

Minutes Town Council Regular Meeting November 8, 2018

Valerie Molina
Mayor

Anita Cota
Vice Mayor

Mary Bravo
Councilmember

Gloria Cota
Councilmember

Elvira Osuna
Councilmember

Joe Sanchez
Councilmember

Ricardo Vital
Councilmember

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

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, November 8, 2018, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

A. CALL TO ORDER

Mayor Molina called the meeting to order at 6:02 P.M..

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Anita Cota, Councilmember Mary Bravo, Councilmember Gloria Cota, Councilmember Elvira Osuna, and Councilmember Ricardo Vital

Councilmembers Absent: Councilmember Joe Sánchez and Councilmember Valenzuela

Staff Present: Jeff Kulaga – Town Manager / Clerk, Wayne Clement – Fire Chief, Bob Thaxton – Finance Director, Jennifer Drury – Assistant to the Town Manager, Nancy Holguin, Community Development, Catalina Alvarez – CAP Director, Fidelis Garcia – Honorable Judge Guadalupe Municipal Court, Elizabeth Rapacz – Court Clerk, and David Ledyard – Town Attorney

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Molina called for a moment of silence in memory of a recent tragedy; and, then led the Pledge of Allegiance.

D. APPROVAL OF MINUTES:

1. **Motion by Vice Mayor Cota to approve the October 22, 2018, Town Council Regular Meeting minutes; second by Councilmember Vital. Motion passed unanimously 5-0.**

Approved the minutes of the Town Council Regular Meeting held on October 22, 2018.

2. **Motion by Vice Mayor Cota to approve the October 22, 2018, Town Council Work Study Session minutes; second by Councilmember Vital. Motion passed unanimously 5-0.**

Approved the minutes of the Town Council Work Study Session held on October 22, 2018.

E. CALL TO THE PUBLIC – No one spoke.

F. MAYOR and COUNCIL PRESENTATIONS – None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. **TOWN COUNCIL SWEARING:** Presiding Judge, Fidelis Garcia, swore in Mayor Valerie Molina, and Councilmembers Gloria Cota and Mary Bravo.

Councilmember Bravo took her seat at the dais.



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2. **VICE MAYOR SELECTION:** Due to the absence of a Councilmember, Mayor Molina requested that this agenda item be rescheduled for the December 13, 2018, Regular Council Meeting. Councilmembers concurred.

3. **EXECUTIVE SESSION:** No action was taken on this agenda item.

4. **PUBLIC HEARING:** Held a public hearing for a variance by the applicant Nature Med Inc. (d/b/a Harvest) located at 1821 W. Baseline Road, Suite 101 for a variance to the Town Zoning Code as it relates to the hours of operation for its' marijuana dispensary as set forth by Town of Guadalupe Zoning Ordinance, Article 2, Part III, Section 1, Subsection C, Paragraph 5, limiting the hours of operation to not earlier than 8:00 AM and not later than 6:00 PM. The applicant is seeking the following:

- 1: an extension of the current variance approved by Town Council on December 14, 2017, to allow hours of operation open to the public from 8:00 AM to 9:00 PM, seven days a week, for a medical marijuana dispensary in the C-2 zoning district; and,
- 2: approval of a new variance to allow hours of operation open to the public from 8:00 AM to 10:00 PM, seven days a week, for a medical marijuana dispensary in the C-2 zoning district.

Benjamin Tate, Attorney, Withey Morris PLC, stated that the previous variance granted by the Town Council was to allow the Harvest (Applicant) to remain open until 9:00 p.m.. The Applicant is seeking the renewal of a variance, similar to the variance that was granted to The Mint, to allow the Harvest to remain open until 10:00 p.m. This would be in accordance with Arizona state law regarding hours of operation for medical marijuana dispensaries; and, would align the Harvest hours of operation with The Mint hours of operation.

The public hearing was opened; no one spoke.

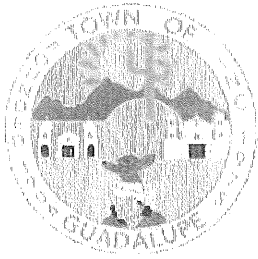
Motion by Vice Mayor Cota to close the public hearing; second by Councilmember Cota. Motion passed unanimously 6-0.

Councilmembers discussed the requested variance time-frame of two years; and, that the Applicant's conclusion (below) in the variance request summarizes the Applicant's request. In response to questions, David Ledyard, Town Attorney, stated that the Council may consider making a joint motion that includes agenda items G5 and G6.

Applicant Conclusion excerpt:

[The applicant has demonstrated that special circumstances creating an undue hardship continue to persist in the form of the unique nature of the dispensary use, limited physical access, and the inequity resulting from the approved hours of operation for the other medical marijuana dispensary within the Town of Guadalupe. These special circumstances merit relief in the form of extended hours of operation from 8:00 a.m. to 10:00 p.m., Monday through Sunday.

The special circumstances affecting the appellant's medical marijuana dispensary meet the requirements to justify variance relief. The conditions cited are not self-imposed, and the unique and detrimental impact to the appellant's use does not apply to other commercial properties in the district. Variance relief is appropriate for this Property and merits the granting of this request.]



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Joint motion [for agenda items G5 and G6] by Councilmember Vital to approve the variance application on the grounds set forth in the application that have been proven to our [Councils'] satisfaction for agenda items G5 and G6, extending operating hours from 8:00 a.m. to 10:00 p.m., for a period of two years; second by Councilmember Cota. Motion passed 5-1 with Vice Mayor Cota voting no.

5. **VARIANCE REQUEST:** Council approved the extension of a variance that was approved by Town Council on December 14, 2017, relating to the Town Zoning Code, Article 2, Part III, Section 1, Subsection C, Paragraph 5, for Nature Med Inc. (d/b/a Harvest) located at 1821 W. Baseline Road, Suite 101 to allow hours of operation open to the public from 8:00 AM to 9:00 PM , seven days a week, for a medical marijuana dispensary in the C-2 zoning district outside the existing Town ordinance for a period of two years from Council approval.

See agenda item G4 for discussion.

6. **VARIANCE REQUEST:** Council approved a variance request of the Town Zoning Code, Article 2, Part III, Section 1, Subsection C, Paragraph 5, for Nature Med Inc. (d/b/a Harvest) located at 1821 W. Baseline Road, Suite 101 to allow hours of operation open to the public from 8:00 AM to 10:00 PM , seven days a week, for a medical marijuana dispensary in the C-2 zoning district outside the existing Town ordinance for a period of two years from Council approval.

See agenda item G4 for discussion.

7. **LICENSE AGREEMENT:** Councilmembers approved authorizing the Mayor to sign a Wired Telecommunications License Agreement (Agreement) (C2018-29) with MCImetro Access Transmission Services Corporation (d/b/a Verizon Access Transmission Services), effective upon Council approval. This Agreement allows Verizon to construct, install, operate, maintain, and repair telecommunication equipment in Town right-of-way. In exchange for use of Town right-of-way, Verizon agrees to pay the Town of Guadalupe a \$2,500 application fee, associated maintenance fees, and fees related to dark fiber usage.

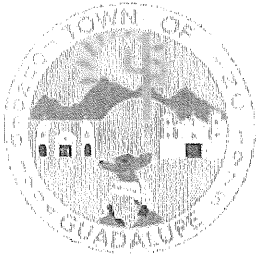
Jeff Kulaga, Town Manager / Clerk, stated that the proposed agreement allows MCI/Verizon to operate, install, and maintain, telecommunications equipment and activity in the Town of Guadalupe rights-of-way. MCI/Verizon has agreed to pay \$2,500 for costs associated with rights-of-way usage.

Mayor Molina read the following correction to the Agreement into the record: "On page 6 of the contract, item 3.6.4 references "Section 2.6". 2.6 should be changed to Section 2.3.1. The motion to approve the Agreement should include "Motion to approved agenda item G7, as amended".

Vice Mayor Cota made a motion to approved agenda item G7, as amended; second by Councilmember Vital. Motion passed unanimously 6-0.

8. **FISCAL YEAR 2017/18 GENERAL FUND BUDGET ADJUSTMENT (RESOLUTION NO. R2018.22):** Councilmembers adopted RESOLUTION NO. R2018.22 authorizing the transfer from the fiscal year (FY) 2017/2018 General Fund consisting of \$7,000 to the FY 2017/18 Town Attorney, \$14,000 to the FY 2017/18 Building Safety fund, \$7,000 to the FY 2017/18 Building Maintenance fund, and \$10,000 to the FY 2017/18 Fire Department.

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is administrative in nature; and, in preparation for an upcoming audit of the Town budget.



Motion by Councilmember Vital to approve agenda item G8; second by Councilmember Osuna. Motion passed unanimously 6-0.

9. FISCAL YEAR 2018/19 QUARTERLY FINANCIAL REPORT: Staff presented a first quarter, fiscal year (FY) 2018/19 (July 2018 – September 2018) financial report that includes Town fund and cash balances, expenditures, and a comparison of the first quarter of FY 2018/19 to FY 2017/18.

Valerie Molina
Mayor

Jeff Kulaga, Town Manager / Clerk, stated that staff intends to provide Councilmembers with quarterly financial reports detailing revenues and expenses throughout the fiscal year. This report details financial activity for the first quarter of this fiscal year, including the General Fund, Special Fund, and Enterprise Fund revenues; and, comparisons between this year's and last year's revenues/expenditures.

Anita Cota
Vice Mayor

Mary Bravo
Councilmember

Mr. Kulaga detailed various budget comparisons from fiscal year FY 2018 to FY 2019 and discussed areas where the current budget exceeded the 2018 fiscal year's budget for the same timeframe. Mr. Kulaga then discussed the sources of various grants received by the Town.

Gloria Cota
Councilmember

Bob Thaxton, Finance Director, stated that financial data provides internal controls on revenues/expenditures; the data will be posted on-line; and, that this information is provided to increase transparency in governance.

Elvira Osuna
Councilmember

10. COUNCIL MEETING SCHEDULE: Councilmembers reviewed the 2019 Town Council meeting schedule.

Joe Sanchez
Councilmember

Jeff Kulaga, Town Manager / Clerk, stated that, per Town Code, Council meetings are scheduled for 6:00 p.m., on the second and fourth Thursday of each month. Staff has prepared a calendar of potential meeting dates for Council review, including key dates and activities, and potential meeting date conflicts.

Ricardo Vital
Councilmember

Councilmembers noted a conflict with the December 12, 2019 meeting date. Mr. Kulaga suggested that the December 12, 2019 meeting could potentially be rescheduled to Monday, December 9, 2019. Councilmembers concurred.

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H. TOWN MANAGER'S REPORT

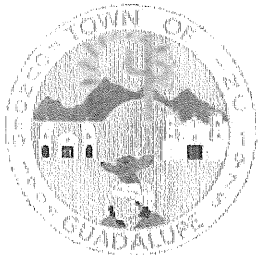
Jeff Kulaga, Town Manager / Clerk, reported the following:

- Tohono O'odham Nation approved a grant for a fire truck payment of \$62,500.
- Pascua Yaqui Tribe approved a grant for \$15,000 towards the purchase of Public Works vehicles; and, \$8,000 for the Community Action Program.
- Staff received positive feedback from the Maricopa County Elections Department concerning the recent election; and, from individuals that voted in the Mercado multi-purpose room. The multi-purpose room will be utilized for future elections.
- The Community Action Program will provide 50 Thanksgiving meals to various families in Town.
- Appreciated the condolences from all regarding the passing of his father.

I. COUNCILMEMBERS' COMMENTS

- Councilmember Bravo
Thanked everyone for welcoming her in her new role as Councilmember.

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- Councilmember Vital
Saturday, November 10, 2018 – Veteran’s Day Parade.
Friday, November 30, 2018 – Christmas Tree Lighting.
Saturday, December 8, 2018 – Christmas Party and Parade.
Thanked staff members for a successful Spooktacular event.
- Vice Mayor Cota
Thanked staff members for attending the meeting.
Welcomed Councilmember Bravo to the Town Council.
Saturday, November 10, 2018 – Pico decorating event; Y Project, youth workshop;
and, a Fall Festival.
- Councilmember Cota
Thanked staff members for attending the meeting.
Welcomed Councilmember Bravo to the Town Council.
- Councilmember Osuna
Sunday, December 9, 2018 – Fiesta for Guadalupe event.
Thanked the Pascua Yaqui Tribe and staff for the Spooktacular event.
Saturday, December 8, 2018 – Christmas Party and Parade, in partnership with the
Pascua Yaqui Tribe.
Welcomed Councilmember Bravo to the Town Council.
- Mayor Molina
Thanked various dignitaries for attending the Council meeting.
Thanked staff for their work.

J. ADJOURNMENT

Motion by Vice Mayor Cota to adjourn; second by Councilmember Bravo. Motion passed unanimously 6-0.

The meeting was adjourned at 6:54 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 Regular Town Council Meeting of the Town Council of Guadalupe, Arizona held on the 8th day of November, 2018. I further certify the meeting was duly called and held and that a quorum was present.


Jeff Kulaga, Town Manager / Town Clerk

Approved by the Town Council on November 28, 2018.