

# Minutes Town Council Regular Meeting December 9, 2019

Minutes of the Guadalupe Town Council Regular Meeting held on Monday, December 9, 2019, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Anita Cota  
Councilmember

Gloria Cota  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

**A. CALL TO ORDER**

Mayor Molina called the meeting to order at 6:02 p.m.

**A. ROLL CALL**

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Gloria Cota,

Councilmember Absent: Councilmember Anita Cota, Councilmember Elvira Osuna, and Councilmember Joe Sánchez

Staff Present: Jeff Kulaga – Town Manager / Clerk, Wayne Clement – Fire Chief, Jennifer Drury – Assistant to the Town Manager, Robert Thaxton – Finance Director, Nancy Holguin – Community Development, Catalina Alvarez – Community Action Program Director, Kay Savard, Deputy Town Clerk, and David Ledyard – Town Attorney

**B. INVOCATION/PLEDGE OF ALLEGIANCE**

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

**C. APPROVAL OF MINUTES**

**Motion by Councilmember Bravo to approve the November 14, 2019, Town Council Regular Meeting Minutes; second by Vice Mayor Vital. Motion passed unanimously 4-0.**

1. Approved the November 14, 2019, Town Council Regular Meeting Minutes.

**D. CALL TO THE PUBLIC.**

Angie Perez discussed problems with residents being attacked by dogs when trying to access their mailboxes; concerns about the noise that dogs make; and, the danger that dogs pose to youth. Ms. Perez requested that Councilmembers consider an ordinance that would cap the number of dogs a person could own; and, include fines.

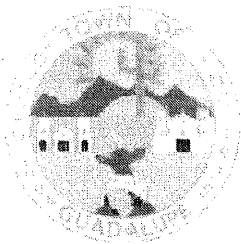
Jose Torez stated that he is concerned about his neighbor's dogs. He has already been bitten once. He takes his son for a walk every day and is forced to carry a large stick to defend himself and his son from the dogs on his neighbor's property. He doesn't feel like anything is being done and he doesn't feel safe in his own neighborhood.

Mary Hoskin, Tribal Turning Point (TTP) representative, stated that TTP works with underage diabetes prevention. She stated that TTP would like to provide a program update to the Town Council at a January, 2020, Regular Council Meeting.

**F. MAYOR and COUNCIL PRESENTATIONS: None.**

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G. DISCUSSION AND POSSIBLE ACTION ITEMS:

**1. MARICOPA COUNTY ANIMAL CARE AND CONTROL:** Jeff Kulaga, Town Manager / Clerk, stated that David Ledyard, Town Attorney, will provide an update on current animal care and control activities in cooperation with Maricopa County Animal Care and Control; and, current Town Codes related to animal control. Mr. Kulaga also noted that representatives from the Maricopa County Animal Care and Control are in attendance.

David Ledyard, Town Attorney, stated that the current Town Code (Code) related to animals has been amended several times over the years in an attempt to standardize the language with other jurisdictions. The current Code does not place a cap on the number of dogs a person can own; and, requires that dogs be on leashes. Mr. Ledyard referenced court cases concerning dogs. He noted that staff could explore a Code provision to cap the number of dogs a person can own; possibly grandfathering pet owners currently that exceed the maximum number of dogs allowed; and, increase Code enforcement. Currently, animal control services are provided on a complaint basis.

In response to a question regarding if the Town had a code provision related to hoarding animals, Mr. Ledyard stated that currently there is not; however, staff could research if there are square footage requirements that pertain to how much space per dog may be required. There is a State law that relates to animal cruelty.

In response to a question concerning a current situation concerning a dog, Amber Moreno, Maricopa County Animal Care and Control (MCACC) representative, stated that MCACC has conducted several site visits to a home in Guadalupe to ensure that the animals were cared for. In this instance, a majority of the animals were in good condition; and, the animals had food, water and shelter. Mr. Ledyard referenced court cases related to dogs and associated Code provisions. In one instance, the fence on a residential property may be contributing to the problems with dogs getting loose.

Ms. Moreno discussed a pet owner that owns 17 dogs. Mr. Ledyard added that all of the dogs have been spayed or neutered, and chipped.

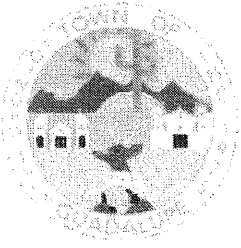
Councilmembers discussed the temperaments of the dogs that are attacking community members; and, the danger at large dogs pose to the community. Mr. Ledyard stated that community members have the option to take a dog owner to Small Claims court.

Ms. Moreno stated that it would be helpful if community members took pictures of at large animals because it may be helpful in the citation process. Ms. Moreno discussed a case whereby the MCACC has offered a pet owner over \$3,000 in pet services; and, that MCACC will not negotiate fees for recovering impounded animals. Over the past two months, MCACC has conducted approximately 50 patrols in one problem area in Town.

In response to a question concerning who will be responsible for enforcing Code provisions, Mr. Ledyard stated that the resources will remain the same, MCACC, and Maricopa County Sheriff's Office. Victims of crimes are notified of when court proceedings are scheduled.

Mr. Kulaga stated that staff could research dog ordinances from other communities and return to Council in January with Code amendment options. The Town's contract with MCACC is complaint driven. If the contract were to allow for MCACC to do regular patrols in Guadalupe, it would cost more.

In response to a question concerning whether the homeowner could be charged a fine when a complaint has been filed and MCACC is called out to a home, Mr. Ledyard stated that there is not currently a Code provision that would allow for that. It would be similar to fining a homeowner for a fire alarm violation.



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In response to a question, Ms. Moreno stated that MCACC officials do not enter homes. She has observed a home in Guadalupe that has 20 dogs. When someone is bit by a dog, they should either call 911 or see a doctor. Doctors are required to fill out an incident report.

Staff was asked to return in January with additional information and Code revision options.

**2. GRANT PROGRAMMING UPDATE:** Jeff Kulaga, Town Manager / Clerk, provided an update on the current status of grant requests and grant programming, including Community Development Block Grants, Congestion Mitigation and Air Quality Program grants and gaming grant revenue sharing.

Mr. Kulaga stated that of the \$1.4 million in gaming grant applications submitted, \$171,000 has been received. He reviewed the status of each of the tribal entities responses to grant requests and how portions of the grant funding has been allocated.

Mr. Kulaga then reviewed grant funding received by various entities from 2016 to present totaling \$7.15 million; and, the associated programs, projects, or services where grant funding has been allocated. The Avenida del Yaqui street improvement project kick off meeting is scheduled later in the week. All grant funding is for specific purposes and programs.

A Councilmember discussed pursuing letters of support for grant application submittals from various entities such as the Guadalupeño's.

Mr. Kulaga stated that staff will present grant application recommendations to the Council next March.

There was no action taken on agenda item G2.

**3. AK-CHIN INDIAN COMMUNITY GAMING GRANT – RESOLUTION NO. R2019.22:** Jeff Kulaga, Town Manager / Clerk, stated that Resolution No. R2019.22 authorizes the Mayor to sign an intergovernmental agreement with the Ak-Chin Indian Community to accept gaming grant funds.

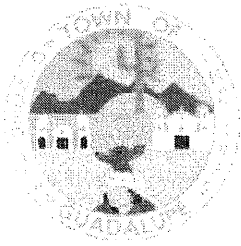
**Motion by Councilmember Bravo to approve agenda item G3; second by Vice Mayor Vital. Motion passed unanimously 4-0.**

Councilmembers adopted **RESOLUTION NO. R2019.22** authorizing the Mayor to execute an intergovernmental agreement, (IGA C2019-31), between the Ak-Chin Indian Community and the Town of Guadalupe to accept a 12% Gaming Grant in the amount of \$70,000 for the purpose of funding a one-time purchase of 18 complete sets of firefighter protective clothing including: coats, pants, suspenders, gloves and hoods; and, sign all necessary documents in furtherance of this agreement.

**4. SPEED HUMPS/BUMPS AND TRAFFIC CONTROL:** Jeff Kulaga, Town Manager / Clerk, provided a traffic study analysis and traffic calming suggestions in response to a September 9, 2019, request by the Pascua Yaqui Tribe Housing Division (PYT) to install speed bumps on various Town streets.

Mr. Kulaga reviewed speed and traffic volume data within the study area that was provided by the Maricopa County Sheriff's Office; and, provided additional information regarding traffic observations that he and the Town Engineer conducted. Of the areas identified by the PYT as needing speed humps, there was nothing out of the ordinary from a traffic engineering and traffic safety perspective.

As outlined below, Mr. Kulaga reviewed nine suggested study area locations where traffic and speed limit signage and speed humps could be updated, removed, relocated, or installed. Mr. Kulaga then discussed how an upcoming Community Development Block Grant for a street repaving project could incorporate some of the staff suggestions.



Staff is suggesting three different levels of options with Level 1 being removing and replacing signage (items A, B, G, H, and I); Level II would relocate existing speed humps; and, Level III would add one speed hump.

In response to a question, Mr. Kulaga stated that the cost to the Town to relocate three speed humps would be zero; however, the cost to the street project to relocate the speed humps would be \$5,000 each, \$15,000 total. Mr. Kulaga stated that he would not recommend replacing speed humps, due to the cost which could be allocated to pothole street repairs.

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### Suggestions & Locations

- A. Replace existing 20 miles per hour (mph) speed limit sign with 25 mph speed limit sign – Calle Vahi east of Avenida del Yaqui.
- B. Install pedestrian warning sign – Calle Senu approximately 100 feet east of Avenida del Yaqui.
- C. Relocate speed hump to Calle Senu – approximately 215 feet west of the Calle Senu and Calle Naki intersection.
- D. Install new speed hump on Calle Senu – approximately 190 feet east of the Calle Senu and Calle Naki intersection.
- E. Relocate speed hump – approximately 65 feet south of the south Calle Tomi and Calle Fortunato Serrano intersection.
- F. Relocate speed hump – approximately 95 feet north of the north Calle Tomi and Calle Fortunato Serrano intersection.
- G. Remove existing sign – Calle Tomi north of Calle Senu.
- H. Remove existing sign and replace with pedestrian sign – Calle Tomi south of Calle Fortunato Serrano.
- I. Remove and replace existing sign with speed limit sign – Calle Tomi south of Calle Guadalupe.

Councilmembers discussed allocating Highway User Revenue Funds (HURF) to install a speed hump near the Senior Center. The people speeding in the neighborhoods reside within the neighborhoods.

Mr. Kulaga discussed the use of speed pillows versus speed humps. Speed pillows are friendlier to emergency vehicles; however, speed pillows could be confused with cross walks. Mid-block pedestrian crosswalks are not advisable.

In response to a question, Mr. Kulaga noted the PYT was notified of this meeting and that there was no PYT representative in attendance; however, he did relay the staff suggestions to PYT representatives.

Councilmembers directed staff to proceed with Level 1 suggestions (items A, B, G, H, and I), to remove and replace traffic signage.

### 5. PUBLIC HEARING – HEALTH AND SANITATION ORDINANCE (ORDINANCE NO. O2019.04) Motion by Vice Mayor Vital to open the public hearing; second by Councilmember Bravo. Motion passed unanimously 4-0.

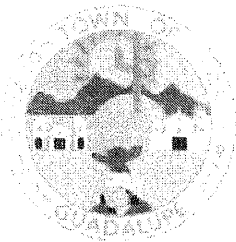
Mayor Molina opened the public hearing.

Introduced and held a public hearing for the adoption of Ordinance No. O2019.04, amending Chapter 10, Health and Sanitation, Article 10-1, Garbage and Trash Collection, of the Town of Guadalupe Code of Ordinances by adding language relating to real property owner or occupant requirements for solid waste collection services. *(related to G6)*

Jeff Kulaga, Town Manager / Clerk, discussed a recent Request for Proposal's process for solid waste collection services. Currently, the solid waste ordinance outlines how property owners should dispose of trash; however, the proposed ordinance adds language that requires owners of real property or property occupants to purchase solid waste collection services.

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In response to a question regarding how the proposed ordinance will be enforced, David Ledyard, Town Attorney, stated that if a property owner were not in compliance with ordinance requirements, a citation would be issued. The proposed ordinance language provides for uniformity in solid waste collection services. Property owners of vacant lots, including property owners that reside out of Town, must also comply with ordinance requirements. In circumstances where the property owner is unknown or deceased, staff will address those situations on a case-by-case basis.

No community members spoke.

**Motion by Vice Mayor Vital to close the public hearing; second by Councilmember Cota. Motion passed unanimously 4-0.**

Mayor Molina closed the public hearing.

**6. HEALTH AND SANITATION ORDINANCE (ORDINANCE NO. O2019.04):** Jeff Kulaga, Town Manager / Clerk, stated that the purpose of the proposed ordinance is to require owners of real property in Town to retain the services of a solid waste collection service.

**Motion by Vice Mayor Vital to approve agenda item G6; second by Councilmember Bravo. Motion passed unanimously 4-0.**

Councilmembers adopted **ORDINANCE NO. O2019.04**, amending Chapter 10, Health and Sanitation, Article 10-1, Garbage and Trash Collection, of the Town of Guadalupe Code of Ordinances by adding language relating to real property owner or occupant requirements for solid waste collection services. *(related to G5)*

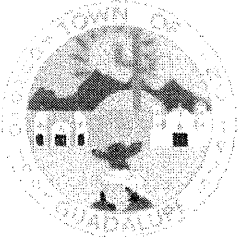
**7. SOLID WASTE FUND FINANCIAL STATUS REPORT:** Jeff Kulaga, Town Manager / Clerk, provided an overview of the status of the Solid Waste Fund including current revenues and expenses, historic trends, and comparisons to other municipalities. During the April, 2019, budget discussions, staff informed Councilmembers of the upcoming expiration date of March, 2020 for the Town's solid waste collection services contract with Waste Management. After assessing rate trends, Council authorized staff to issue a Request for Proposals (RFP) for solid waste collection services. Three entities responded to the RFP.

Mr. Kulaga reviewed the solid waste fund balance from 2005 – 2020. The existing solid waste collection fee of \$20.75 was set by Council in 2008/2009 and has remained the same rate for the past ten years. Staff is projecting a \$25,000 deficit in the Solid Waste Fund in 2019; and, the year to date deficit stands at \$7,540. Expenditures are exceeding revenues for the solid waste fund.

Mr. Kulaga compared the Town of Guadalupe solid waste collection rates to surrounding jurisdictions. He then discussed Town of Guadalupe recycling trends, recycling contamination rates, and waste diversion rates. Historically, the recycling contamination rates for Guadalupe are 35%. Industry standards for contamination rates range between 10-12%; and, waste diversion rates should be 30%. The Town of Guadalupe does not perform well on recycling. Staff took this data into consideration when scoring the RFP's. All of the RFP's included a higher price for recycling services.

There was no action taken on agenda item G7.

**8. AWARD OF BID – SOLID WASTE COLLECTION SERVICES:** Jeff Kulaga, Town Manager / Clerk, stated that staff is recommending that the Council award a solid waste collection services contract, in its substantial form, to RAD Right Away Disposal Service based on their RFP submittal. Council will also need to select a service level option.



Mayor Molina left the meeting at 7:40 p.m. and returned at 7:43 p.m..

Mr. Kulaga reviewed how the RFP's were scored and noted that vendor reference checks were conducted. RAD reference checks received positive feedback. The RFP included the following four service options:

Service Options	Billing Cycle	Monthly Fee	Annual Fee
1. Twice weekly curbside solid waste service (no curbside recycling service)	Monthly – thru Tempe	\$20.14	\$242
2. Twice weekly curbside solid waste service (no curbside recycling service)	Quarterly – Direct	\$20.84	\$250
3. One weekly recycling and one weekly solid waste curbside service (existing service)	Monthly – thru Tempe	\$23.90	\$286
4. One weekly recycling and one weekly solid waste curbside service (existing service)	Quarterly – Direct	\$24.60	\$295

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The solid waste community survey indicated that a majority of respondents did not support quarterly billing, nor were they supportive of paying more for residential recycling services. Recycling services would increase rates by \$37 annually.

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Mr. Kulaga stated that based on community feedback, the RFP scores, and the positive reference checks, staff is recommending that a contract, in substantially the form of, be awarded to RAD, Right Away Disposal Service. If awarded, the contract would expire June 30, 2021. The City of Tempe would continue to administer the monthly billing process. The monthly rate would remain at \$20.75 and the billing overage of .61 cents would be applied to anticipated fee increases in fiscal year 2021/2022. RAD would be responsible for maintaining inventory of the solid waste receptacles. 92% of the total billing goes to the vendor; and, 8% of the billing would be returned to the Town of Guadalupe and applied to infrastructure repairs such as buckling sidewalks. This new revenue stream is anticipated to reach approximately \$20,000 - \$25,000. If Council selects a service option and vendor contract, staff will present a final/complete contract at the January 9, 2020, Regular Council Meeting.

Mr. Kulaga noted that if the Council wishes to select a service option that would result in a rate increase, there is a public notification process that would be required.

In response to a question related to future rate increases, Mr. Kulaga stated that transparency is important and rate increases are anticipated to be 3-5% annually based on the Consumer Price Index for All Urban Consumers (CPI-U), or 5%, whichever is lower. In 2008/2009, the Town was charging over \$5 of what the actual cost of services was. The new business approach is to utilize the CPI-U formula or 5%, which results in a more accurate billing for the cost of services.

In response to a question, Mr. Kulaga stated that recycling receptacles would continue to be available for Guadalupe residents at the Town maintenance yard.



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Bart Powell, Division Vice President, RAD Right Away Disposal Service, stated that he looks forward to partnering with the Town of Guadalupe.

**Motion by Vice Mayor Vital to award a solid waste contract for services to RAD Right Away Disposal Service to provide solid waste disposal services effective March 1, 2020, to be presented to Council at the January 9, 2020, Regular Council Meeting, including the following:**

1. **Twice per week curbside solid waste service and no curbside recycling service at a fee of \$20.14 per month.**
2. **Maintain the current \$20.75 monthly fee resulting in no fee increase for 18 months through June 2021.**
3. **Apply the 61 cents to the anticipated fee increases in FY2021/22, beginning July 1, 2021.**
4. **Maintain monthly billing through the City of Tempe.**
5. **Provide a recycling rolloff at the Town Maintenance Yard for voluntary recycling.**
6. **Provide 2 rollofs for public disposal and 2 rollofs for Town disposal at the Town Maintenance Yard.**
7. **Provide quarterly community rollofs at 8 locations throughout Town.**
8. **Establish annual street, sidewalk and alley repair fund in Solid Waste cost center.**

**Councilmember Cota seconded the motion. Motion passed unanimously 4-0.**

Councilmembers awarded a ten-year contract, in its substantial form, with two consecutive one year renewal options to RAD Right Away Disposal Service, to provide solid waste disposal and recycling services. Councilmembers directed the Town Manager / Clerk to execute the complete/final contract based on the selection of a service option.

**9. MARICOPA COUNTY COMMUNITY COLLEGES DISTRICT EDUCATIONAL SERVICES**

**AGREEMENT:** Jeff Kulaga, Town Manager / Clerk stated that the proposed contract is for a career development and apprenticeship program for Guadalupe residents. Fees for the program will be paid by a \$70,000 Gila River Indian Community gaming grant. Of concern is that if a student drops out of the program, the Town remains financially responsible for the tuition to the Maricopa County Community Colleges District. It is important the students follow through with the program. Classes will be held in the Mercado multi-purpose room, South Mountain Community College, and at Gateway Community College.

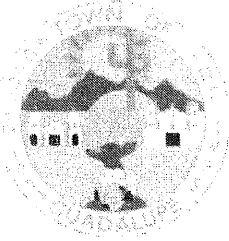
David Ledyard, Town Attorney, emphasized the importance of students completing the program.

Councilmembers discussed a potential requirement whereby if a student dropped out of the program, they would be responsible for reimbursing the Town for their tuition; include accountability in the process, for program participants. Mr. Ledyard stated that this concept could be explored further.

Councilmembers continued their discussion about the program timeline of January – March, 2020; and the importance of finding the right program participants to ensure they will follow through with the program. This is a cohort program, which will bring cohesiveness among program participants. The program was promoted at the Spooktakular event.

**Motion by Vice Mayor Vital to approve agenda item G9; second by Councilmember Cota. Motion passed unanimously 4-0.**

Councilmembers approved an agreement (C2019-29) with the Maricopa County Community Colleges District for the administration of tuition-free programs related to Certified Logistics Associate, Electrical Installer, and Career Foundations for qualified Town of Guadalupe residents.



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H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- o Thanked staff for their work on the October 22, 2019, Spooktakular event; and, for coordinating and preparing for the Saturday, November 30, 2019 parade and Christmas tree lighting events held on November 30, 2019.
- o Thursday, December 12, 2019 – Turkey give away annual event.

I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- o Thanked audience members for attending the meeting.

Vice Mayor Vital

- o Thanked audience members for attending the meeting.
- o Thanked staff for their work on special events.
- o Saturday, December 21, 2019 – Navidad en Guadalupe.
- o Happy Holidays and Happy New Year.

Councilmember Gloria Cota

- o Thanked audience members for attending the meeting.

Mayor Molina

- o Thanked staff and the Maricopa County Sheriff's Office for their work on special events. Received positive feedback regarding the parade.
- o Concerned about lights being out along the canal pathway.

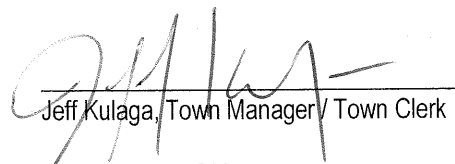
J. ADJOURNMENT

**Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously 4-0.**

The meeting was adjourned at 8:15 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 9, 2019, 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