

## Minutes Town Council Regular Meeting December 10, 2020

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Anita Cota Soto  
Councilmember

Gloria Cota  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Agendas/Minutes:  
[www.guadalupeaz.org](http://www.guadalupeaz.org)

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

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, December 10, 2020, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona.

### A. CALL TO ORDER

Mayor Molina called the meeting to order at 6:09 p.m.

### B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina. The following councilmembers participated via video conference: Vice Mayor Ricardo Vital and Councilmembers Mary Bravo, Gloria Cota, and Anita Cota Soto

Councilmembers Absent: Councilmembers Elvira Osuna and Joe Sánchez

Staff Present: Jeff Kulaga – Town Manager / Clerk and Cachi Castorena, Maricopa County Sheriff's Office Deputy; and, David Ledyard – Town Attorney via video conference

### C. INVOCATION/PLEDGE OF ALLEGIANCE

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

### D. APPROVAL OF MINUTES:

**Motion by Councilmember Bravo to approve agenda items D1 – D3; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

1. Approved the October 29, 2020, Town Council Regular Meeting Minutes.
2. Approved the November 12, 2020, Town Council Regular Meeting Minutes.
3. Approved the November 24, 2020, Town Council Regular Meeting Minutes.

E. CALL TO THE PUBLIC: No one spoke.

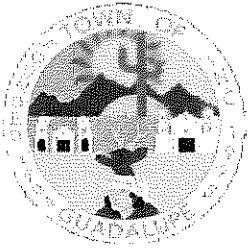
F. MAYOR and COUNCIL PRESENTATIONS: None.

### G. DISCUSSION AND POSSIBLE ACTION ITEMS:

#### 1. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update from Town staff regarding current steps taken to safeguard public health and safety in response to the Coronavirus and its impact to Town services.

Mr. Kulaga stated that the Pascua Yaqui Tribe is providing free Covid-19 testing to the public. He then reviewed the Covid-19 infection rates and trends in Guadalupe, compared to Maricopa County. Infection rates within the community are increasing. The Promotoras continue to provide residents with supplies and making contact with community members.



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The Community Action Program staff continues to provide food distribution services from the Mercado. The Senior Center staff continues to provide lunches that are delivered or picked up by the public. The Town continues to partner with the City of Tempe on the testing of Guadalupe's wastewater to gauge the levels of Covid-19 in Guadalupe's wastewater system.

The Navidad en Guadalupe event will be a drive-through event on Saturday, December 19, 10:00 AM – 2:00 PM. Face masks will be required. The parade has been eliminated. Gifts will be provided to children.

Vice Mayor Vital provided the hours and days of operation for the free Covid-19 testing. Testing is available to everyone. On-line registration is available and walk-in's are welcome. Test results are available within 48 hours.

Mayor Molina voiced concern about infection rates and discussed consideration of cancelling the Navidad en Guadalupe event. The event has been scaled down and will be a drive-through event. In response to a question about how the event will be promoted, Mayor Molina stated that the event is being promoted on the Town's Facebook page.

Councilmembers voiced concern about moving forward with the Navidad en Guadalupe event due to Covid-19. Initially the event called for approximately 80 volunteers. After discussing with staff, it was determined that only be 15 volunteers would be needed for the event. PPE bags will be provided to each vehicle that participates in the event. Concern was raised about this event providing the only gift that some children receive at Christmas. Ensuring that the event is conducted safely is important. It was suggested that instead of requiring that children be in the vehicles in order to receive a gift, that it is done on the honor system in order to reduce the number of people participating in the event.

Mr. Kulaga stated that staff will move forward with promoting the event; and, will do so in a safe manner.

Councilmember Soto provided a phone number community members can contact to receive Covid-19 information.

## **2. COVID-19 – GOVERNOR DUCEY'S EXECUTIVE ORDER UPDATE**

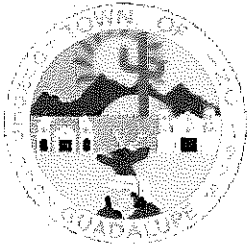
Jeff Kulaga, Town Manager / Clerk provided an update from Town staff regarding Arizona Governor Ducey's most recent Executive Order concerning organized public events of more than 50 people and the associated responsibilities assigned to cities and towns.

Mr. Kulaga stated that the most recent Executive Order from Governor Ducey requires municipalities to approve adequate safety precautions, dedicate appropriate enforcement measures of safety precautions, and post safety mitigation measures that are required of event organizers. This applies to organized public events of more than 50 people. A copy of the safety measures is required to be submitted to the Arizona Department of Health Services. Currently, the Town is not approving any events.

Mr. Kulaga emphasized that nothing in the Governor's order shall inhibit a person from engaging in constitutionally protected activities such as speech and religion, or any court process, in a manner the provides appropriate physical distancing to the extent feasible. The Centers for Disease Control (CDC) provides guidance for places of worship.

A Councilmember voiced concern that there are churches that do not adhere to social distancing guidelines. Mr. Ledyard stated that church leadership can be urged to follow CDC guidelines.

Mayor Molina stated that the Governor's Executive Order addresses public events of 50 or more people and requires safety plans for those events.



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Mayor Molina announced that agenda item #G7 will be discussed next.

#### 7. **PENJAMO YAQUI PUEBLO COMMUNITY** *(item taken out of order)*

A representative from the Penjamo Yaqui Pueblo Community, Ms. Allen, stated that the Penjamo Yaqui Pueblo Community is interested in seeking grant funding from the Pascua Yaqui Tribe (PYT) for event funding, emergency funding assistance, and recreational activities. The Penjamo Yaqui Pueblo Community is a non-profit organization and is requesting a letter of support from the Guadalupe Town Council to include with their revenue sharing grant application that they would like to submit to the Pascua Yaqui Tribe in the amount of \$90,000.

The Penjamo Yaqui Pueblo Community would utilize the grant funding to enrich the Town of Guadalupe community through culture and tradition, community building and development, health and wellness, education, and special events.

In response to a question, Ms. Allen stated that the Penjamo Yaqui Pueblo Community has received grant funding from PYT in the past. In the PYT grant sharing application, the Penjamo Yaqui Pueblo Community will include a list of events and activities that the funds will be used to support.

In response to a question regarding the funding process from PYT to the Penjamo Yaqui Pueblo Community, Ms. Allen stated that the Town of Guadalupe would act as a pass through entity. Funding received would be deposited into the Penjamo Yaqui Pueblo Community bank account.

**Motion by Vice Mayor Vital to approve providing the Penjamo Yaqui Pueblo Community with a letter of support to include with their grant funding application to the Pascua Yaqui Tribe; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

#### 6. **PASCUA YAQUI TRIBE PROPOSED HEALTH CENTER PROJECT ARCHITECTURAL and ENGINEERING SERVICES REQUEST FOR PROPOSALS** *(item taken out of order)*

Mr. Ruben Howard, representative from the Pascua Yaqui Tribe (PYT), stated that the PYT is interested in building a health clinic to better serve the tribal community in Guadalupe. The PYT Council has approved the resolution concerning the health center that is included in the agenda materials. Funding has been set aside for this project; however, the PYT will also be seeking tax credits to assist with funding.

Mr. Howard stated that the Town Attorney, David Ledyard, had requested that some of the language in the request for proposals (RFP) be removed that relates to the clinic being a joint venture between PYT and the Town. That language was included in the RFP to illustrate that this process is a partnership without the expectation from the PYT that Town would be providing funding for the project. PYT will remove the language, as requested by Mr. Ledyard.

Mr. Howard discussed instances where non-tribal members may be able to utilize clinical services; and, how that is determined on a case by case basis. The PYT is considering outsourcing the operations of the clinic.

A Councilmember emphasized how important retail sales tax is to the sustainability of the Town and questioned if there will be retail space included in the project. Mr. Howard noted that the space is limited and the primary purpose of this project is geared toward health and well-being.

In response to a question regarding how the billing of services will be conducted, Councilmember Soto stated that billing will be done through Access insurance. All tribal members are encouraged to apply for Access benefits. Mr. Howard added that Access funds much of the clinical needs of tribal members. Until an architect and engineer have been selected, it is unclear what services will be provided at the clinic.



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Mayor Molina clarified that the PYT will be administering their RFP because the clinic is not a project being built by the Town.

**Motion by Vice Mayor Vital to approve the partnership between the Pascua Yaqui Tribe and the Town of Guadalupe as outlined in the Pascua Yaqui Tribe Resolution No. C09-236-20; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

The Town Council took no action on an architectural and engineering services request for proposals for the design of a proposed health center project that the Pascua Yaqui Tribal Council has approved.

Mr. Howard noted that Vice Mayor Vital serves on the project design team and welcomed an additional Councilmember to participate on the team. Once the architect proposes what can be done with this project, Mr. Howard would like the architect to make a presentation to the Town Council regarding the proposed project.

### **3. PUBLIC HEARING – CEMETERY REGULATIONS HOURS OF OPERATION (ORDINANCE NO. O2020.28)**

**Motion by Vice Mayor Vital to open the public hearing; second by Councilmember Bravo. The motion passed unanimously on a voice vote 5-0.**

Mayor Molina opened the public hearing.

Jeff Kulaga, Town Manager / Clerk, stated that there are no members of the public that have requested to provide public comment on this agenda item; nor has any public comment been received by staff for this agenda item.

**Motion by Vice Mayor Vital to close the public hearing; second by Councilmember Bravo. The motion passed unanimously on a voice vote 5-0.**

Mayor Molina closed the public hearing.

Held a public hearing to receive public input to amend the Town Code of Ordinances, Chapter 94, Cemetery Regulations, Section 94.01 General Provisions to add a new subsection G: Hours of Operation. *(related to G4)*

### **4. CEMETERY REGULATIONS HOURS OF OPERATION (ORDINANCE NO. O2020.28)**

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is in response to a previous Council discussion concerning hours of operation for the Town cemetery. The Town Code of Ordinances does not include hours of operation. Historically, cemetery hours of operation are posted on-site, 7:00 AM – 4:00 PM daily. Adoption of the proposed ordinance will memorialize daily hours of operation, with special hours of operation during Dia de los Muertos.

**Motion by Vice Mayor Vital to approve agenda item G4; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **ORDINANCE NO. O2020.28** amending the Town Code of Ordinances, Chapter 94, Cemetery Regulations, Section 94.01 General Provisions to add a new subsection G: Hours of Operation as follows: 7:00 AM – 4:00 PM daily; and, November 1 & November 2 (Dia de los Muertos) 5:00 AM – 10:00 PM, annually. *(related to G3)*



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## 5. ONE ARIZONA OPIOID SETTLEMENT MEMORANDUM OF UNDERSTANDING

Jeff Kulaga, Town Manager / Clerk, stated that opioid manufacturers throughout the country were being litigated against regarding opioid overdoses and the negative impacts of opioid use. The manufacturers have collectively been working with state and local governments to provide settlement packages that may prevent the manufacturers from being sued in the future.

The State of Arizona and the 15 counties in Arizona have agreed to the proposed settlement. The remaining 92 incorporated cities and towns in Arizona have also been offered the opportunity to be part of the settlement. If approved, the Town would become a partner in this settlement agreement. The Council has the option of not taking action to approve the settlement agreement; approving the settlement agreement; or, litigate against opioid manufacturers, independent of other entities. If approved, it is unclear what the settlement dollar amount will be to the Town. Staff recommends approval of the settlement agreement. The League of Arizona Cities and Towns has been following this settlement agreement and process closely.

**Motion by Vice Mayor Vital to approve agenda item G5; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

Councilmembers approved the One Arizona Opioid Settlement Memorandum of Understanding (MOU) authorizing the Town's participation and inclusion in a state-wide settlement with the opioid industry and authorized the Mayor, Town Attorney, and Town Manager / Clerk to execute any documents in furtherance of this MOU. The MOU submittal deadline to the State of Arizona Attorney General is December 15, 2020.

## 8. PUBLIC SAFETY, SERVICE, OPERATIONS, AND FACILITY NEEDS, TOWN HALL RECEPTION DESK, AND COMMUNITY ACTION PROGRAM (CAP) COVID-19 SAFETY CONTRUCTION CONTRACT

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is to improve the Town's computer systems and information technology infrastructure and services. System improvements will provide more efficient access and a higher level of security to the Town's information technology when employees are telecommuting. Data storage will also be increased. Three vendors submitted bids. Staff is recommending MYTEK Network Solutions for an amount not to exceed \$50,125. If approved, COVID-19 relief funds would be used to pay for this contract.

**Motion by Councilmember Bravo to approve agenda item G8; second by Vice Mayor Vital. The motion passed unanimously 5-0.**

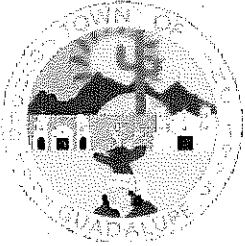
Councilmembers awarded a contract (C2020-49) to MYTEK Network Solutions in an amount not to exceed \$50,125 for updated and improved Town information technology infrastructure and service to increase data storage, fortify system security, provide efficient remote access and improve infrastructure capability to hold virtual public meetings and public hearings. This contract is funded through the COVID-19 Relief Funds of \$2 million received from the Pascua Yaqui Tribe, as approved by Town Council at their August 13, 2020 meeting.

## 9. CLAIMS

Jeff Kulaga, Town Manager / Clerk, stated that staff recommends approval of agenda item G9.

**Motion by Vice Mayor Vital to approve agenda item G9; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

Councilmembers approved the check register for October 2020, totaling \$589,209.90.



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**10. CANCEL DECEMBER 22, 2020, TOWN COUNCIL REGULAR MEETING**

Jeff Kulaga, Town Manager / Clerk, stated that staff recommends cancelling the December 22, 2020, Regular Council Meeting.

**Motion by Vice Mayor Vital to cancel the Tuesday, December 22, 2020, Regular Council Meeting; second by Councilmember Cota. The motion passed unanimously on a voice vote 5-0.**

Councilmembers cancelled the Tuesday, December 22, 2020, Town Council Regular Meeting.

**H. TOWN MANAGERS' COMMENTS**

Jeff Kulaga, Town Manager / Clerk

- o The exterior of the Senior Center has been repainted. Repainting the interior is underway.
- o The Senior Center recently passed a kitchen/food inspection.
- o The Town's Christmas tree is on display in the Mercado.
- o Wished everyone happy holidays and Merry Christmas.

**I. COUNCILMEMBERS' COMMENTS**

Councilmember Soto

- o Provided a phone number community members can contact to receive Covid-19 information.
- o Thanked Town staff, the Mayor, and Vice Mayor for their hard work.
- o Wished everyone Merry Christmas and Happy New Year.

Councilmember Bravo

- o Thanked Town staff, her colleagues, and community members for their hard work.
- o Wished everyone Merry Christmas and Happy New Year.

Vice Mayor Vital

- o Wished everyone Merry Christmas and safe, happy holidays.
- o Thanked everyone for their work.

Mayor Molina

- o Thanked staff for their hard work.
- o Stay safe during the holidays; minimize gatherings.
- o The Town is not issuing party permits.
- o Wished everyone a Merry Christmas.

**J. ADJOURNMENT**

**Motion by Councilmember Bravo to adjourn the Regular Council Meeting; second by Councilmember Soto. The motion passed unanimously on a voice vote 5-0.**

The meeting was adjourned at 7:48 p.m.

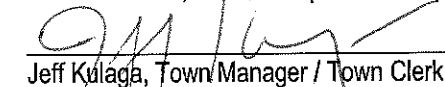
  
Valerie Molina, Mayor

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 10, 2020, 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