



Minutes Town Council Regular Meeting January 23, 2020

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, January 23, 2020, 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

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

A. CALL TO ORDER

Mayor Molina called the meeting to order at 6:01 p.m.

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Anita Cota, and Councilmember Joe Sánchez

Councilmembers Absent: Councilmember Gloria Cota and Councilmember Elvira Osuna

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, Veronica Mutz, Senior Center Director, David Ledyard – Town Attorney, and Kay Savard, Deputy Town Clerk

C. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Molina called for a moment of silence in honor of the recent passing of a former Councilmember. Mayor Molina then led the Pledge of Allegiance.

D. APPROVAL OF MINUTES: None.

E. CALL TO THE PUBLIC

Tomas Alvarez and his colleagues proposed that they work with volunteers and the Town to remove trash and graffiti from Biehn Park. Mayor Molina requested that the Town Manager / Clerk follow up with Mr. Alvarez.

F. MAYOR and COUNCIL PRESENTATIONS: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. **INTERNAL AUDIT UPDATE** – *postponed until later in the meeting.*

Council will be presented the Town of Guadalupe audit report by Matt Bingham of Colby & Powell, PLC, Certified Public Accountants for fiscal year 2018/2019 ending June 30, 2019. Council will consider and may accept the audit report; and, may provide direction to the Town Manager / Clerk.

2. **ARIZONA DEPARTMENT OF TRANSPORTATION HOUSE DEMOLITION**

Jeff Kulaga Town Manager / Clerk stated that this agenda item relates to widening of the Guadalupe Road bridge to accommodate the installation of a sidewalk between the Town and Phoenix. The bridge will also be rebuilt. A component of this project includes a home that is partially located on Arizona Department of Transportation property with the remainder of the home located on Town of Guadalupe property. The home is vacant and has been vandalized over the years.

In response to questions, Mr. Kulaga stated that the north side of the street was selected for a sidewalk because there are private properties to the south. Homes located on the south side of the street will



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not be impacted. Currently a portion of land on the north side of the street serves as a retention basin; and, if converted to a park, would require engineering. The embankment area on the north side of the street will be moved farther to the north. Travel lanes will not be widened.

Motion by Councilmember Bravo to approve agenda item G2; second by Vice Mayor Vital. Motion passed unanimously 5-0.

Councilmembers approved the staff recommendation to grant the State of Arizona, through its Department of Transportation (ADOT), an exclusive into a Temporary Construction Easement (TCE) (C2020-03) (Cfor construction in related to ADOT Project No. 010 MA 151 F0072 01C of the Phoenix – Casa Grande Highway; and, directed the Mayor to sign all necessary documents in furtherance of this TCE. ADOT and its contractors will demolish the Town-owned house located at 9050 South Calle Bella Vista, Guadalupe, AZ to provide for widening of the Guadalupe Road bridge over Interstate 10.

3. **AWARD OF BID – RIGHT OF WAY SERVICES**

Jeff Kulaga Town Manager / Clerk stated that approximately one year ago, staff issued a Request for Qualifications (RFQ). Staff negotiated a two-year contract with Consultant Engineering, Inc. (CEI) not to exceed \$80,000. CEI will prepare temporary construction easement agreements for private property owners located along Avenida del Yaqui, during the Avenida del Yaqui pedestrian enhancement street project. This process allows a contractor to legally work on private property and assume the risk and liability for a temporary period of time.

Motion by Vice Mayor Vital to approve agenda item G3; second by Councilmember Anita Cota. Motion passed unanimously 5-0.

Councilmembers awarded a two-year contract (C2020-02) not to exceed \$80,000 to Consultant Engineering, Inc., to provide temporary construction easement services and provide property acquisition services for required temporary construction easements and other property rights, if needed, for construction and improvement of Avenida del Yaqui, from Calle Cerritos to Calle Carmen; and, shall ensure that all specified requirements of federal, state, and local regulations related to municipal land acquisition are satisfied.

4. **LA LOMITA USE PERMIT (ORDINANCE NO. O2020.01)**

Jeff Kulaga Town Manager / Clerk stated that the proposed ordinance is in response to certain behaviors occurring at La Lomita. The ordinance is within the perimeters of the Ninth Circuit Court ruling related to use of public space and urban camping. La Lomita hours are 7:00 a.m. – 7:00 p.m.; and, a use permit would be required for any group or person being at La Lomita for more than two hours. The ordinance also provides law enforcement a tool to regulate the use of La Lomita. La Lomita provides opportunities for spiritual and ceremonial activities.

David Ledyard, Town Attorney, stated that the ordinance provides for coordination of activities among various individuals and groups that wish to utilize La Lomita. Staff will notify the Maricopa County Sheriff's Office when use permits are issued. Enforcement of the ordinance will not begin until signage related to this ordinance has been installed at La Lomita. The goal is to achieve voluntary compliance and maintain traditional uses. Camping and fireworks would be in violation of the ordinance.

Motion by Councilmember Anita Cota to approve agenda item G4; second by Councilmember Bravo; motion passed unanimously 5-0.

Councilmembers adopted **ORDINANCE NO. O2020.01** related to park permitting requirements that includes establishing hours of use; permitted uses; length of time for use; prohibited activities; and, enforcement authority. La Lomita park permit applications must be submitted a minimum of 10 days prior to an event; and, there is no fee to process a La Lomita park permit application. *Continued from the January 9, 2020, Regular Council Meeting.*



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5. **SOLID WASTE COLLECTION SERVICES UPDATE**

Jeff Kulaga Town Manager / Clerk stated that public notices related to solid waste collection services will be distributed in water bills on February 4, 11, 18, and 25 and will be available at Town and partner front counters, the Town Facebook websites, and the Town website. Staff have met with representatives from the City of Tempe and Right Away Disposal (RAD) to work on the transition of services from Waste Management to RAD. Waste Management will be picking up their trash bins February 27 and 28; and, RAD will deliver their trash bins the week prior and begin trash pick on Tuesday, March 3. RAD will pick up trash weekly, on Tuesday and Friday, town-wide. RAD will also have a presence at Dia de Guadalupe that is scheduled for Saturday, February 8, 2020, to answer any questions that community members may have.

In response to questions, Mr. Kulaga stated that the contract with RAD is for eight years, with two one-year renewal extension options. Councilmembers requested that the word "curbside" be added on the frequently asked question: "Why did CURBSIDE recycling service change?" Tempe has provided RAD with information on all existing accounts in Town. That data is being used to determine which addresses in Town that do not have an account. Complementary trash collection services will be discontinued when RAD begins providing services. Various Town staff will be responding to calls from residents during the transition process; and, Nancy Holguin, Community Development, will be the primary point of contact after the transition process. RAD will be keeping track of their inventory of bins and to what addresses bins are delivered, including video date/time logs to document bins deliveries.

Jennifer Drury, Assistant to Town Manager / Clerk stated that the number of roll off bins has been decreased from 4 residential 40-yard size to 2 residential 20-yard size. Mr. Kulaga noted that the reason for decreasing and downsizing the number of roll off bins is because the previous number and size of bins were not being filled up. This is being done to in an effort to maximize the amount of trash being hauled, combined with hauling and tipping fees. An additional bin could added in the future, if needed.

In response to a question about prohibiting landscapers from filling up the roll off bins, Mr. Kulaga stated that a photo identification could be required to show proof of Town residency prior to dumping. Implementation of this requirement would have a staffing impact. Mr. Drury stated that there is signage at the Town maintenance yard regarding rules for dumping in the trash bins; however, staff will review the signage.

1. **INTERNAL AUDIT UPDATE – item taken out of order**

Matt Bingham of Colby & Powell, PLC, Certified Public Accountants provided an audit update for fiscal year 2018/2019 ending June 30, 2019.

Mayor Molina left the meeting at 6:34 p.m.

Mr. Bingham reviewed the agenda materials provided to Council related to the audit update. Audit and Financial Risk Statements, an Expenditure and Limitation Report, and a cover letter from Colby & Powell, PLC that provides a summary of the audit findings, have been provided to the Town Council. He then outlined the various categories of government/business activities that are included in the audit report. He discussed the Generally Accepted Auditing Standards (GAAS) and Government Auditing Standards (GUS) that were used during the audit process; an internal control assessment. GUS is a federal requirement because the Town receives federal funding.

Mayor Molina returned to the meeting at 6:37 p.m.



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Mr. Bingham stated that it is the responsibility of Town management to compile the financial statements and ensure that the numbers are in accordance with generally accepted accounting principles and that internal controls are in place. The responsibility of the auditors is to provide an opinion on the financial statements. The auditor's took a risk-based approach to identify areas where improvements may be needed.

For fiscal year 2018/2019, Mr. Bingham reported that all of the opinion categories received a clean opinion. The financial statements are materially correct and include all of the disclosures required by GAAS. The audit revealed no significant deficiencies or material weaknesses.

Mr. Bingham discussed the Town's current net financial position and compared it overall to 2012-2019. The Town's net financial position has no carry forward monies for future years. Public safety pension liabilities with the Arizona State Retirement System (ASRS) and the Public Safety Personnel Retirement System impact the Town's financial position. There has been some improvement in unrestricted funds; however, that fund remains in the negative. The Sewer Fund has a negative balance and continues to lose \$30,000 - \$60,000 annually.

Aside from financial statements, Mr. Bingham stated that other areas of consideration include the condition of the Town's infrastructure and whether or not the Town offers competitive employee wages.

In response to a question related to the status of the Sewer Fund, Mr. Kulaga stated that \$100,000 was allocated to conduct a study of the sewer lines in Town and funding is also allocated to perform urgent repairs to various areas of Town-owned sewer lines.

In response to a question regarding how to improve the Town's net financial position, Mr. Bingham stated that pension liability is out of the Town's control. One method would be to budget for spending not to exceed revenues.

Motion by Vice Mayor Vital to accept the audit report; second by Councilmember Sánchez. Motion passed unanimously 5-0.

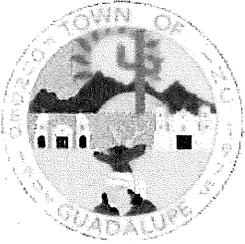
6. COMMUNITY SERVICE AWARDS

Councilmembers discussed their nominations for presenting a community volunteer award to individuals or organizations who exemplify true humanitarianism, commitment to Guadalupe, and have made a significant impact through on-going dedicated volunteer efforts impacting Guadalupe community members. Award recognitions would be scheduled for the Saturday, February 8, 2020, Dia de Guadalupe event.

Councilmembers discussed their proposed nominations and agreed to present the following individuals/organizations with community service awards at the upcoming Dia de Guadalupe event:

- Miguel Alvarado – Councilmember Sánchez
- Armenta Family /Los Guadalupanos – Vice Mayor Vital
- Socorro Bernasconi – Councilmember Osuna
- Christina Puzaukas, Flight 33 – Councilmember Anita Cota
- Vacaneri Family – Mayor Molina
- Max Valencia – Councilmember Gloria Cota
- Alma Vital-Johnson – Councilmember Bravo

Councilmembers agreed to schedule the award presentations at 4:30 p.m.. Jeff Kulaga, Town Manager / Clerk, stated that staff will contact the nominees to inform them of their nomination and to invite them to the event.



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7. AMENDMENT NO 1. TO THE INTERGOVERNMENTAL AGREEMENT FOR SERVICES BETWEEN MARICOPA COUNTY ADMINISTERED BY ITS HUMAN SERVICES DEPARTMENT AND THE TOWN OF GUADALUPE (C2019-24A)

Jeff Kulaga, Town Manager / Clerk stated that this agenda item is an amendment to an agreement with Maricopa County for a pavement project. The amendment calls for the installation of speed humps (also referred to as speed pillows) on south Calle Tomi, west Calle Senu, and on Avenida del Yaqui at a cost of approximately \$5,000 each. The total amount initially granted was approximately \$438,000. Staff held a prebid meeting that was attended by 11 contractors. Staff anticipates that the Town will receive competitive bids on this project.

Mr. Kulaga clarified that the action being requested is to approve, not adopt, Amendment No. 1 to the IGA. Councilmembers previously adopted a resolution to approve the original IGA.

Motion by Councilmember Anita Cota to approve agenda item G7; second by Vice Mayor Vital. Motion passed unanimously 5-0.

Councilmembers approved Amendment No. 1 to the IGA C2019-24A between the Town of Guadalupe and Maricopa County, administered by its Human Services Department, for the Guadalupe Street Repavement Project Phase VII (CDBG19GD). This amendment revises the scope of the project to include installation of new speed humps on the following streets: S. Calle Tomi and W. Calle Senu.

H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- Community Action Program (CAP) staff received an additional \$4,500 from Maricopa County to provide utility assistance to community members. Thanked CAP employees for managing the CAP program.
- Thanked Public Works employees for addressing potholes in Town.
- Dibble Engineering, Town Engineer, is reviewing striping plans and costs for Avenida del Yaqui. Options will be provided to Council at the February 13, 2020 Regular Council Meeting.
- Urgent sewer repair letters have been mailed to 24 homeowners. Five homeowners have contacted Mr. Kulaga to discuss the problems. Photos of the problem areas where pipe obstructions exist have been provided to the homeowners.

I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- Thanked audience members for attending the meeting.
- Thanked Public Works staff for their cleanup efforts in her neighborhood.

Councilmember Anita Cota

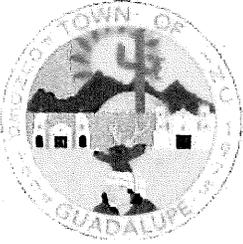
- Thanked Public Works staff for addressing the potholes in Town.
- Thanked staff for handling difficult phone calls from community members.
- Suggested cultural humility training for MCSO staff, prior to Cuaresema.

Councilmember Joe Sánchez

- Thanked audience members for attending the meeting.
- Thanked staff for their work.

Vice Mayor Vital

- Thanked audience members for attending the meeting.
- Thanked staff for their work.
- Concerned about suspicious nighttime activity at Stottlemeyer Park.
- Homeowners are upset about graffiti/artwork located on Avenida del Yaqui.



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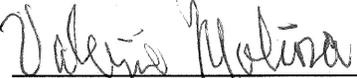
Mayor Molina

- o Homeowners are upset about graffiti/artwork located on Avenida del Yaqui because it is too urban; and, concerned about the artists conferring with a teenager at a private residence, versus the homeowner.
- o Thanked audience members for attending the meeting.

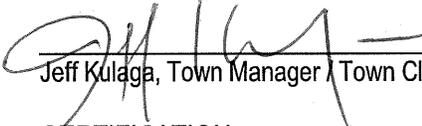
J. ADJOURNMENT

Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously 5-0.

The meeting was adjourned at 7:07 p.m.

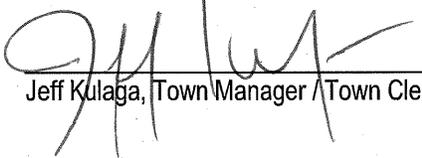

Valerie Molina, Mayor

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 January 23, 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