

## Minutes Town Council Regular Meeting February 27, 2020

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, February 27, 2020, at 6:00 P.M., at Guadalupe Town Hall, Council Chambers, 9241 South Avenida del Yaqui, Guadalupe, Arizona.

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

Vice Mayor Vital called the meeting to order at 6:05 p.m.

### B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina (*via teleconference*), Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Anita Cota, Councilmember Gloria Cota

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

### C. INVOCATION/PLEDGE OF ALLEGIANCE

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

### D. APPROVAL OF MINUTES: None.

### E. CALL TO THE PUBLIC: No one spoke.

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

### G. DISCUSSION AND POSSIBLE ACTION ITEMS:

#### 3. **MARICOPA COUNTY ANIMAL CARE AND CONTROL** (*item taken out of order*)

Jeff Kulaga, Town Manager / Clerk, stated that representatives from the Maricopa County Animal Care and Control (MCACC) will provide an update on current animal care and control activities, collaborative efforts with the Maricopa County Sheriff's Office (MCSO), and enhanced services offered by MCACC for Council consideration.

Al Aguiñaga, Director of Operations, MCACC, discussed how the focus of MCACC has evolved over time, transitioning from euthanizing animals to encouraging animal adoptions. Currently, MCACC operates in a regional fashion; and, is a complaint-driven system, which keeps costs down. A call center prioritizes incoming calls and coordinates dispatching MCACC personnel into the field.

Mr. Aguiñaga stated that MCACC was created to protect public health and prevent the spread of rabies. MCACC provides licensing, vaccinations, spay, and neutering services. Primary areas of enforcement include animal licensing and leash law violations. The MCACC animal shelter is typically at full capacity.

Sergeant Crabtree, MCACC representative, discussed dog attack incidents involving community members. The pet owner owns several dogs, all of which have been vaccinated, spayed, and neutered. MCACC has filed a petition in court to remove the dogs from their home.



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In response to a question, the pets' owner has a total of 20 dogs and has been issued 9 citations for a combination of dogs not wearing license tags and for dogs displaying aggressive behavior.

In response to questions, Ms. Crabtree stated that MCACC works with MCSO on certain calls for service; and, that response times are based on the priority level assigned to each call. Community members are encouraged to contact MCSO when a dog bite occurs.

Barbara Valencia, community member, discussed an incident whereby a family member of hers was attacked by three dogs. Ms. Valencia praised MCACC for their responsiveness and follow up actions to the incident. Ms. Valencia voiced concern over potential dog attacks at a Kyrene School District bus stop, which is located nearby where the dog attacks occurred. She requested that Council consider placing a cap on the number of dogs that a community member is allowed to have; and, requiring owners with a large number of dogs be held to kennel standards. Also of concern is residents that are breeding dogs. It would be helpful to address these health and safety issues in an ordinance.

David Ledyard, Town Attorney, stated that there are Code provisions that address barking dogs and requiring that dogs be on a leash. Mr. Ledyard stated that there is pending litigation concerning the dog incident that Ms. Valencia discussed; and, that it is a criminal matter.

Councilmembers discussed the potential liability issues to the Town regarding dog attacks.

Mr. Kulaga stated that staff will further research Code language from other jurisdictions to determine if there is more stringent language that could be incorporated into the Town Code, including the language used by the Gila River Indian Community.

Mr. Aguiñaga stated that poverty levels, culture, lack of resources, and proper fencing may be contributing factors to the root cause of these issues. Spaying, neutering, and education may be helpful solutions. The Town has a higher than average percentage of dog leash law violations. The goal of MCACC is to promote adoption of animals.

Mr. Aguiñaga introduced the Pets for Life Program Director, Mary Barton. Ms. Barton stated that the national trend is to work on building trusting relationships versus penalizing pet owners. Many of the problems stem from poverty. To date, the Pets for Life Program has spayed and neutered over 800 animals within a one mile radius. Dog bite incidents have been reduced by 18%. These services are typically provided in resource desserts. Regarding the criminal matter discussed earlier, all but one of the pets have been spayed or neutered, free of charge, from MCACC. The program is grant funded.

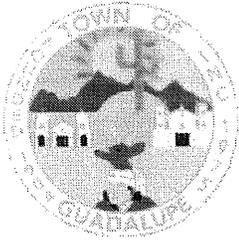
In response to questions, Mr. Aguiñaga stated that MCACC must observe patterns of behaviors, combined with complaints filed. Citizens may file court petitions. There are times when dogs are impounded until the court hearing occurs.

In response to a question, Ms. Barton stated that the Pets for Life Program could be offered to the Town to provide spay, neuter, vaccinations, microchips, and medical care services. MCACC anticipates that the Board of Supervisors will approve a funding increase for the upcoming budget cycle.

Councilmembers asked Mr. Kulaga to follow up with MCACC officials regarding strengthening the Town ordinance and pursuing the implementation of the Pets for Life Program.

Councilmembers discussed the need for community members to report animal related problems to MCACC; and, the need to provide a safe environment for community members.

A community member discussed dogs being abandoned in Town; the installation of cameras in Town; and, that she has reported problem animals to MCACC.



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Councilmembers discussed including a 'frequently asked questions' (FAQ) insert in an upcoming water bill. Mr. Kulaga stated that he will work with MCACC on the preparation of a FAQ.

### 1. FY 2019/20 MID-YEAR BUDGET STATUS REPORT

Jeff Kulaga, Town Manager / Clerk, presented the mid-year, fiscal year (FY) 2019/20 (July 2019 – December 2019) financial status report that includes Town General Fund, special funds, and Enterprise Fund balances, and year-to-date revenues and expenditures. Mr. Kulaga reported that expenditures are exceeding revenues; however, the Town is using less reserve funding as originally anticipated.

Mr. Kulaga reviewed fund balances by department. The Maricopa County Sheriff's Office (MCSO) contract is \$1.9 million, an increase of \$123,000 from last year's contract amount. Ensuring public safety is an essential duty of incorporated towns, to preserve health, safety, and welfare for community members. Other essential duties include providing Fire Department services and Public Works Department services.

Mr. Kulaga discussed one-time, non-recurring revenue sources provided to the Town in 2019.

Five key areas of concern include:

1. Capital replacement, repair, and improvements
2. Arizona State Retirement System and Public Safety Personnel Retirement System liability
3. Competitive salaries
4. Level of service priorities
5. Per audit: liabilities exceeds assets by \$612,409

Mr. Kulaga discussed needed infrastructure repairs and repairs needed to Town assets such as Old Town Hall. There have been no employee salary increases for the past three years. Service priorities include code enforcement and animal control services.

Staff is now utilizing a software package that assists with finance management and financial forecasting. The forecasting model projects an approximate fund balance of \$1,370,891 by June 30, 2020.

Mr. Kulaga provided special fund updates (year-to-date through December 2019) for the Highway User Revenue Fund (HURF), which has a surplus of funding that could be reserved for the Avenida del Yaqui street improvement project, road restriping, and various improvements to Guadalupe Road. The Local Transportation Assistance Fund (LTAF) is funded at \$16,742 annually and is expected to be depleted by June 30, 2020. The Senior Center revenues versus expenses is at 51%, as anticipated. Community Action Program revenues versus expenses are less than anticipated, currently at 32%, less than anticipated. There are two municipal bond payments left. Mr. Kulaga reviewed special fund balance transfers.

Mr. Kulaga then reviewed Enterprise Funds. The Mercado Enterprise Fund had a fund balance of approximately \$14,000 in the last fiscal year. Staff anticipates there will be a \$4,000 remaining fund balance in the Mercado Enterprise Fund by June 30, 2020. The roof needs to be repaired and may need to be replaced. The Wastewater/Sewer Fund has a deficit due to the cost of a recent Wastewater Sewer Line Study. There are also urgent sewer line repairs that will be needed, that was not included in the previous financial projections. Dibble Engineering will be recommending a contractor to conduct the urgent sewer repairs. The Solid Waste Fund has a positive fund balance of approximately \$19,000. On March 1, 2020, there will be a transition to a new solid waste service provider to Guadalupe residents.

Mr. Kulaga emphasized that the General Fund balance of \$5.4 million will provide for current levels of service and upkeep; however, that fund balance does not allow for needed repairs, added service levels, and reducing liability.



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In response to a question, Mr. Kulaga stated that it could potentially cost \$60,000 - \$75,000 for a part-time Code Enforcement Officer, an estimate that was provided by the Arizona Building Code Officers Association. Staff research indicates that very few municipalities provide their own animal control services. Staff will provide follow up information on animal control services at a future meeting.

Councilmembers discussed how sales taxes generate revenue; and, asked about a recent request for proposals (RFP) issued related to town-owned land. In response to a question, Mr. Kulaga stated that there were no responses to the RFP, which included the lease or purchase of town-owned land. Mr. Kulaga stated that he continues to network with the development community to promote the lease or purchase of town-owned land. In discussions, the preference would be to purchase, versus lease, land.

Councilmembers discussed scheduling a joint meeting with the Pascua Yaqui Tribe (PYT) to discuss the possible development of tribal-owned property. Mr. Kulaga stated that the Town Council and PYT have held two joint meetings over the past two years. Councilmembers discussed the timing of the joint meeting and consideration of a July or August timeframe, and requested that economic development to be a discussion point.

Mr. Kulaga noted that the line item departmental budget in the packet will be updated and uploaded to the website.

In response to a question regarding the status of the relationship between the Town and MCSO officials, Mr. Kulaga stated that patrols and communications have significantly improved over the past year. He noted that last January, Maricopa County (County) conducted a study to assess their contracts with various jurisdictions. As a result of the study, it was recommended to County officials that contracts with each agency should be increased by 16%, immediately. In 2019, the Animal Control contract increased by 5% and the MCSO contract increased by 8.8%. The County is striving to recover costs of services.

## 2. APPROVAL of CONTRACT

Jeff Kulaga, Town Manager / Clerk, stated that there is an urgent need for the repair of sewer lines located at a public alleyway south of 8615 South Calle Maravilla. Approximately 120' of sewer lines have collapsed. The job will take approximately one week to complete. Three bids were received. A nearby homeowner may be without sewer service for approximately one hour.

**Motion by Councilmember Anita Cota to approve agenda item G2; second by Councilmember Gloria Cota. Motion passed unanimously 5-0.**

Councilmembers approved the recommendation from Dibble Engineering, the Town Engineers, for the award of a \$15,819 bid to Plumbing Masters to conduct urgent sewer line repairs at a public alleyway south of 8615 South Calle Maravilla.

## 4. FEDERAL TRANSIT ADMINISTRATION TITLE VI IMPLEMENTATION PLAN, SENIOR BUS TRANSIT PROGRAM – (RESOLUTION NO. 2020.05)

Jeff Kulaga, Town Manager / Clerk, stated that as a condition of receiving federal funding to operate the Senior Center bus, the Town is required to comply with the 1964 Civil Rights Act to not discriminate.

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

Councilmembers adopted Resolution No. R2020.05 authorizing the Town Council to approve, and the Mayor to execute, the Town of Guadalupe Federal Transit Administration Title VI Program for the Senior Bus Transit Program.



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## 5. SOLID WASTE COLLECTION SERVICES UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update on the trash and recycling services transition and related administrative, billing, and public works services. Right Away Disposal (RAD) will begin providing trash and recycling services beginning on March 1, 2020. The RAD containers are 96-gallons. Staff has received 17 calls from customers, for assistance with the transition. RAD delivered at least one can to each residential address in Town. For addresses that do not have an active account, the property owner will be given a two week notice to comply with activating an account, or the container will be removed. The Town is obligated to provide trash collection services, even in the event when the property owner does not pay for the service. Nancy Holguin, Community Development, is the primary point of contact for this transition process.

*There is no material for this agenda item.*

## 6. TOWN OF GUADALUPE CODE OF ORDINANCES – CODIFICATION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update on the codification process and timeline for the Town of Guadalupe Code of Ordinances. The codifier for this process is American Legal Publishing Corporation. The codification process began in 2017 and will transition the existing Code to a new Code that incorporates all ordinances, to date. The new Code will be on-line and in a searchable format.

Staff has posted a Notice of Intention amending the fees in the Code. Staff will present a variety of ordinances and resolutions at a future Council meeting for Council consideration. The intention is to have the new Code on-line by July 1, 2020. Once this process has been completed, ordinances will be presented to Council on a smaller scale.

*There is no material for this agenda item.*

## H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk – None.

## I. COUNCILMEMBERS' COMMENTS

### Councilmember Bravo

- Thanked audience members for attending the meeting.
- Thanked staff for their work. Would like to consider salary increases for staff.

### Councilmember Anita Cota

- Thanked audience members for attending the meeting.
- Thanked staff for their work.
- Happy Birthday to Mayor Molina

### Councilmember Gloria Cota

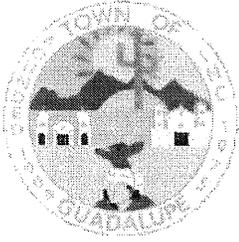
- Thanked audience members for attending the meeting.

### Mayor Molina

- Thanked the Fire Department staff for their customer service on a recent mountain rescue incident.
- Thanked audience members for attending the meeting.

### Vice Mayor Vital

- Thanked staff for the flowers for the recent passing of his father.
- Thanked audience members for attending the meeting.



J. ADJOURNMENT

**Motion by Councilmember Anita Cota to adjourn the Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously 5-0.**

The meeting was adjourned at 8:05 p.m.

Valerie Molina  
Mayor

  
\_\_\_\_\_  
Valerie Molina, Mayor

Ricardo Vital  
Vice Mayor

ATTEST:

Mary Bravo  
Councilmember

Anita Cota  
Councilmember

  
\_\_\_\_\_  
Jeff Kulaga, Town Manager / Town Clerk

Gloria Cota  
Councilmember

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the February 27, 2020, Town of Guadalupe, Town Council Regular Meeting. I further certify the meeting was duly called and held, and that a quorum was present.

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

  
\_\_\_\_\_  
Jeff Kulaga, Town Manager / Town Clerk

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