

# Minutes Town Council Regular Meeting March 12, 2020

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, March 12, 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 6:00 p.m.

**B. ROLL CALL**

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Elvira Osuna

Councilmembers Absent: Councilmember Anita Cota, Councilmember Gloria Cota, and Councilmember Joe Sánchez

Staff Present: Jeff Kulaga – Town Manager / Clerk, Wayne Clement – Fire Chief, Cachi Castorena – MCSO Deputy, David Ledyard – Town Attorney, and Kay Savard, Deputy Town Clerk

**C. INVOCATION/PLEDGE OF ALLEGIANCE**

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

**D. APPROVAL OF MINUTES**

**Motion by Councilmember Bravo to approve the February 13, 2020, Town Council Regular Meeting Minutes; second by Vice Mayor Vital. Motion passed unanimously 4-0.**

1. Approved the February 13, 2019, Town Council Regular Meeting Minutes.

**Motion by Vice Mayor Vital to approve the February 13, 2020, Town Council Special Meeting Minutes; second by Councilmember Bravo. Motion passed unanimously 4-0.**

2. Approved the February 13, 2019, Town Council Special Meeting Minutes.

**E. CALL TO THE PUBLIC**

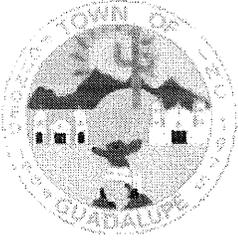
Mark Markham, discussed a town-owned parcel of land located adjacent to his property that he is interested in purchasing. The property has been appraised at \$1.00/square foot.

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

**G. DISCUSSION AND POSSIBLE ACTION ITEMS:**

**1. EXECUTIVE SESSION**

No action was taken to convene into an Executive Session. Executive Sessions are closed to the public, as allowed by A.R.S. §38-431.03(A)3, to obtain legal advice from the Town Attorney concerning the legal requirements to grant, deny, or grant with modifications, requests for variances of the Guadalupe Town Code. *There is no material for this agenda item.*



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**2. PUBLIC HEARING – G.T.L. LLC DBA THE MINT VARIANCE REQUEST (HOURS OF OPERATION)**

Held a public hearing for a variance (CU2020-02) request from G.T.L. LLC dba The Mint, Applicant - a medical marijuana dispensary, located at 5210 South Avenida del Yaqui 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:

- a: an extension of the variance approved by Town Council on June 29, 2017, and extended for two (2) years by Council on April 26, 2018, to continue extended hours of operation, open to the public, from 6:00 PM to 9:00 PM, seven days a week; and
- b: an extension of the variance approved by the Town Council on April 26, 2018 to extend the hours of operation, open to the public, from 9:00 PM to 10:00 PM, seven days a week.

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

Mayor Molina opened the public hearing. No community members spoke.

The Applicant, Eivan Shahara, stated that he would like The Mint Dispensary (The Mint) to remain open until 10:00 PM because The Mint's busiest hours for business are between 8:00 PM – 10:00 PM.

David Ledyard, Town Attorney, stated that Councilmembers should vote on items G3 and G4 separately.

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

**3. VARIANCE REQUEST– G.T.L. LLC DBA THE MINT (HOURS OF OPERATION)**

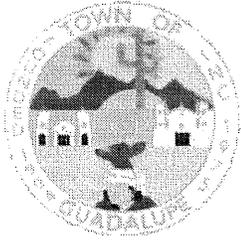
Jeff Kulaga, Town Manager / Clerk, stated that the request to extend the hours of operation is for four years, expiring April 12, 2024.

**Motion by Vice Mayor Vital to approve agenda item G3 for a four-year timeframe, expiring April 12, 2024; second by Councilmember Osuna. Motion passed unanimously 4-0.**

Councilmembers approved a variance request (CU2020-02) of an extension of the current variance approved by Town Council on June 29, 2017, and extended for two years by Council on April 26, 2018, of the Town Zoning Code, Article 2, Part III, Section 1, Subsection C, Paragraph 5, for G.T.L. LLC (dba The Mint – a medical marijuana dispensary) located at 5210 S. South Avenida del Yaqui to continue extended hours of operation, open to the public, outside the existing Town ordinance from 6:00 PM to 9:00 PM, seven days a week.

**4. VARIANCE REQUEST– G.T.L. LLC DBA THE MINT (HOURS OF OPERATION)**

**Motion by Vice Mayor Vital to approve agenda item G4 for a four-year timeframe, expiring April 12, 2024; second by Councilmember Osuna. Motion passed unanimously 4-0.**



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Councilmembers approved an extension of the variance approved by Town Council on April 26, 2018, of said variance request (CU2020-02) of the Town Zoning Code, Article 2, Part III, Section 1, Subsection C, Paragraph 5, for G.T.L. LLC (dba The Mint, a medical marijuana dispensary) located at 5210 South Avenida del Yaqui to extended hours of operation open to the public outside the existing Town ordinance from 9:00 PM to 10:00 PM, seven days a week.

**5. PUBLIC HEARING – G.T.L. LLC DBA THE MINT VARIANCE REQUEST (DRIVE THROUGH FACILITY)**

**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. No community members spoke.

The Applicant, Eivan Shahara, stated that The Mint Dispensary (The Mint) customers include caregivers and patients in wheelchairs. The installation of a drive through window will not cause traffic congestion.

Mr. Shahara discussed the parking lot layout, number of parking spots, and proposed modifications to the parking lot, to accommodate a drive through window. The Mint representatives have been working with the adjacent hotel on shared parking. Currently, there is a dispensary located in Sun City, AZ that has a drive through window. A drive through window would help The Mint to serve customers faster and allow customers to pick up orders placed on-line. The site has enough room to accommodate a drive through window.

Councilmembers requested that Mr. Shahara submit plans to the Town Engineer for review and suggested that this item be continued to the March 26, 2020, Regular Council Meeting.

Jeff Kulaga, Town Manager / Clerk, stated that it is unclear if the parking at this location is separated from the proposed drive through portion of The Mint. Councilmembers could continue the public hearing to the March 26, 2020, Regular Council Meeting. The Town of Guadalupe zoning ordinance prohibits drive through facilities for this type of business. The dispensary drive through facility in Sun City, AZ, was approved by the County, and is a commercially zoned property.

Councilmembers voiced concern about the traffic volume in that area at 5:00 p.m.

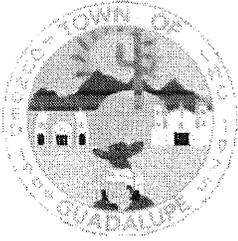
Mr. Kulaga noted that The Mint has had no code enforcement or public safety issues.

**Motion by Vice Mayor Vital to keep the public hearing open until the March 26, 2020, Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously 4-0.**

*Continued the public hearing to the March 26, 2020, Regular Council Meeting, a request for a variance (CU2020-03) by the Applicant, G.T.L. LLC dba The Mint - a medical marijuana dispensary, located at 5210 South Avenida del Yaqui for a variance to the Town Zoning Code as it relates to the prohibition of drive-through facilities for its' marijuana dispensary as set forth by Town of Guadalupe Zoning Ordinance, Article 2, Part III, Section 1, Subsection C, Paragraph 4, in order to establish and operate a drive-through window on the premises. (Related to item G6)*

**6. VARIANCE REQUEST – G.T.L. LLC DBA THE MINT (DRIVE THROUGH FACILITY)**

**Motion by Vice Mayor Vital to keep the public hearing open until the March 26, 2020, Regular Council Meeting; second by Councilmember Osuna. Motion passed unanimously 4-0.**



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*Continued to the March 26, 2020, Regular Council Meeting, a request for a variance (CU2020-03) by the Applicant, G.T.L. LLC dba The Mint - a medical marijuana dispensary, located at 5210 South Avenida del Yaqui for a variance to the Town Zoning Code as it relates to the prohibition of drive-through facilities for its' marijuana dispensary as set forth by Town of Guadalupe Zoning Ordinance, Article 2, Part III, Section 1, Subsection C, Paragraph 4, in order to establish and operate a drive-through window on the premises. (Related to item G5)*

#### **7. NOTICE OF INTENTION TO AMEND FEES**

Jeff Kulaga, Town Manager / Clerk, presented a revised Code of Ordinances Fee Schedule for Council consideration. The proposed fee schedule has been posted on-line for a 60-day timeframe, in accordance with Arizona Revised Statutes. Staff will present the proposed fee schedule to Council at the April 23, 2020, Regular Council Meeting, for adoption. Adoption of the complete codified Code of Ordinances is scheduled for the May 28, 2020, Regular Council Meeting. No action on the part of the Town Council is needed at this time.

#### **8. 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) began providing trash and recycling services on March 1, 2020. Staff is working through the service transition issues. Public Works staff have been collecting the remaining Waste Management containers for Waste Management to pick up at one location in Town. RAD will not pick up trash that is in Waste Management containers. Residents are advised to add their address to their RAD trash containers due concerns about theft of the containers. RAD will be conducting regular audits of the number of containers, per household. Trash pickup days are Tuesday's and Friday's, town-wide. *There is no material for this agenda item.*

#### **9. DIA DE GUADALUPE UPDATE**

Jeff Kulaga, Town Manager / Clerk, provided a financial report of the 2020 Town of Guadalupe Dia De Guadalupe special event. Staff allocated \$15,000 for the event, which was held at the Mercado. Mr. Kulaga reviewed the event revenues and expenditures and noted that the Town received a \$5,000 grant from the Gila River Indian Community. The total cost for the event was approximately \$4,500.

#### **10. ABANDONED VEHICLE NOTIFICATION PROCESS**

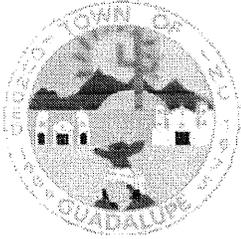
Jeff Kulaga, Town Manager / Clerk, presented a revised impound notice for abandoned vehicles on Town right of way and sidewalks, and the process to implement the noticing process. The proposed notice gives the person responsible for the vehicle 72 hours to remove the vehicle from the right of way. If that does not occur, the Maricopa County Sheriff's Office will then have the authority to legally have the vehicle towed away. The Town ordinance is also referenced on the notice. If a vehicle is moved, the 72 hour timeframe is reset. The purpose of this presentation is to provide Council with the information before the new process is implemented.

Councilmembers directed staff to move forward with implementing the new abandoned vehicle notification process; and, selected orange as the color for the notice.

#### **11. NEW CINGULAR MASTER LICENSE AGREEMENT**

Jeff Kulaga, Town Manager / Clerk, stated that this master license agreement request complies with 2019 Town Council adopted ordinances, 2017 State legislation, and related Federal Communications Commission rules. There are now wired and wireless carrier licenses, small cell antenna licenses, and cell tower licenses. This is the first step in the process for New Cingular to install wireless small cell antennas on public rights of way, typically on street light poles.

**Motion by Vice Mayor Vital to approve agenda item G11; second by Councilmember Osuna. Motion passed unanimously 4-0.**



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Councilmembers approved a Master License Agreement for New Cingular Wireless PCS, LLC pursuant to the Town's ordinance allowing for wireless facilities in the right of way through individual permit approval for each site location including detailed plans/specifications submittals.

## 12. CLAIMS

**Motion by Vice Mayor Vital to approve agenda item G12; second by Councilmember Osuna. Motion passed unanimously 4-0.**

Councilmembers approved the check register for February 2020, totals \$466,955.06

## 13. PUBLIC HEARING – ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE) ELECTION, AUGUST 4, 2020 (RESOLUTION NO. R2020.07)

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

Mayor Molina opened the public hearing. No members of the public spoke.

Held a public hearing for public input concerning placing a ballot measure on the August 4, 2020, Primary Election regarding the option of whether or not to continue Home Rule in the Town of Guadalupe. (Related to agenda item G14)

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

## 14. CALL OF SPECIAL COUNCIL MEETING – THURSDAY, MARCH 19, 2020

Jeff Kulaga, Town Manager / Clerk, stated that in the early 1980's, the Arizona State Legislature imposed expenditure limitations on all general law Arizona cities and towns. Expenditure limitations authorizes the State to cap what cities and towns can spend annually. There are 92 incorporated cities and towns in Arizona. If the expenditure limit is defined by the State, the amount the Town would be authorized to spend annually would be approximately \$3.5 million, in total. Last year, the cost of operations was approximately \$7.5 million. In 1981, the Town of Guadalupe voters approved the Home Rule; and, most recently approved the continuance of Home Rule in 2016. Staff is proposing that, if approved by Council, that the ballot proposition to extend Home Rule be placed on the Primary Election ballot, in the event that a candidate runoff election is not needed in November.

**Motion by Vice Mayor Vital to call a Special Council Meeting on March 19, 2020; second by Councilmember Bravo. Motion passed unanimously 4-0.**

Councilmembers agreed to call a Special Council Meeting to hold a second public hearing to receive public input for consideration of placing a ballot measure on the August 4, 2020, Primary Election regarding the option of whether or not to continue Home Rule in the Town of Guadalupe. (Related to agenda item G13) *There is no material for this agenda item*

## H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- Annual audit of the Community Action Program revealed good ratings and positive feedback.
- New signage has been installed at the roadway entrances into Town; thanked staff for their work on installing signage, and removing unnecessary signage. Staff will work with the Arizona Department of Transportation on the placement of entryway signage on the western entrance into Guadalupe.
- Thanked staff for their work on the Right Away Disposal waste disposal provider transition.
- Thanked Senior Center staff for providing tax preparation assistance to community members.



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- o Corona Virus update – staff will begin sanitizing Town Hall on Friday afternoon's. Under consideration is the closure of the Senior Center due to the high risk population of seniors. Town Hall will remain open.
- o Community Action Program has discontinued providing the homeless with day bags.
- o South Mountain Community College has extended their Spring Break for another week.

**I. COUNCILMEMBERS' COMMENTS**

Councilmember Osuna

- o Thanked staff for their work.
- o Encouraged everyone to stock up on supplies.

Vice Mayor Vital

- o Census 2020 is underway. Everyone needs to be counted in the process.

Councilmember Bravo

- o Thanked audience members for their attendance.
- o Voter registration is available on-line.
- o Thanked staff for their work.

Mayor Molina

- o Thanked audience members for their attendance.

**J. ADJOURNMENT**

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

The meeting was adjourned at 7:05 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 March 12, 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