

Minutes Town Council Regular Meeting March 26, 2020

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, March 26, 2020, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, 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

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 Anita Cota, Councilmember Gloria Cota (*via teleconference*), 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, David Ledyard – Town Attorney

C. INVOCATION/PLEDGE OF ALLEGIANCE

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

D. APPROVAL OF MINUTES – None.

E. CALL TO THE PUBLIC – No one spoke.

F. MAYOR and COUNCIL PRESENTATIONS

Mayor Molina read a Proclamation declaring the week of April 13 – 17, 2020, to be the Week of the Young Child.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

1. PUBLIC HEARING - WIRED FACILITIES IN RIGHT OF WAY (ORDINANCE NO. O2020.02)

Motion by Vice Mayor Vital to open the public hearing; second by Councilmember Bravo. Motion passed unanimously 7-0.

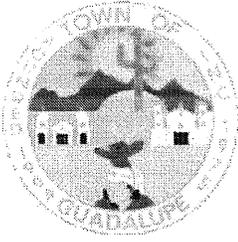
Mayor Molina opened the public hearing. No community members spoke.

Jeff Kulaga, Town Manager / Clerk stated that staff has not received any public comments regarding this agenda item.

Motion by Councilmember Bravo to close the public hearing; second by Vice Mayor Vital. Motion passed unanimously 7-0.

Mayor Molina closed the public hearing.

Held a public hearing to authorize the Town of Guadalupe to adopt regulations for use of right of way by telecommunication companies who install wired facilities in the right of way; and, adopting by reference the document "Town of Guadalupe Telecommunications Services – Wired Facilities in the Public Highway" dated March 26, 2020. *Agenda items G1 & G2 are related.*



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2. WIRED FACILITIES IN RIGHT OF WAY (ORDINANCE NO. O2020.02)

Jeff Kulaga, Town Manager / Clerk stated that the proposed ordinance is in response to Federal and State legislative changes related to the telecommunication industry. Mr. Kulaga noted that the Council recently adopted an ordinance concerning small cell and wireless facilities in Town rights of way. The proposed ordinance regulates wired facilities in rights of way; and, includes a uniform license that is utilized by municipalities and counties throughout the United States. This ordinance aligns the Town with the most current practices with telecommunication industry needs.

Motion by Vice Mayor Vital to approved agenda item G2; second by Councilmember Bravo; motion passed unanimously 7-0.

Councilmembers adopted **ORDINANCE NO. O2020.02** for the primary purpose of protecting the health, safety, and welfare for the public, and to protect the value and physical integrity of publicly-owned property and assets, while treating telecommunications providers who install wired facilities in the public right of way in a competitively neutral and non-discriminatory manner. *Agenda items G1 & G2 are related.*

3. PUBLIC HEARING – VARIANCE REQUEST, 8038 SOUTH CALLE SAHUARO

Councilmember Bravo announced a conflict of interest for agenda items G3 and G4; and, did not participate in voting on the agenda items.

Motion by Vice Mayor Vital to open the public hearing; second by Councilmember Anita Cota; motion passed unanimously 6-0.

Mayor Molina opened the public hearing.

Al Kabbach, Capital Contractor, discussed the variance setback requests. Bridgett Valenzuela, Applicant, stated that variance setback requests are to maximize use of the space on the property.

Motion by Vice Mayor Vital to close the public hearing; second by Councilmember Osuna; motion passed unanimously 6-0 with Councilmember Bravo declaring a conflict of interest.

Held a public hearing to consider the request for a variance (V2020-01) to reduce the required front yard and side yard setback property requirements to locate a single family home at 8038 South Calle Sahuaro, Guadalupe, AZ 85283. The property is zoned R1-6 Residential. The Applicant, Bridget Valenzuela, is requesting the following:

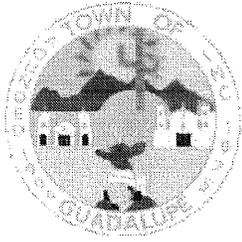
<u>Setback location</u>	<u>Required set back</u>	<u>Requested variance</u>	<u>Final set back (if granted)</u>
Front yard	25'	5'	20'
Side yard	7'	2'	5'

Agenda items G3 & G4 are related.

4. VARIANCE REQUEST – 8038 SOUTH CALLE SAHUARO

Motion by Councilmember Anita Cota to approve agenda item G4; second by Councilmember Sánchez; motion passed unanimously 6-0 with Councilmember Bravo declaring a conflict of interest.

Councilmembers approved a variance (V2020-01) request from Bridget Valenzuela, Applicant, for a variance to reduce the required front yard and side yard setback property requirements to locate a single family home at 8038 South Calle Sahuaro, Guadalupe, AZ 85283. The following was approved:



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Setback location	Required set back	Requested variance	FINAL/APPROVED
Front yard	25'	5'	20'
Side yard	7'	2'	5'

Agenda items G3 & G4 are related.

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

Mayor Molina announced that the public hearing for this agenda item was continued from the March 12, 2020, Regular Council Meeting.

Raul Molina, The Mint applicant representative, stated that he would like Councilmembers to consider approval of the installation of a drive-through window at The Mint. Mr. Molina discussed traffic impacts, parking lot traffic flow, and how parking spaces could be reconfigured and relocated in order to allow for a single lane to be used specifically for a drive-through. The proposed layout could be modified, if needed.

Mr. Molina stated that The Mint is keeping customers a distance of 6' apart.

In response to a question, Mr. Molina stated that it would be possible to reconfigure the parking lot to allow for one entrance and one exit.

No community members spoke.

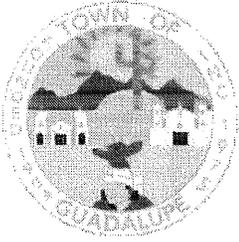
Motion by Councilmember Anita Cota to close the public hearing; second by Councilmember Osuna. Motion passed unanimously 7-0.

Held a public hearing for a variance request (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. *(continued from the March 12, 2020, Regular Council Meeting)*

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

Jeff Kulaga, Town Manager / Clerk, stated that the applicant has provided plans for an exclusive drive-through bay. Additional modifications could be made to the southernmost drive-way, including extending the property line. Dibble Engineering reviewed the traffic impacts. Per the Town Code, drive-throughs are prohibited for medical marijuana dispensaries. There is one medical marijuana dispensary in Maricopa County located in Sun City that has an existing drive-through.

In response to a question concerning variances and zoning impacts on a successor business, Dave Ledyard, Town Attorney, stated that if the variance is granted, the variance is assigned to the property for future owners to operate under. The original ordinance did not allow drive-throughs and included specific hours of operation. The Council has amended the hours of operation twice for The Mint. Mr. Ledyard discussed various types of businesses that offer drive-through services such as drug stores, which offer stronger narcotics than marijuana. A prescription card is required to purchase marijuana products that are used for medicinal purposes. Mr. Ledyard noted that the Town Code does not allow for drive-throughs for medical marijuana dispensaries. The Council action is to either grant or deny a variance based on ordinance requirements. Councilmembers may wish to consider modifying the ordinance language that regulates medical marijuana facilities.



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Mr. Ledyard stated that if the Council approves the variance request, the motion should include the findings that all of the required elements in the Zoning Ordinance have been met. If the motion is to deny the variance request, nothing additional is necessary.

In response to a question related to security, Mr. Molina stated that there will be a security guard stationed in the parking lot located directly in front of the drive-through to ensure the safety of patients.

In response to a question regarding when the drive-through facility would be open for business, Mr. Molina discussed alternative parking options during construction.

Motion by Vice Mayor Vital to approve the variance request from G.T.L. LLC dba The Mint – a medical marijuana dispensary, located at 5210 South Avenida del Yaqui for a drive-through facility; all findings in the Zoning Code have been met; second by Councilmember Osuna. Motion passed 5-2 with Councilmember Anita Cota and Councilmember Bravo voting no.

Councilmembers approved a variance request (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. *(continued from the March 12, 2020, Regular Council Meeting)*

7. PROPOSED 2020 GAMING GRANT APPLCIATIONS

Jeff Kulaga, Town Manager / Clerk, presented an overview of upcoming gaming grant (grant) applications. Last year staff submitted 21 grant proposals for \$1.4 million, and of that, the Town received \$170,000 in grant funding. This year staff took a more focused approach, based on the priority of needs. With casinos closing in light of COVID-19, gaming revenues will be impacted to an extent unknown. Mr. Kulaga reviewed the proposed 2020 gaming grant applications which include eight individual grants for Town services, programs, equipment, and infrastructure needs totaling \$285,000. Mr. Kulaga reviewed the application deadlines, none of which have been extended. Agenda items 7-12 are resolutions specific to each Indian community, which is an application requirement.

In response to a question related to active shooter training, Wayne Clement, Fire Chief, stated that there have been multiple shooting incidents in Town. Due to limited resources, the Guadalupe Fire Department does not have protective gear consisting of ballistic helmets and bullet proof vests for its crews. If the grant is approved, Mr. Clement discussed how the equipment will be assigned to staff.

8. AK-CHIN INDIAN COMMUNITY GAMING GRANT (RESOLUTION NO. R2020.08)

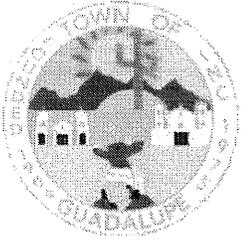
Motion by Councilmember Bravo to approved agenda item G8; second by Councilmember Osuna. Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.08** authorizing the submittal of an application for a grant of \$110,000 from the Ak-Chin Indian Community for Fire Department public safety and Small Business Assistance purposes; and, directed the Mayor, or designee, to sign all necessary documents in furtherance of this grant application.

9. FORT MCDOWELL YAVAPAI NATION GAMING GRANT (RESOLUTION NO. R2020.09)

Motion by Vice Mayor Vital to approved agenda item G9; second by Councilmember Sañchez. Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.09** authorizing the submittal of an application for a grant of \$60,000 from the Fort McDowell Yavapai Nation for Fire Department public safety purposes; and, directed the Mayor, or designee, to sign all necessary documents in furtherance of this grant application.



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10. GILA RIVER INDIAN COMMUNITY GAMING GRANT (RESOLUTION NO. R2020.10)
Motion by Vice Mayor Vital to approved agenda item G10; second by Councilmember Sañchez.
Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.10** authorizing the submittal of an application for a grant of \$25,000 from the Gila River Indian Community for family assistance resources; and, directed the Mayor, or designee, to sign all necessary documents in furtherance of this grant application.

11. PASCUA YAQUI TRIBE GAMING GRANT (RESOLUTION NO. R2020.11)
Motion by Vice Mayor Vital to approved agenda item G11; second by Councilmember Osuna.
Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.11** authorizing the submittal of an application for a grant of \$65,000 from the Pascua Yaqui Tribe for cultural event public safety purposes; and directed the Mayor, or designee, to sign all necessary documents in furtherance of this grant application.

12. TOHONO O'ODHAM NATION GAMING GRANT (RESOLUTION NO. R2020.12)
Motion by Councilmember Bravo to approved agenda item G12; second by Councilmember Osuna. Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.12** authorizing the submittal of an application for a grant of \$25,000 from the Tohono O'odham Nation for public works replacement equipment purposes; and, directed the Mayor, or designee, to sign all necessary documents in furtherance of this grant application.

12. COVID-19 ACTION UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding steps taken to safeguard public health and safety in response to the Coronavirus (COVID -19). Mr. Kulaga stated that the environment is changing rapidly in response to the Coronavirus. He has participated on a conference call with over 200 city and county representatives, and there has been extensive communications with the Arizona League of Cities and Towns and Governor Ducey's office.

Staff is in the process of taking precautions and implementing reasonable measures for the Town. Per the Centers for Disease Control and Prevention (CDC) and Governor Ducey's the following measures are in place to prevent the spread of COVID -19:

- no gatherings larger than 50 people
- smaller groups of more than 10 should be avoided
- maintain 6' social distancing between people
- wash hands frequently with soap for 20 seconds

In addition, from a Town administration standpoint, no party permits are being issued and all events in the Mercado have been rescheduled until May 8, or later if necessary. The car show was rescheduled to the Fall; Dia de los Niños was cancelled; and, Little League has been postponed to May 8, 2020.

Staff is also working with the leadership for Cuaresma events related to large gatherings, religious ceremonies, and processions while respecting the separation of church and State. Staff has strongly encouraged Cuaresma leadership to minimize crowd sizes.

Staff has also installed a phone in the Council Chambers to allow for teleconferencing during meetings. Town Hall remains open so the public can access the Court. The volume of people coming to Town



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Hall has diminished. The reception area seating has been modified; and the receptionist now serves customers through a window. The lobby bathrooms remain open, the phone has been removed, and the water fountain has been shut down.

The Community Action Program (CAP) food distribution has been restructured to distribute food on Tuesday's and Thursday's. An increased demand for food and less supply of food is anticipated. CAP assistance is by appointment only. The Senior Center closure has been extended until April 10, 2020. Lunches are being provided for carry out or are being delivered to seniors. Minor repairs to the Senior Center facility are underway. The Courts are limiting client court appearances and moving towards telephonic court appearances. Court clients are being rerouted through the Council Chambers. The Maricopa County Sheriff's Office (MCSO) is receiving direction from their human resources staff. As first responders, there is concern for the health of Fire Department personnel. Public Works personnel are the least affected because they work outdoors; however, staff is following all protocols in place. Town administration is at the essential staffing levels and is following all protocols.

Staff is also working with representatives from the Arizona Department of Transportation and the Maricopa Association of Governments regarding the Avenida del Yaqui project.

Staff is preparing the budget for the upcoming fiscal year. Many cities and towns are closed, but have implemented measures to meet with customers by appointment only. Should the environment worsen, closing Town Hall will be considered. If that were to occur, it would be contingent on the input from the State Superior Court; only essential staff would remain in Town Hall; and, telecommuting would be an option for staff.

The Library is closed through April 10. The Head Start Program remains open, but there are no students so staff is cleaning the facility. The Department of Economic Security office in the Town Hall lobby is closed until further notice.

Mr. Kulaga noted that if and when official actions are taken by Town administration, he will notify the Mayor and Council as changes occur.

In response to a questions regarding CAP operations, Mr. Kulaga stated that the CAP staff have posted a notice on their office door notifying the public to call or e-mail if they need assistance. The goal is to not have gatherings of people in the hallway. Councilmembers voiced concern regarding the CAP being accessible via phone; and, how that impacts needed public services.

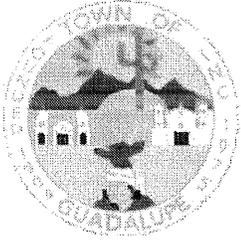
14. CENSUS 2020

Jeff Kulaga, Town Manager / Clerk, provided an update regarding the Town of Guadalupe's current Census 2020 performance. Mr. Kulaga stated that the Census 2020 (Census) regional director has indicated that the Census response rate in Town is extremely low. The Census response deadline has been rescheduled to mid-August. Funding for cities and towns is based on population. Currently, the population in Guadalupe is approximately 6,400. As other jurisdictions grow, the share of funding to Guadalupe will decrease. Mr. Kulaga urged Councilmembers to alert the public of the importance of participating in the Census. An intern is assisting with the Census efforts as well.

Councilmembers discussed preparing a promotional video and 'how to' materials to promote participation in the Census. Mr. Kulaga stated that staff will assist in these efforts. *(There is no material for this agenda item)*

15. COMMUNITY BUDGET FORUMS

Jeff Kulaga, Town Manager / Clerk, stated that on April 23, 2020, staff will be presenting the proposed Fiscal Year 2020/2021 Town budget along with several ordinances in preparation for codification of the Town Code of Ordinances. Tentative budget adoption is scheduled for May 14, 2020, with final budget adoption scheduled for June 25, 2020. Last year, there were two community budget forums.



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Suggested forum dates include:

- Thursday, April 30, 2020 (time to be determined)
- Thursday, May 7, 2020, 6 PM
- Tuesday, May 12, 2020 (time to be determined)
- Thursday, May 14, 2020, 5 PM

Mr. Kulaga emphasized that these meeting dates are dependent upon the COVID -19 environment and protocols. The purpose of the Community Budget Forums is to share the proposed Fiscal Year 2020/2021 Town of Guadalupe budget with the residents, business representatives, community partners and others with the objective to gain public input.

Mr. Kulaga and Councilmembers discussed Saturday, May 2, 2020, or Saturday, April 25, 2020 as potential Community Budget Forum dates. The forum could be videotaped and played live on the Town's Facebook webpages.

Councilmembers agreed to schedule a Community Budget Forum on Saturday, May 2, 2020, 10:00 a.m., Town Hall, Museum Room. *(There is no material for this agenda item)*

16. DELEGATION OF AUTHORITY FOR PUBLIC ASSISTANCE UNDER THE DISASTER RELIEF ACT (RESOLUTION NO. R2020.16)

Jeff Kulaga, Town Manager / Clerk, stated that Resolution No. R2020.16 has been updated from what was provided in the agenda materials. The agenda meeting packet was revised in time to meet the 24-hour posting deadline. The purpose of the resolution is to authorize staff to file an application with the State of Arizona with the intent to obtain financial assistance under the Disaster Relief Act. Staff will be tracking hours worked and expenses related to the COVID -19 protocols. The Council action has subsequently been revised to delete the wording Town Manager, "or his designee". Mayor Molina then read the amended Council action in its entirety.

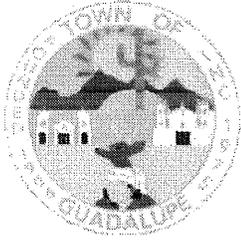
Motion by Vice Mayor Vital to approve agenda item G16; second by Councilmember Osuna. Motion passed unanimously 7-0.

Councilmembers adopted **RESOLUTION NO. R2020.16** authorizing the Town Manager until further notice, execute for, and on behalf of the Town of Guadalupe, application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance under the Disaster Relief Act.

H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- The Fire Department responded to a fire at the old Town Hall; and, Public Works staff have cleaned and fenced off the area. Staff is collecting building demolition estimates. There is no power to the structure. The Town's insurance may pay for a portion of the demolition and/or removal of debris.
- During a recent check, the occupancy rate of rooms at a local hotel was that 13 rooms were occupied, a 5% occupancy rate. March – May are prime months for area hotels. Low occupancy is due to the COVID -19, and will have an adverse impact on revenues.
- The Harvest was closed over the weekend and has re-opened for business.
- Thanked the Mayor and Council for assisting with food distribution.
- Staff is working on measures that will best protect the community, while protecting staff.
- Staff is working on the Small Business Assistance Program, anticipating a high demand for assistance.
- Announced that he will be out of the office tomorrow.



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I. COUNCILMEMBERS' COMMENTS

Councilmember Anita Cota

- Thanked audience members for their attendance.
- Thanked volunteers for assisting with food distribution.
- The Pascua Yaqui Tribe has been running out of food.
- There will be an agency providing lunches tomorrow, primarily for ages 18 and younger. The agency can provide up to 1,000 meals at various locations in Town.
- Rumors that Guadalupe has a COVID -19 victim are untrue.
- Promote 'no fear here'.

Councilmember Sañchez

- Concerned about a dog attacking a cat; and, concerned about the potential of a dog attacking a child.

Councilmember Osuna

- The agenda packet includes an incorrect document.
- Thanked staff for their work.
- Discussed a resource guide for food boxes and job assistance that could be offered in the CAP office.

Councilmember Bravo

- Thanked audience members for their attendance.
- Worried about the Town during these times.

Vice Mayor Vital

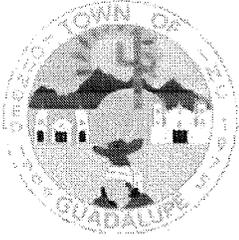
- Thanked audience members for their attendance.
- Thanked everyone for their support during these times.

Mayor Molina

- Thanked the Fire Department for their work as first responders and the importance of having the proper supplies and equipment.
- Thanked Councilmember Bravo for providing the Mayor with a mask.
- Thanked the Town Manager / Clerk (Manager) for his work. Requested that her colleagues acknowledge the pressure the Manager is under. Given current conditions, there are things that can wait to be addressed.
- The Town should be proactive versus reactive.
- Requested that pictures be taken of Old Town Hall that could be used to notify the public of the recent fire and upcoming demolition.

Jeff Kulaga, Town Manager / Clerk (*continued*)

- Requested that additional Councilmembers consider signing Town Hall checks, as a backup plan. There is a process with the bank that would need to occur.



J. ADJOURNMENT

Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Osuna. Motion passed unanimously 7-0.

The meeting was adjourned at 7:19 p.m.

Valerie Molina, Mayor

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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 26, 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

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