPE AZ USA 85283

MARCELO & MARYLOU GASTELO
9034 S CALLE AZTECA
GUADALUPE AZ USA 85283

MARGARITA ORTIZ
PO BOX 8642
PHOENIX AZ USA 85066

RICHARD VITAL
9042 S CALLE AZTECA
GUADALUPE AZ USA 85283

KENNY & PAMELA GUERRERO
6612 S 40TH WAY
PHOENIX AZ USA 85042

JUSTO, GLORIA, & REYNALDO GUZMAN
9018 S CALLE AZTECA
GUADALUPE AZ USA 85283

ROSALIE HERNANDEZ CHAVEZ
9014 S CALLE AZTECA
GUADALUPE AZ USA 85283

RICARDO GUZMAN
9010 S CALLE AZTECA
GUADALUPE AZ USA 85283

AURORA G FRIAS
9009 S CALLE SAHUARO
GUADALUPE AZ USA 85283

MARGARITA PEREZ
9015 S CALLE SAHUARO
GUADALUPE AZ USA 85283

ANITA AVILA
PO BOX 13011
TEMPE AZ USA 85284

ERNEST SUNIGA
918 W VAUGHN ST
TEMPE AZ USA 85283

ERNEST SUNIGA
918 W VAUGHN ST
TEMPE AZ USA 85283

ALIDA SAMANIEGO
4023 E APOLLO RD
PHOENIX AZ USA 85042



Notice of Public Hearing

The Guadalupe Town Council will hold a public hearing on Thursday, March 14, 2024, at 6:00 p.m., Guadalupe Town Hall, 9241 S. Avenida del Yaqui, Council Chambers, Guadalupe, AZ 85283, to receive public comment on the following:

PUBLIC HEARING: Request for a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). The lot is zoned R-1-6, Single-family Residential.

Conditional Use Permit Application (CU2024-01) – Kenny & Pamela Guerrero, applicants, are requesting a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV: LAND USAGE, CHAPTER 154: ZONING, § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at clerk@guadalupeaz.org or delivered to Guadalupe Town Hall prior to, or at the time of the hearing.

Town of Guadalupe
9241 South Avenida del Yaqui
Guadalupe, AZ 85283
(480) 730-3080

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ROCIO RUIZ
TOWN OF GUADALUPE
9241 S AVENIDA DEL YAQUI
GUADALUPE, AZ 85283

RR# 3787496

COPY OF NOTICE

(Not an Affidavit of Publication. Do not file.)

Reference #

Notice Type: MCHRG NOTICE OF HEARING

Ad Description

CU2024-01 9022 S. Calle Azteca, Guadalupe, AZ

To the right is a copy of the notice you sent to us for publication in THE RECORD REPORTER. Please read this notice carefully and fax or e-mail (record_reporter@dailyjournal.com) any corrections. The Affidavit will be filed, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

02/28/2024

Notice of Public Hearing The Guadalupe Town Council will hold a public hearing on Thursday, March 14, 2024, at 6:00 p.m., Guadalupe Town Hall, 9241 S. Avenida del Yaqui, Council Chambers, Guadalupe, AZ 85283, to receive public comment on the following: PUBLIC HEARING: Request for a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). The lot is zoned R-1-6, Single-family Residential. Conditional Use Permit Application (CU2024-01) – Kenny & Pamela Guerrero, applicants, are requesting a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances TITLE XV: LAND USAGE, CHAPTER 154: ZONING, § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6. Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at clerk@guadalupeaz.org or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. 2/28/24

RR-3787496#

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$2.90
Arizona Sales Tax	\$0.01
Total	\$2.91

Your Legal Publishing



* A 0 0 0 0 0 6 6 9 8 2 7 6 *

9022 S. Calle Azteca Conditional Use Permit Public Notice on Property



NOTICE OF PUBLIC HEARING



The Guadalupe Town Council will hold a public hearing on **Thursday, March 14, 2024, at 6:00 p.m.** at the Guadalupe Town Hall Council Chambers, **9241 S. Avenida del Yaqui, Guadalupe, AZ 85283** to receive public comment on the following:

PUBLIC HEARING: Request for a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). The lot is zoned R-1-6, Single-Family Residential.

Conditional Use Permit Application (CU2024-01) – Kerry & Pamela Guerrero, applicants, are requesting a conditional use permit to install a manufactured home on the property located at 9022 S. Calle Azteca, Guadalupe, AZ (APN 301-12-031). This request is in accordance with the Town of Guadalupe Zoning Code of Ordinances: TITLE XVI LAND USAGE, CHAPTER 154: ZONING, § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1.0 AND R-1.6.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at clerk@guadalupeaz.org or delivered to Guadalupe Town Hall prior to, or at the time of the hearing.

02/28/2024

Date: February 28, 2024
TO: Honorable Guadalupe Town Council
THROUGH: Jeff Kulaga, Town Manager/Clerk, (480)-505-5376
FROM: Sam Amaya, Town Planner, (480)-505-5369
SUBJECT: **Conditional Use Permit (CU2024-01) 9022 S. Calle Azteca Staff Report**

REQUEST:

Requesting a conditional use permit to install a manufactured home on the vacant residential property per Town Code of Ordinance § 154.019 CONDITIONAL USE PERMITS in accordance with A.R.S. Title 41, Chapter 37.

SITE:



PROPERTY OWNER: Kenny & Pamela Guerrero
APPLICANT(S): Kenny & Pamela Guerrero
LOCATION: 9022 S. Calle Azteca, Guadalupe AZ, 85283
ZONING DESIGNATION: R-1-6
PARCEL #: 301-12-031

EXISTING AND SURROUNDING LAND USE/ZONING DESIGNATION:

- SITE:** Vacant (R-1-6)
- NORTH:** Residential (R-1-6, and R-2)
- SOUTH:** Residential (R-1-6)
- EAST:** Residential (R-1-6)
- WEST:** Residential (R-1-6)

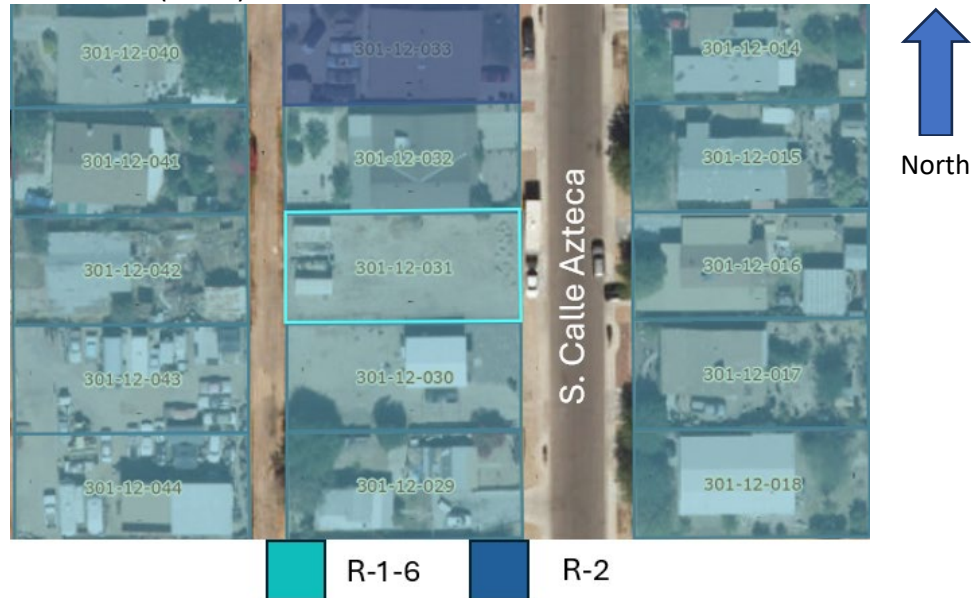


Exhibit A – Surrounding Land Use and Zoning Designation

PROJECT DESCRIPTION:

This application is for a conditional use permit to allow for the location and installation of a manufactured home at 9022 S. Calle Azteca. Illustrated below are the required setbacks for R-1-6. **Exhibit B** illustrates the proposed manufactured home on the property, in relation to the required setbacks. The site plan submitted by the applicants is illustrated in **Exhibit C**. The applicants Kenny & Pamela Guerrero are planning to locate a Model AF3262HD Farmhouse from Champion Home Builders, this new home is 62’-8” by 30’-4”. **Exhibit D** illustrates the submitted floor plan.

Zoning District	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Minimum Yard Setbacks				Max. Bldg. Height
				Front	Side	Street Side	Rear	
R-1-9	9,000 square feet	80’	100’	30’	10’	20’	10’	30’; accessory building
R-1-6	6,000 square	60’	90’	25’	7’*	15’	10’	30’

*for ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.



Exhibit B – Manufactured Home Building Footprint & Setbacks

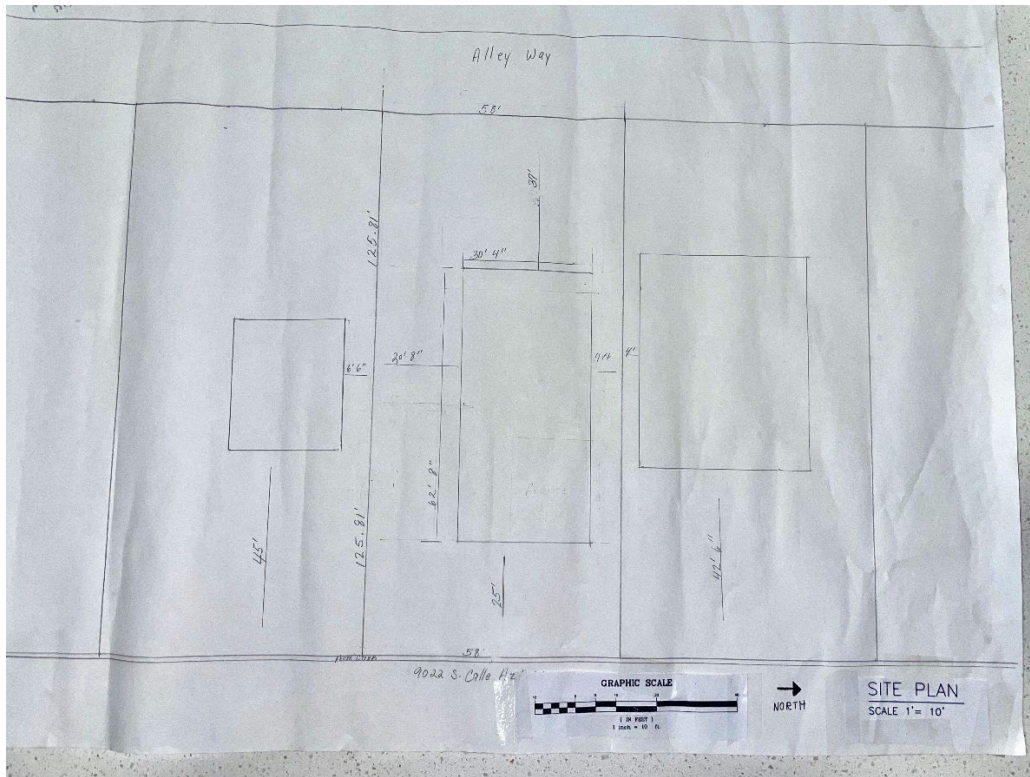


Exhibit C – Submitted Site Plan

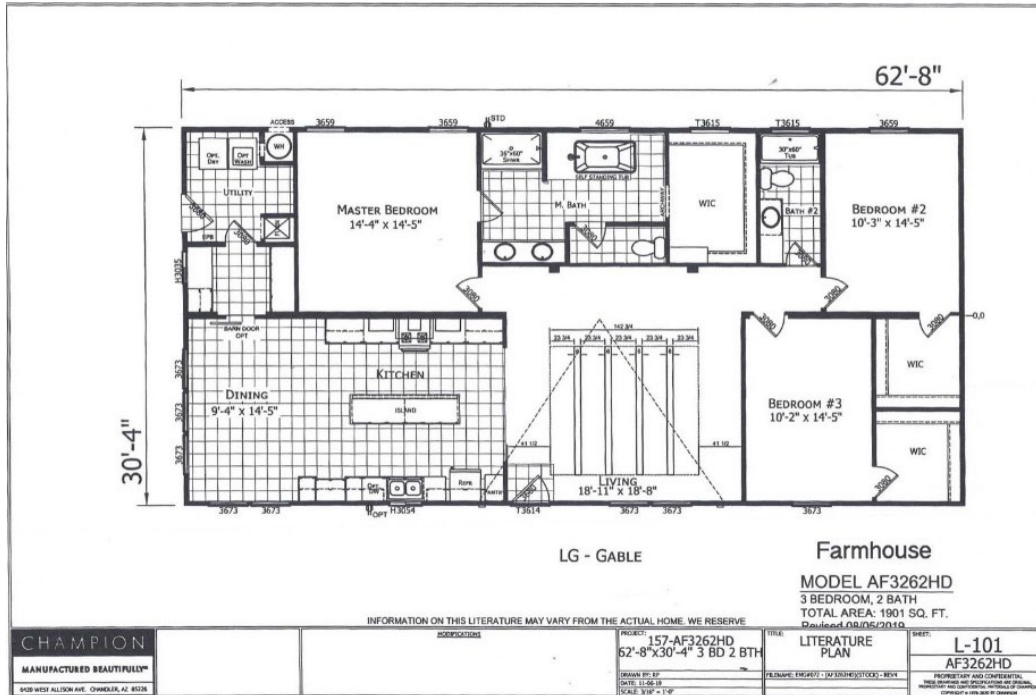


Exhibit D – Submitted Floorplan

PUBLIC NOTIFICATION:

In accordance with the Guadalupe Code of Ordinance § 154.034 NOTIFICATION, Conditional Use Permits require 15-day public notice posted on the property, thru the newspaper, and mailed to all properties within 150 feet of 9022 S. Calle Azteca.

Posted on the property: February 28, 2024

Posted through the newspaper: February 28, 2024

Mailed to all properties within 150 feet of the property: February 27, 2024

Exhibit E illustrates all the properties notified within 150 feet of 9022 S. Calle Azteca.



Exhibit E – 150ft Public Notice Radius

ANALYSIS:

Currently, under the Town Code of Ordinance, manufactured homes require a conditional use permit, as stated in § 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6.

§ 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6.

The composition of the districts listed above shall be as follows.

(A) Intent. The single-family residential districts are intended to provide for low density, detached housing in the R-1-9 district and medium density, detached housing in the R-1-6 District.

(B) Permitted uses.

(1) One-family dwelling;

(D) Conditional uses. The following uses shall be permitted as conditional uses, subject to obtaining a conditional use permit.

(5) One mobile home per lot.

If this home is built, it will be the first building on this property in over 15 years. Aerial images available are from Maricopa County Assessor's Office that date back to 2015 and Google Maps images that go back to 2008, all without a home on the property.

According to the Town Code of Ordinance, conditional use permits can only be issued if granting the permit is not materially detrimental to the surrounding area, as stated in § 154.019 CONDITIONAL USE PERMITS.

§ 154.019 CONDITIONAL USE PERMITS.

(A) Conditional use permits which may be revokable, conditional, or valid for a term period, may be granted only when expressly permitted in the zoning district herein specified by this chapter and only after the Town Council has filed, in writing, that the granting of such conditional use permit will not be materially detrimental to the public health, safety, and welfare and that the characteristics of the use proposed in such conditional use permits are compatible with the types of uses permitted in the surrounding area.

The proposed new manufactured home is not materially detrimental to the surrounding area. Presently there are several manufactured homes within the 150ft notification radius and more in the immediate area.

The applicants have complied with all conditional use permit request requirements associated with locating a manufactured home. Should the conditional use permit get approved, the applicants will apply for a building permit from the town and an installation permit from the state.

STAFF RECOMMENDATION:

Approval of a conditional use permit to install a manufactured home on the vacant residential property per Town Code of Ordinance § 154.019 CONDITIONAL USE PERMITS in accordance with A.R.S. Title 41, Chapter 37, with the condition to rectify any code violations by March 23, 2024, before the installation of a manufactured home on the property.

STIPULATIONS FOR APPROVAL:

The 9022 S. Calle Azteca property is presently subject of a code violation; therefore, a recommended condition for approval is to rectify any code violations before the installation of a manufactured home on the property, as follows:

The applicants, prior to applying for a Town building permit and a State installation permit, shall be required to properly comply with the February 12, 2024, abatement notice, where compliance is required by March 23, 2024. Failure to comply with code compliance could result in the forfeiture of the conditional use permit, should it be approved.

STAFF CONTACT:

Sam Amaya, Town Planner, samaya@guadalupeaz.org, (480)-505-5369



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca



9022 S. Calle Azteca

APN: 301-12-031

Current Zoning: R-1-6

Lot Size: 7,309 Square Feet

Request:
Requesting a conditional use permit to install a manufactured home on the vacant residential property per Town Code of Ordinance § 154.019 CONDITIONAL USE PERMITS in accordance with A.R.S. Title 41, Chapter 37



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca



**150ft Notification Area per Town
Code of Ordinance § 154.034**

Notification occurred on February 28,
2024.



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca

§ 154.065 SINGLE-FAMILY RESIDENTIAL DISTRICTS: R-1-9 AND R-1-6.

The composition of the districts listed above shall be as follows.

(A) *Intent.* The single-family residential districts are intended to provide for low density, detached housing in the R-1-9 district and medium density, detached housing in the R-1-6 District.

(B) *Permitted uses.*

(1) One-family dwelling;

(D) ***Conditional uses.*** The following uses shall be permitted as conditional uses, subject to obtaining a conditional use permit.

(5) One mobile home per lot.



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca



RED: Required setbacks

- 25' Front
- 7' Side
- 7' Side
- 10' Rear

GREEN: Building envelope

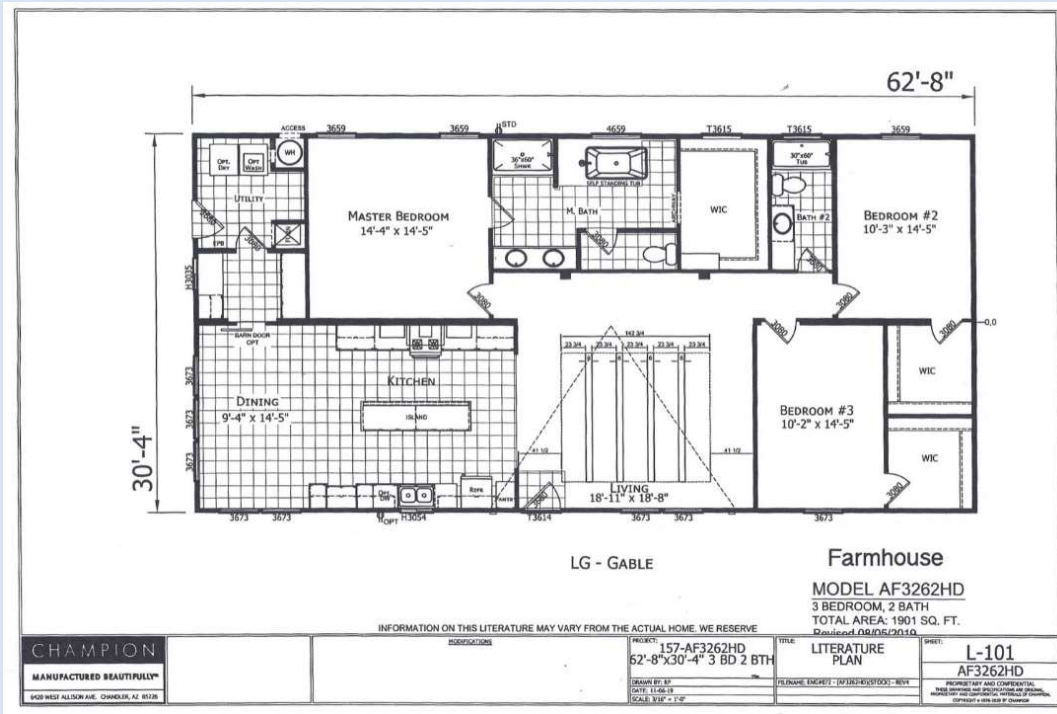
BLUE: Proposed home location
62'8" x 30'4"

Zoning District	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Minimum Yard Setbacks				Max. Bldg. Height
				Front	Side	Street Side	Rear	
R-1-9	9,000 square feet	80'	100'	30'	10'	20'	10'	30'; accessory building
R-1-6	6,000 square	60'	90'	25'	7**	15'	10'	30'

*for ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca



Proposed floor plan
provided by the applicant



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca

Condition For Approval

The 9022 S. Calle Azteca property is presently subject of a code violation; therefore, a recommended condition for approval is to rectify any code violations before the installation of a manufactured home on the property, as follows:

The applicants, prior to applying for a Town building permit and a State installation permit, shall be required to properly comply with the February 12, 2024, abatement notice, where compliance is required by March 23, 2024. Failure to comply with code compliance could result in the forfeiture of the conditional use permit, should it be approved.

§ 154.019 CONDITIONAL USE PERMITS.

(A) Conditional use permits which may be revokable, **conditional**, or valid for a term period, may be granted only when expressly permitted in the zoning district herein specified by this chapter and only after the Town Council has filed, in writing, that the granting of such conditional use permit will not be materially detrimental to the public health, safety, and welfare and that the characteristics of the use proposed in such conditional use permits are compatible with the types of uses permitted in the surrounding area.

(B) The burden of proof satisfying these requirements shall rest with the applicant.

(C) In the case where a use permit is conditional upon a time schedule of development, if the property has not been developed within one year or on a schedule agreed upon by the Town Council, the conditional use application shall cease. Any request for an extension to these conditions shall be considered as a new application.



G1.-G2. Conditional Use Permit 9022 S. Calle Azteca



9022 S. Calle Azteca

APN: 301-12-031

Current Zoning: R-1-6

Request:

Requesting a conditional use permit to install a manufactured home on the vacant residential property per Town Code of Ordinance § 154.019 **CONDITIONAL USE PERMITS** in accordance with A.R.S. Title 41, Chapter 37

Recommendation:

Approval of a conditional use permit to install a manufactured home on the vacant residential property per Town Code of Ordinance § 154.019 **CONDITIONAL USE PERMITS in accordance with A.R.S. Title 41, Chapter 37, with the condition to rectify any code violations before the installation of a manufactured home on the property.**



Arizona Department Liquor License and Control
 800 W Washington St. 5th Floor
 Phoenix, AZ 85007-2934
azliquor.gov
 602-542-5141

DLLC USE ONLY

Job #:
Date Accepted:
CSR:
License #:

**SPECIAL EVENT LICENSE APPLICATION
 FEE \$25.00 PER DAY**

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852
 1-10 days consecutive days only, Cash, Checks or Money Orders Only

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

- Applicant: American Legion Post 124
- Applicant's mailing address: 9201 S. Avenida del Yaqui, Guadalupe, AZ 85283
Street City State Zip
- Applicants home/cell phone: 602-615-1555 Applicant's business phone: 480-271-7104
- Applicant's email address: guadalupepost124@gmail.com

SECTION 2 Name of Non-Profit Organization, Candidate or Political Party/Gov.: American Legion Post 124

SECTION 3 Non-Profit/IRS Tax Exempt Number: 68-0522454

SECTION 4 Event Location: Guadalupe Mercado 9201 S. Avenida del Yaqui, Guadalupe, AZ

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
 See A.R.S. § 4-244(15) and (17) for legal hours of service.

****SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY****

Days	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>5/18/2024</u>	<u>Saturday</u>	<u>7:00 pm</u>	<u>12:00 pm</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

Number of Police 2 Number of Security Personnel Fencing Barriers

Explanation: Checking ID's, issuing wrist bands, area sectioned off

SECTION 7 Will this event be held on a currently licensed premises and within the already approved premises?

Yes No If yes, Local Governing Body signature is not required.

Name of Business License Number Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- Place license in non-use
- Dispense and serve all spirituous liquors under retailer's license
- Dispense and serve all spirituous liquors under special event
- Split premise between special event and retail location

SECTION 9 What is the purpose of this event?

On-site consumption Off-site (auction/wine/distilled spirits pull) Both

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
 Yes No If yes, attach explanation.
2. How many special event days have been issued to this organization during the calendar year? _____
3. Is the Organization using the services of a Licensed Contractor?
 Yes No If yes, please provide the Name of the Licensed Contractor: _____
4. Is the organization using the services of a series 6, 7, 11, or 12 licensee to manage the sale or service of alcohol?
 Yes No if yes, please provide the Name of Licensee: _____ License #: _____
5. The applying non-profit organization must receive 25% of the gross revenues of the total liquor sales. List the names of the individuals or organizations who will receive the rest of the proceeds, **MUST EQUAL 100%**.

Name: N/A Percentage: _____

Address: _____
Street City State Zip

Name: _____ Percentage: _____

Address: _____
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license: rules and R19-1-205 Requirements for a Special Event License.

ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.



If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control. Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

SIGNATURE

I, (Print Full Name) Ralph A. Cota hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.
Applicant Signature:

GOVERNING BOARD

Date Received: _____
I, _____ (Government Official) _____ (Title) recommend APPROVAL DISAPPROVAL
On behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

DLIC USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees: enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. This section may be enforced in a private civil action and relief may be awarded against the state. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.

E. A state employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the agency's adopted personnel policy.

F. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Post 124 - 4/13/24 Fundraiser



**EIGHTH AMENDMENT TO LEASE AGREEMENT (L7309)
BETWEEN TOWN OF GUADALUPE AND MARICOPA COUNTY
9401 SOUTH AVENIDA DEL YAQUI, GUADALUPE, AZ
C-22-05-126-4-08**

RECITALS

- A. Maricopa County, a political subdivision of the state of Arizona (Lessee), and Town of Guadalupe, an Arizona municipal corporation (Lessor), are parties to that certain Lease Agreement dated June 20, 2001 (Lease) and subsequently amended by First Amendment dated July 1, 2004, Second Amendment dated May 11, 2011, Third Amendment dated August 31, 2011, Fourth Amendment dated July 17, 2013, Fifth Amendment dated June 24, 2015, Sixth Amendment dated March 27, 2019, and Seventh Amendment dated May 19, 2021 (collectively, Lease Agreement). The Lease Agreement is for premises located at 9401 South Avenida del Yaqui, Guadalupe, AZ consisting of 2,364 square feet of classroom, kitchen, and restroom space for Head Start Program use.
- B. The term of the Lease Agreement expires on May 31, 2024.
- C. Lessee and Lessor now mutually desire to enter into this Eighth Amendment to the Lease Agreement (Amendment) to: (a) extend the term; (b) state Lessee's base rent (c) revise janitorial services and costs; (d) add Lessee administration provision; and (e) provide counterpart signature language.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Lessee and Lessor agree as follows:

1. The Recitals, by this reference, are hereby incorporated into this Amendment.
2. Capitalized terms used in this Amendment without definition shall have the meanings assigned to such terms in the Lease Agreement, unless the context expressly requires otherwise.
3. The term of the Lease Agreement in the third paragraph of the Lease, as amended by Section 1 of the Second through Fifth Amendments and Section 2 of the Sixth Amendment to the Lease Agreement, is deleted in its entirety and replaced with the following:

Upon the effective date of this Amendment, the term of the Lease Agreement is hereby extended through May 31, 2029.

4. The monthly base rent in Section 3 of the Second Amendment and as amended by Section 2 of the Third Amendment to the Lease Agreement, is hereby deleted in its entirety and replaced with the following:

Lessee agrees to pay base rent, in equal monthly installments, in the amount of one thousand five hundred and seventy-six dollars 00/100 (\$1,576.00) plus rental tax.

5. Janitorial costs in Section 4 of the Sixth Amendment is hereby deleted in its entirety and replaced

with the following:

Lessor shall provide janitorial services to the two (2) Premises' restrooms twice weekly at the cost of forty dollars (\$40.00) per week. Lessor shall include the janitorial costs on the monthly invoice provided to Lessee and Lessee shall reimburse Lessor for said costs. Effective June 1, 2024, the weekly cost will increase to fifty dollars (\$50.00) per week for the remainder of the term.

6. Sections 6 and 7 of the Seventh Amendment of the Lease Agreement are deleted in their entirety. The Lease Agreement is hereby amended to include the additional paragraphs as follows:

Lessee Administration of Agreement. The Assistant County Manager for Maricopa County and/or the Real Estate Director for Maricopa County shall administer this Agreement, including executing documents necessary to administer this Lease Agreement.

Counterparts and Electronic Signatures. This Lease Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures shall have the same force and effect as original signatures.

7. The Lease Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511.
8. The foregoing paragraphs contain all the changes made by this Amendment. All other terms and conditions of the Lease Agreement remain the same and in full force and effect, except as herein amended.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the last date written below.

LESSOR:

Town of Guadalupe, an Arizona municipal corporation

By: _____
Valerie Molina, Mayor

ATTEST:

Jeff Kulaga, Town Manager/Clerk

APPROVED as to FORM:

David E. Ledyard, Esq.
FAITH, LEDYARD & FAITH, PLC
Town Attorneys

LESSEE:

Maricopa County, a political subdivision of the State of Arizona

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board Date

APPROVED as to FORM:

Deputy County Attorney Date

C2024-05

INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND THE TOWN OF GUADALUPE FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS

(C-64- 24- ____ -X-00)

This Intergovernmental Agreement (**Agreement**) is between the County of Maricopa, a political subdivision of the State of Arizona (**County**), and the Town of Guadalupe, a municipal corporation (**Town**). The County and Town are collectively referred to as the Parties or individually as a Party.

STATUTORY AUTHORIZATION

1. The County is authorized, pursuant to Arizona Revised Statutes (**A.R.S.**) § 11-251 and §§ 28-6701 *et. seq.*, to lay out, maintain, control, and manage public roads within the County.
2. The Town is authorized, pursuant to A.R.S. § 9-240 and §§ 9-276 *et. seq.*, to lay out and establish, regulate, and improve streets within the Town and to enter into this Agreement.
3. Public agencies are authorized, pursuant to A.R.S. §§ 11-951 *et. seq.*, to enter into Intergovernmental Agreements for the provision of services or joint or cooperative action.

BACKGROUND

4. The Parties have previously entered into Intergovernmental Agreements for the operation and maintenance of Town-owned traffic signals that expire every five (5) years. The purpose was to identify and define the responsibilities of the County and Town for costs to operate and maintain Town-owned traffic signals.
5. The County has agreed to operate and maintain up to a total of seven (7) traffic signals within the Town. This includes the existing traffic signals at the following intersection:
 - 5.1 Guadalupe Road & Avienda del Yaqui
6. The total average annual maintenance cost for a traffic signal is estimated at approximately \$2,000. However, costs can vary significantly if non-routine maintenance is required.
7. This Agreement will remain in effect until such a time that the Town exceeds seven (7) traffic signals, or a Party terminates this Agreement by furnishing the other Party with thirty (30) days' written notice.
8. This Agreement supersedes the previously approved IGA and amendments.

PURPOSE OF THE AGREEMENT

9. The purpose of this Agreement is to extend the authorization for the County to operate and maintain Town-owned traffic signals and to identify and define the responsibilities of the Parties related to such signals.

TERMS OF THE AGREEMENT

10. The list of Town-owned traffic signals to be operated and maintained by the County may be modified through a Letter of Agreement (**LOA**) signed by the Town of Guadalupe Town Manager (or designee) and the Director of the Maricopa County Department of Transportation (or designee), without requiring a formal amendment to this Agreement.
11. Any LOA shall describe which traffic signals are being removed or added to the list of signals the County operates and maintains within the Town.
12. No LOA shall expand the list of traffic signals the County operates and maintains within the Town to more than seven (7) traffic signals.
13. Nothing in any LOA shall be interpreted to enlarge or expand the County's or Town's authority.
14. **Responsibilities of the County:**
 - 14.1 The County shall be responsible for all routine and emergency operations and maintenance of the traffic signals identified in this Agreement or subsequent LOAs according to County standards. This includes normal scheduled maintenance and repair as well as responsibility for response to or correction of failure or damaged signals.
 - 14.2 The County shall invoice the Town at least annually for all costs associated with the operation and maintenance of the signals identified. This includes, but is not limited to, routine operation and maintenance fees, in addition to all fees associated with the response to signal failures and reconstruction of damaged equipment.
15. **Responsibilities of the Town:**
 - 15.1 The Town shall allow the County to properly operate and maintain the identified traffic signals within the jurisdictional limits of the Town. This includes all scheduled maintenance as well as corrective action necessary for failure or damaged equipment.
 - 15.2 The Town shall remit payment within thirty (30) days of receipt of the County's invoice for all costs associated with the operation and maintenance of the signals identified in this agreement or subsequent LOAs.

GENERAL TERMS AND CONDITIONS

16. To the extent permitted by law, each Party will indemnify, defend, and save the other Party harmless, including any of the Party's departments, agencies, officers, employees, elected officials, or agents, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the negligent performance or nonperformance by the indemnifying Party of any of the provisions of this Agreement. By entering into this Agreement, each Party indemnifies the other against all liability, losses, and damages of any nature for or on account of any injuries or death of persons or damages to or destruction of property arising out of or in any way connected with the performance or nonperformance of this Agreement, except such injury or damage as shall have been caused or contributed to by the negligence of that other Party. The damages that are the subject of this indemnity shall include but not be limited to the damages incurred by any Party, its departments, agencies, officers, employees, elected officials, or agents. In the event of an action, the damages that are the subject of this indemnity shall include costs, expenses of litigation, and reasonable attorney's fees.
17. This Agreement shall become effective as of the date it is approved by the governing bodies of the Parties and remain in full force and effect until all stipulations previously indicated have been satisfied, except that it may be amended upon written Agreement by all Parties. Any party may terminate this Agreement upon furnishing the other Party with a written notice at least thirty (30) days before the effective termination date.
18. This Agreement shall be subject to the provisions of A.R.S. § 38-511.
19. The Parties warrant that they are following A.R.S. § 41-4401 and further acknowledge that:
 - 19.1 Any contractor or subcontractor who is contracted by a Party to perform work on the Project shall warrant their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214(A), and shall keep a record of the verification for the duration of the employee's employment or at least three (3) years, whichever is longer.
 - 19.2 Any breach of the warranty shall be deemed a material breach of this agreement, of which the breaching party may be liable for penalties including termination of the agreement.
 - 19.3 The Parties retain the legal right to inspect the papers of any contractor or subcontractor employee who works on the Project to ensure that the contractor or subcontractor is complying with the warranty above and that the contractor agrees to make all papers and employment records of said employee available during normal working hours to facilitate such an inspection.
 - 19.4 Nothing in this Agreement shall make any contractor or subcontractor an agent or employee of the Parties to this Agreement.

20. Any contractor or subcontractor who engages in for-profit activity and has 10 or more employees, if the value of the contract is a minimum of \$1,000,000, certify it is not currently engaged in and agrees for the duration of this Agreement to not engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued according to 50 U.S.C. § 4842.
21. Each Party to this Agreement warrants that neither it nor any contractor or vendor under contract with the Party to provide goods or services toward the accomplishment of the objectives of this Agreement is suspended or debarred by any federal agency that has provided funding that will be used in the Project described in this Agreement.
22. Each of the following shall constitute a material breach of this Agreement and an event of default ("Default") hereunder: A Party's failure to observe or perform any of the material covenants, conditions or provisions of this Agreement to be observed or performed by that Party ("Defaulting Party"), where such failure shall continue for a period of thirty (30) days after the Defaulting Party receives written notice of such failure from the non-defaulting Party provided, however, that such failure shall not be a Default if the Defaulting Party has commenced curing the Default within such thirty (30) day period and thereafter is diligently pursuing such cure to completion, but the total aggregate cure period shall not exceed ninety (90) days unless the Parties agree in writing that additional time is reasonably necessary under such circumstances to cure such default. In the event a Defaulting Party fails to perform any of its material obligations under this Agreement and is in Default according to this Section, the non-defaulting Party, at its option, may terminate this Agreement. Further, upon the occurrence of any Default and at any time thereafter, the non-defaulting Party may, but shall not be required to, exercise any remedies now or hereafter available to it at law or in equity.

All notices required under this agreement to be given in writing shall be sent to:

Maricopa County Department of Transportation
Attn: Intergovernmental Relations Branch
2901 W. Durango Street
Phoenix, Arizona 85009

Town of Guadalupe
Attn: Town Manager
9241 South Avenida del Yaqui
Guadalupe, Arizona 85283

All notices required or permitted by this Agreement or applicable law shall be in writing and may be delivered in person (by hand or courier) or may be sent by regular, certified, or registered mail or U.S. Postal Service Express Mail, with postage prepaid, and shall be deemed sufficiently given if served in a manner specified in this paragraph. Either Party may by written notice to the other specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, the postmark thereon. If sent by regular mail, the notice shall be deemed given 72 hours after the notice is addressed as required in this paragraph and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next-day delivery shall be deemed given 24 hours after delivery of the notice to the Postal Service or courier.

23. This Agreement does not imply authority to perform any tasks or accept any responsibility, not expressly stated in this Agreement.
24. Any funding provided for in this Agreement, other than in the current fiscal year, is contingent upon being budgeted and appropriated by the governing bodies of the Parties in such fiscal year. This Agreement may be terminated by any Party at the end of any fiscal year due to non-appropriation of funds.
25. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assignees. Neither Party shall assign its interest in this Agreement without the prior written consent of the other Party.
26. This Agreement and all Exhibits attached to this Agreement set forth all of the covenants, promises, agreements, conditions, and understandings related to the Project between the Parties to this Agreement, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between the Parties related to the Project, other than as outlined in this Agreement, and those agreements which are executed contemporaneously with this Agreement. This Agreement shall be construed as a whole and under its fair meaning and without regard to any presumption or other rule requiring construction against the party drafting this Agreement. This Agreement cannot be modified or changed except by a written instrument executed by all the Parties hereto.
27. Each Party has reviewed this Agreement and has had the opportunity to have it reviewed by legal counsel.
28. The waiver by any Party of any right granted to it under this Agreement is not a waiver of any other right granted under this Agreement, nor may any waiver be deemed to be a waiver of a subsequent right obtained because of the continuation of any matter previously waived.
29. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalid or prohibited under the law, such provision shall be ineffective to the extent of such prohibition or invalidation but shall not invalidate the remainder of such provision or the remaining provisions.
30. Except as otherwise provided in this Agreement, all covenants, agreements, representations, and warranties outlined in this Agreement, or any certificate or instrument executed or delivered according to this Agreement shall survive the expiration or earlier termination of this Agreement for a period of one (1) year.
31. Nothing contained in this Agreement shall create any partnership, joint venture, or other agreement between the Parties hereto. Except as expressly provided in this Agreement, no term or provision of this Agreement is intended or shall be for the benefit of any person or entity, not a party to this Agreement, and no such other person or entity shall have any right or cause of action under this Agreement.
32. Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

33. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute the same instrument. Faxed, copied and scanned signatures are acceptable as original signatures.
34. The Parties will execute and/or deliver to each other such other instruments and documents as may be reasonably necessary to fulfill the covenants and obligations to be performed by such Party according to this Agreement.
35. The venue for any claim arising out of or in any way related to this Agreement shall be Maricopa County, Arizona.
36. This Agreement shall be governed by the laws of the State of Arizona.

End of Agreement - Signature Pages Follow

IN WITNESS WHEREOF, the Parties have executed this Agreement.

MARICOPA COUNTY

Recommended by:

DocuSigned by:
 3/6/2024

 E47F735325F04C3...
 Jesse Gutierrez, P.E. Date
 Transportation Director

Approved and Accepted by:

 Chairman Date
 Board of Supervisors

Attest by:

 Clerk of the Board Date

APPROVAL OF DEPUTY COUNTY ATTORNEY

The foregoing Agreement has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Deputy County Attorney, who has determined that it is in proper form and within the powers and authority granted to the Board of Supervisors under the laws of the State of Arizona.

DocuSigned by:
 3/6/2024

 Deputy County Attorney Date

