

Minutes Town Council Regular Meeting June 25, 2020

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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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, June 25, 2020, 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Museum Room, Guadalupe, Arizona.

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, Councilmember Elvira Osuna, and Councilmember Joe Sánchez participated via video conference.

Staff Present: Jeff Kulaga – Town Manager / Clerk, Wayne Clement – Fire Chief, Jennifer Drury – Assistant to the Town Manager, David Ledyard – Town Attorney

C. INVOCATION/PLEDGE OF ALLEGIANCE

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

Mayor Molina announced that Guadalupe Town Hall is open for the Council Meeting with seating capacity for no more than 10 attendees. The public is welcome to attend and address the Council.

D. APPROVAL OF MINUTES

Motion by Councilmember Bravo to approve agenda D1; second by Councilmember Gloria Cota. Motion passed unanimously on a roll call vote 7-0.

1. Approved the June 4, 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:

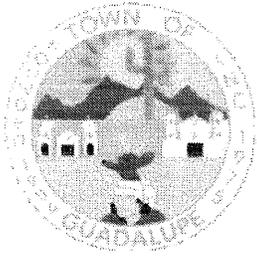
1. PUBLIC HEARING – MEDICAL MARIJUANA DISPENSARY ZONING CODE TEXT AMENDMENT (ORDINANCE NO. O2020.23)

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

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

Jason Barraza, Harvest medical marijuana dispensary representative, stated that he is available to address questions from Councilmembers.

In response to a question, Jeff Kulaga, Town Manager / Clerk, stated that the proposed ordinance would align the Town Code (Code) with State statutes. Currently, the Code requires that medical marijuana dispensaries close for business at 6:00 p.m.. The proposed Code amendment would amend the business closing time to 10:00 p.m.. Variances would no longer be required to allow these facilities to



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remain open until 10:00 p.m.. David Ledyard, Town Attorney, stated that the 10:00 p.m. business closing time aligns with State statutes. Adoption of the ordinance would eliminate the need for these types of businesses to apply for a variance to extend the business hours of operation.

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

Mayor Molina closed the public hearing.

Held a public hearing to receive public input regarding amending the Town of Guadalupe Zoning Code regarding hours of operation for medical marijuana dispensaries. The proposed ordinance would change the current hours of operation for medical marijuana dispensaries from 8:00 AM – 6:00 PM, to align with Arizona Revised Statutes hours of operation for medical marijuana dispensaries as follows:

Per Arizona Revised Statutes, Title 9, Chapter 17, Article 3, Dispensaries and Dispensary Agents, R9-17-310A1 Administration. A dispensary shall: 1. Ensure that the dispensary is operating and available to dispense medical marijuana to qualifying patients and designated caregivers at least 30 hours weekly between the hours of 7:00 AM. and 10:00 PM. (*related to G2*)

2. MEDICAL MARIJUANA DISPENSARY ZONING CODE TEXT AMENDMENT (ORDINANCE NO. O2020.23)

Dave Ledyard, Town Attorney, read the following *revised* ordinance language:

The medical marijuana dispensary is limited to the hours of operation not earlier than 8:00 a.m.-and not later than ~~6:00 p.m.~~ 10:00 PM UNLESS OTHERWISE REVISED BY THE IN ACCORDANCE WITH ARIZONA REVISED STATUTES.

In response to a question, Mr. Ledyard stated that the Council has the authority to allow lesser hours of operation, rather than more hours of operation than what is allowed by State statute.

Motion by Vice Mayor Vital to approve agenda item G2, as revised; second by Councilmember Osuna. Motion passed 6-1 with Councilmember Anita Cota voting no.

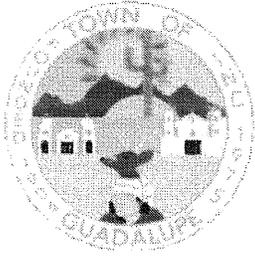
Councilmembers adopted **ORDINANCE NO. O2020.23**, as *revised*, to amend the Town of Guadalupe Zoning Code to align the hours of operation for medical marijuana dispensaries with Arizona Revised Statutes. (*related to G1*)

Mr. Ledyard stated that the newly codified Town Code of Ordinances becomes effective on July 1, 2020. The codified Code has different Code section numbers and references. When the ordinance is incorporated into the new Code, it will be located in Chapter 154, Section 154.082(E).

3. PUBLIC HEARING – VARIANCE REQUEST FOR MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION, THE MINT DISPENSARY

Motion by Vice Mayor Vital to continue agenda item G3 to the July 23, 2020, Regular Council Meeting; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

At the request of the Applicant, Councilmembers voted unanimously to continue agenda item G3 to the July 23, 2020, Regular Council Meeting. This agenda item is a public hearing for a variance request to allow G.T.L. LLC dba The Mint, Dispensary, 5210 South Avenida del Yaqui, Guadalupe, AZ, authorization to operate 24 hours a day, seven days a week. The Applicant is Raul Molina. (*related to G4*)



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4. VARIANCE REQUEST FOR MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION, THE MINT DISPENSARY

Motion by Vice Mayor Vital to continue agenda item G4 to the July 23, 2020, Regular Council Meeting; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

At the request of the Applicant, Councilmembers voted to continue agenda item G4 to the July 23, 2020, Regular Council Meeting. This agenda item is a variance request to allow G.T.L. LLC dba The Mint, Dispensary, 5210 South Avenida del Yaqui, Guadalupe, AZ to be authorized to operate 24 hours a day, seven days a week. The Applicant is Raul Molina. *(related to G3)*

5. COVID-19 PROCLAMATION REQUIRING FACE COVERINGS IN PUBLIC; AND UPDATE

Mayor Molina introduced Reggie Williams, Maricopa County Health Services representative.

Jeff Kulaga, Town Manager / Clerk, provided a slide presentation regarding current activities of the Guadalupe COVID-19 Response Team to safeguard public health, and up to date virus case numbers provided by Maricopa County Health Services. Mr. Kulaga noted that the Maricopa County Association of Governments (MAG) provides regional oversight of issues impacting cities and towns within Maricopa County.

Per the Maricopa County Health Services, the COVID-19 infection rate in Guadalupe has declined from 5.6 on June 4, 2020, to 2.8 times the infection rate in Maricopa County (County). Guadalupe continues to run higher than County infection rate averages. Arizona's infection rates are of concern and are increasing.

Governor Ducey has granted cities and towns the authority to require face coverings in public. Face coverings help to protect against the spread of the virus. As a result, Mayor Molina issued a Proclamation requiring face coverings in public, effective June 19, 2020.

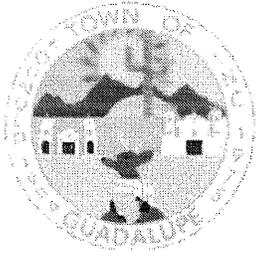
Per Blue Cross / Blue Shield data, Mr. Kulaga reviewed how the virus is transmitted and recommended measures to mitigate the transmission of the virus. He compared the death rates of populations that do, and do not, wear face masks. A "Mask Up Arizona" campaign is being promoted, state-wide.

Since the last update provided to Council, the following actions have been taken by the Town of Guadalupe:

- Proclamation and continued declaration of emergency – requiring face coverings in public
- Council approved \$125,000 for COVID-19 Response Team
- Fire Department distributed 4,000 masks
- Social media public service announcements
- Media interest
- August 1, 2020 – reassess reopening status for Town facilities

Mr. Kulaga emphasized that the virus infection rate must decline before Town Hall reopens. In mid-July, the Town will host its third COVID-19 testing event. The Town has also provided some rent relief assistance to eligible Mercado tenants. Mercado rent relief will be an item of discussion on an upcoming meeting agenda. Two part-time employees oversee the COVID-19 Response Team. Mr. Kulaga provided contact information for the COVID-19 Response Team Promotoras.

A Councilmember commended Mr. Williams, Town staff, and Council colleagues for their efforts to address the COVID-19 pandemic.



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A Councilmember noted that COVID-19 testing is available for tribal members. The Guadalupe business community is doing a Mask Up campaign and requesting that everyone wear a face mask. A list of individuals that are homebound is being created with the intention of providing meal/food delivery services. Virus testing will also be offered to seniors and the homeless population.

In response to a question regarding hospital capacity, Mr. Williams stated that he would follow up with hospital officials and provide that information to Councilmembers. The County is also working on verifying if certain properties in Guadalupe are occupied to ensure that those homes have water service.

Mayor Molina noted that COVID-19 is the number one priority and thanked the Town Manager / Clerk for his work on this issue.

6. CROWN CASTLE GROUP, LLC – APPLICATION FOR LICENSE TO USE RIGHT-OF-WAY FOR WIRED TELECOMMUNICATIONS FACILITIES

Jeff Kulaga, Town Manager / Clerk, stated that state and federal law related to the telecommunications industry changed to expand the rights of the telecommunication service providers to utilize Town right-of-way to install telecommunication equipment. The Crown Castle Group is requesting the use of public right-of-way to install wired facilities in public right-of-way. Since 1996, cities and towns have been preempted by the State legislature to allow the telecommunication industry access to public right-of-ways. There are various fees involved. The license to work in the right-of-way expires in five years. Staff recommends approval of the license.

In response to a question regarding how the proposed right-of-way work will impact the Avenida del Yaqui Street Improvement project, Mr. Kulaga stated that Crown Castle is working with the engineering and design team for the street improvement project. The same process is occurring with Zayo. Utility coordination is underway.

Motion by Vice Mayor Vital to approve agenda item G6; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

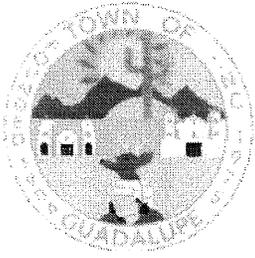
Councilmembers approved a telecommunications services license agreement for Crown Castle Group, LLC pursuant to the Town's ordinance allowing for wired facilities in the right-of-way. This is the first step in the process for Crown Castle Group, LLC to apply for an individual permit approval for each site location including detailed plans/specifications submittals. This master license agreement request complies with 2019 Town Council adopted ordinances, 2017 State legislation and related Federal Communications Commission rules.

7. MARICOPA COUNTY COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (ALTERNATE) APPOINTEE RECOMMENDATION

Mayor Molina stated that at the last Council Meeting, the Council voted to recommend the appointment of Vice Mayor Vital to the Community Development Advisory Committee (CDAC). At the same meeting, Councilmembers discussed the possibility of recommending Councilmember Sánchez to serve as the Alternate Member.

In response to a question, Councilmember Sánchez indicated he would be willing to serve as the Alternate Member on the CDAC.

Motion by Vice Mayor Vital to recommend the appointment of Councilmember Sánchez to the CDAC as an Alternate Member; second by Councilmember Gloria Cota. Motion passed unanimously on a roll call vote 7-0.



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Councilmembers approved the recommendation to appoint Councilmember Sánchez, in his capacity as an elected official, to serve as an Alternate representative on the Maricopa County Community Development Advisory Committee. The term of office is July 1, 2020 to June 30, 2022. The recommendation will be forwarded to the Maricopa County Board of Supervisors.

8. AMENDMENT NO. 5 TO AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT FOR THE GUADALUPE COMMUNITY ACTION PROGRAM

Jeff Kulaga, Town Manager / Clerk, stated that on May 14, 2020, the Town Council extended an intergovernmental agreement (IGA) with the Maricopa County Human Services Department (County), which provides funding for the Community Action Program (CAP) services. CAP services include rental and utility assistance and food distribution to community members. The May 14, IGA extended the contract term for six months from June 30, 2020 to December 31, 2020, and added \$20,000 to CAP funding. The proposed IGA allows the County to provide an additional \$5,000 in CAP funding. Staff recommends approval of the IGA.

Motion by Vice Mayor Vital to approve agenda item G8; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

Councilmembers authorized the Mayor, or designee, to sign Amendment No. 5 to an Intergovernmental Agreement (Contract #C2018-17C) with Maricopa County (County) by and through its Human Services Department. The initial contract term began on July 1, 2016, for the provision of crisis case management and financial assistance services through the Town of Guadalupe Community Action Program (CAP). The contract term for Amendment No. 5 is from June 30, 2020 to December 31, 2020, with the County increasing funding for the period by \$5,000 from \$20,000 to \$25,000 to the Town. Approval of Amendment No. 5 authorizes the Mayor, or designee, to sign all necessary documents in furtherance of Amendment No. 5.

9. AREA AGENCY ON AGING ANNUAL CONTRACT

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is an annual contract with the Area Agency on Aging. The contract amount is \$138,872 and the contract term is July 1, 2020 – June 30, 2021. The funding provided by the Area Agency on Aging represents 57% of the funding needed to operate the Senior Center.

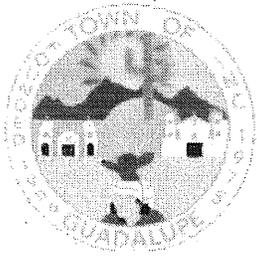
Motion by Councilmember Bravo to approve agenda item G9; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

Councilmembers authorized the Mayor, or designee, to sign a contract (C2020-21), authorizing the Area Agency on Aging to provide \$138,872 in funding for congregate meals and home delivered meals, multipurpose center operations, and transportation services for the Town of Guadalupe Senior Center. Approval of the contract authorizes the Mayor, or designee, to sign all necessary documents in furtherance of this contract.

10. FALL 2020 PRIMARY AND GENERAL ELECTIONS UPDATE

Jeff Kulaga, Town Manager / Clerk, provided an update regarding the primary and general elections schedule for August 4, 2020 and November 3, 2020, respectively. The Mercado multi-purpose room will be used as an early voting location July 22 – August 3; and, will also serve as a polling location on election day. Early ballots can be dropped off at the Mercado multi-purpose room July 22 – August 4. The Maricopa County Elections Department will provide staff for the voting center activities.

June 25, 2020 is the deadline for write-in candidates to file their paperwork. There are 3 openings and 3 candidates for Councilmember positions at the Primary Election. On the ballot will be Vice Mayor Vital and Councilmember Anita Cota; and, Councilmember Osuna will be a write-in candidate. Mayor Molina will be on the ballot for Mayor, where there will be one opening.



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For the General Election, early voting will occur October 21 – November 2 at the Mercado multi-purpose room.

11. CLAIMS

Motion by Vice Mayor Vital to approve agenda item G11; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

Councilmembers approved the check register for May 2020, totaling \$419,018.91.

H. TOWN MANAGERS' COMMENTS

Jeff Kulaga

- Old Town Hall has been destroyed by a fire. Staff is working with the Maricopa County Environmental Department, a demolition company, and an asbestos removal company to determine how to properly and safely finalize the demolition of the structure.

I. COUNCILMEMBERS' COMMENTS

Mayor Molina

- Read a Proclamation declaring June 25, 2020, as Jeff Kulaga Day in the Town of Guadalupe.

Mr. Kulaga thanked the Mayor and Council for the Proclamation.

Councilmember Gloria Cota

- Wished Mr. Kulaga Happy Birthday.

Councilmember Sánchez

- Voiced appreciation for Mr. Kulaga and his work.

Councilmember Bravo

- Wished Mr. Kulaga Happy Birthday.
- Voiced appreciation for Mr. Kulaga's and his work.

Councilmember Anita Cota

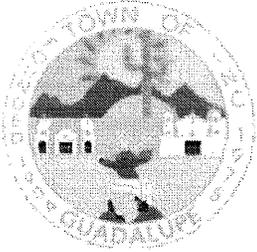
- Wished Mr. Kulaga Happy Birthday.
- Thanked Mr. Kulaga and his family for supporting the Town.
- Concerned about people gathering at night in the vicinity of Calle Iglesia and the canal.
- Concerned about the large gatherings that continue to occur in Town. Would like to have a flyer created that discusses the consequences of large gatherings.

Councilmember Osuna

- Wished Mr. Kulaga Happy Birthday.

Vice Mayor Vital

- Thanked the Pascua Yaqui Tribe, Maricopa County, Native Health, and Arizona State University for their assistance during the pandemic.
- Thanked staff for their work on the pandemic.
- Wished Mr. Kulaga Happy Birthday.



J. ADJOURNMENT

Motion by Vice Mayor Vital to adjourn the Town Council Regular Meeting; second by Councilmember Osuna. Motion passed unanimously on a roll call vote 7-0.

The meeting was adjourned at 7:09 p.m.



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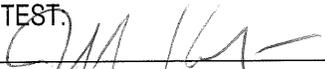
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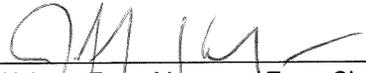
ATTEST:



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 June 25, 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