



NOTICE OF REGULAR MEETING
OF THE TOWN OF GUADALUPE COUNCIL

MONDAY, OCTOBER 22, 2018
5:00 P.M.

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Town of Guadalupe Council and to the general public that the Town of Guadalupe Council will hold a meeting, open to the public, on **Monday, October 22, 2018, 5:00 P.M.**, at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

Valerie Molina
Mayor

Anita Cota
Vice Mayor

Gloria Cota
Councilmember

Elvira Osuna
Councilmember

Joe Sanchez
Councilmember

Faustino Valenzuela
Councilmember

Ricardo Vital
Councilmember

Online agendas and
results available at
www.guadalupeaz.org

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

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. INVOCATION/PLEDGE OF ALLEGIANCE
- D. APPROVAL OF MINUTES:
 1. Approval of the minutes of the Town Council Regular Meeting held on October 11, 2018.
- E. CALL TO THE PUBLIC. An opportunity is provided to the public to address the Council on items that are not on the agenda or included on the consent agenda. A total of 3 minutes will be provided for the Call to the Audience agenda item, unless the Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.
- F. MAYOR and COUNCIL PRESENTATIONS:
Arizona Cities and Towns Week – Proclamation
- G. DISCUSSION AND POSSIBLE ACTION ITEMS:
 1. **EXECUTIVE SESSION:**
The Guadalupe Town Council may vote to go into an executive session closed to the public as allowed by (ARS 38-431.03(A)(1)), to discuss Personnel matters:
 - a. Town Manager / Clerk Performance Update
 2. **TOWN MANAGER / CLERK, EMPLOYMENT CONTRACT RENEWAL:**
The Guadalupe Town Council will review the contract between the Town and the appointed Town Manager / Clerk and may vote to renew the contract with Jeff Kulaga.
- H. TOWN MANAGER'S REPORT
- I. COUNCILMEMBERS' COMMENTS
- J. ADJOURNMENT



Minutes Town Council Regular Meeting October 11, 2018

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, October 11, 2018, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

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A. CALL TO ORDER

Vice Mayor Cota called the meeting to order at 6:00 P.M.

B. ROLL CALL

Councilmembers Present: Vice Mayor Anita Cota, Councilmember Gloria Cota, Councilmember Elvira Osuna, Councilmember Joe Sánchez, and Councilmember Ricardo Vital

Councilmembers Absent: Mayor Valerie Molina and Councilmember Faustino Valenzuela

Staff Present: Jeff Kulaga – Town Manager / Clerk, Bob Thaxton, Finance Director, Wayne Clement – Fire Chief, Nancy Holguin, Community Development Coordinator, Catalina Alvarez – CAP Director, Veronica Matuz – Senior Center Director, Kay Savard – Deputy Town Clerk, and Dave Ledyard – Town Attorney

C. INVOCATION/PLEDGE OF ALLEGIANCE

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

D. APPROVAL OF MINUTES:

Motion by Councilmember Sánchez to approve agenda item D1; second by Councilmember Osuna. Motion passed unanimously 5-0.

1. Councilmembers approved the September 27, 2018 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: Held a public hearing for proposed changes to the Town of Guadalupe Tax Code pursuant to A.R.S. § 42-6053. The proposed changes relating to the Transaction Privilege Tax will adopt the 2012-2014 amendments to the Tax Code of the Town of Guadalupe by reference; providing for severability and establishing effective dates. *(Note: this item is related to agenda items G2 and G3)*

Vice Mayor Cota opened the public hearing. No one spoke.

Motion by Councilmember Sánchez to close the public hearing; second by Councilmember Cota. Motion passed unanimously 5-0.

Vice Mayor Cota closed the public hearing.



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2. MODEL CITY TAX CODE 2012-2014 AMENDMENTS TO THE TOWN OF GUADALUPE TAX CODE (ORDINANCE NO. O2018.02): Councilmembers reviewed Model City Tax Code 2012-2014 Amendments, Sections 1 through 16, to amend and include in the Town of Guadalupe Tax Code, and directed staff to move forward with implementation. **ORDINANCE NO. O2018.02** adopts the Model City Tax Code 2012-2014 Amendments, by reference, to Resolution No. R2018.21 (agenda item G3). *(Note: this item is related to agenda items G1 and G3)*

Jeff Kulaga, Town Manager / Clerk, stated that at the September 27, 2018, Regular Council Meeting, staff briefed the Town Council regarding the Model City Tax Code (MCTC) 2012-2014 Amendments to the Town of Guadalupe Tax Code. Adoption of the proposed ordinance, as well as Resolution No. R2018.21 (agenda item G3), would bring the Town of Guadalupe Tax Code into conformance with the MCTC. From a financial standpoint, the impacts of the 2012-2014 Amendments are immaterial and negligible to the Town.

Motion by Councilmember Sánchez to approve agenda item G2; second by Councilmember Osuna. Motion passed unanimously 5-0.

3. MODEL CITY TAX CODE 2012-2014 AMENDMENTS TO THE TOWN OF GUADALUPE TAX CODE (RESOLUTION NO. R2018.21): Councilmembers adopted **RESOLUTION NO. R2018.21** related to the Model City Tax Code 2012-2014 Amendments, Sections 1 through 16, and directed staff to move forward with implementation. The Amendments will be incorporated into the Town of Guadalupe Tax Code. *(Note: this item is related to agenda items G1 and G2)*

Jeff Kulaga, Town Manager / Clerk, stated that adoption of Ordinance No. O2018.02 (agenda item G2), as well as the proposed resolution would bring the Town of Guadalupe Tax Code into conformance with the Model City Tax Code.

Motion by Councilmember Osuna to approve agenda item G3; second by Councilmember Valenzuela. Motion passed unanimously 5-0.

4. TOWN OF GUADALUPE FIRE BOARD OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM APPOINTMENTS: Councilmembers discussed appointing and reappointing members to the Town of Guadalupe Fire Board of the Public Safety Personnel Retirement System pursuant to A.R.S. § 38-847. The purpose of the Board is to administer the Public Safety Personnel Retirement System for Guadalupe Fire services. The Town of Guadalupe Fire Board of the Public Safety Personnel Retirement System is composed of five members consisting of the Mayor, or a designee of the Mayor (as chair), two members elected from the Guadalupe Fire Department, and two citizens of Guadalupe. The citizen members of the Board are appointed by the Mayor with the approval of the Town Council. The Board meets a minimum of twice a year in the Guadalupe Town Hall, 9241 S. Avenida del Yaqui, Museum Room, Guadalupe, AZ. Members for consideration and possible appointment are: Jeff Kulaga, Town Manager as Chair; two citizen representatives; and, appointing Dennis Dominguez and Alan Romania as Guadalupe Fire Department representatives.

Jeff Kulaga, Town Manager / Clerk, stated that the Town has hired a new firefighter, George Fleming. Mr. Fleming is scheduled to attend training on Monday, October 15, 2018. Per state statute, there must be a local fire board that makes a recommendation to Public Safety Personnel Retirement System (PSPRS) to add Mr. Fleming to the public safety retirement system. Mr. Kulaga noted that the previous Town of Guadalupe PSPRS board disbanded in 2014. The proposed Council action is to re-establish the local board in order to comply with state statutes. If approved, a PSPRS meeting will be held on Friday, October 12, 2018.



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

The following Board members were appointed:

Board Member Name	Position	Term Expires
Jeff Kulaga (Chair)	Mayor's designee	10/31/2022
Laurie Cota	Citizen representative	10/31/2020
Mary Uriarte	Citizen representative	10/31/2022
Dennis Dominguez	Fire Department representative (elected)	10/31/2020
Alan Romania	Fire Department representative (elected)	10/31/2022

5. CLAIMS: Councilmembers approved the check register for September, 2018, totaling \$576,617.55.

Motion by Councilmember Osuna to approve agenda item G5; second by Councilmember Cota. Motion passed unanimously 5-0.

H. TOWN MANAGER'S REPORT (*item taken out of order*)

Jeff Kulaga, Town Manager / Clerk, provided the following updates:

- Congratulated Catalina Alvarez – CAP Director, for receiving an A+ operations rating from the Arizona Department of Economic Security.
- Thanked the Pascua Yaqui Tribe for awarding the Town of Guadalupe \$15,000 to be used for Public Works trucks; and, for awarding \$80,000 to CAP operations.
- Reported vandalism issues at Town Hall and the public library.
- Friday, October 12, 2018 – Town of Guadalupe Fire Department open house.

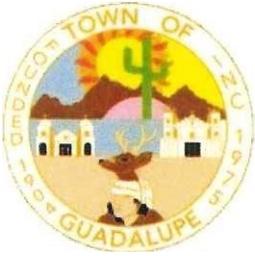
I. COUNCILMEMBERS' COMMENTS

- Councilmember Valenzuela
Congratulated Catalina Alvarez on the CAP accomplishments.
Thanked staff members for attending the meeting.
- Councilmember Sánchez
There are no more sandbags for community members.
There was a recent dedication of four homes, for senior community members.
- Councilmember Osuna
Discussed an upcoming United Way event, Operation Lift.
Thursday, October 25, 2018 – Spooktacular event.
Thanked staff members for attending the meeting.

Councilmember Cota

Thanked staff members for attending the meeting.

- Vice Mayor Cota
Thanked staff members for attending the meeting.
Expressed appreciation for CAP and Senior Center operations.
Expressed appreciation for the partnership between the Pascua Yaqui Tribe and the Boys and Girls Club.
Thanked Public Works staff for their storm clean-up work.
Friday, November 30, 2018 – Christmas tree lighting event.
October is Domestic Violence Awareness Month.



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G6. EXECUTIVE SESSION *(item taken out of order)*

Councilmembers voted to convene an executive session to obtain legal advice from the Town Attorney on the following topics:

- (a) Town Court safety measures.
- (b) Potential litigation / contract dispute.

Motion by Councilmember Sánchez to convene into an Executive Session; second by Councilmember Cota. Motion passed unanimously 5-0.

Councilmembers adjourned the Regular Council Meeting at 6:15 p.m., and convened an Executive Session.

J. ADJOURNMENT

Motion by Vice Mayor Cota Councilmember Sánchez to adjourn; second by Councilmember Osuna. Motion passed unanimously 5-0.

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 Regular Town Council Meeting of the Town Council of Guadalupe, Arizona held on the 11th day of October, 2018. I further certify the meeting was duly called and held and that a quorum was present.

Jeff Kulaga, Town Manager / Town Clerk



October 17, 2018

To: The Honorable Mayor and Town Council

From: Jeff Kulaga, Town Manager / Clerk

RE: Monday, October 22, 2018 Town Council Meeting Information Report

The purpose of this report is to provide brief information regarding agenda items for the Regular Council meeting.

5:00 PM Regular Council Agenda Items:

- G1.** Council may vote to go into Executive Session to review the Town Manager / Clerk's performance and contract.
- G2.** Council may vote to renew the contract with Jeff Kulaga to serve as Town Manager / Clerk for another one year period. Terms and conditions of the 2018 contract are generally similar to the original 2017 contract approved on September 28, 2017. The proposed 2018 contract is attached.

TOWN OF GUADALUPE
EMPLOYMENT AGREEMENT OF
TOWNMANAGER/CLERK

THIS AGREEMENT (this "Agreement") is executed by and between the Town of Guadalupe, an Arizona municipal corporation, (the "Town") and Mr. Jeff Kulaga ("Kulaga") as of this October 22, 2018.

1. The Town wishes to reappoint Kulaga as Town Manager/Town Clerk and Kulaga is willing to accept continued employment in this combined position and perform such duties as are required.

2. The Town shall extend the employment opportunity to Kulaga and offer the following salary, and other terms as follows:

- (a) Salary – Maintain current annual salary amount as approved on September 28, 2017 to be paid in biweekly increments in accord with the Towns normal payroll practices.
- (b) This position is an exempt management position and Kulaga will use his best efforts to fulfill the duties of the Town Manager and Clerk.
- (c) Kulaga will receive all of the normal benefits and opportunities afforded to a Guadalupe management level exempt employee.
- (d) The term of this agreement will be for one year beginning October 22, 2018 however, the term may be extended upon mutual agreement of the parties.
- (e) The Council is aware that Kulaga occasionally is a guest lecturer, student mentor and/or speaker and may need to leave early, or extend a lunch hour. Such activities are permitted so long as they do not unnecessarily interfere with his duties at the Town.
- (f) In the event the Council should terminate this contract without cause, Kulaga shall be entitled to severance pay equal to his base pay for three months, accrued PTO time, deferred compensation, and paid holidays accrued during the three-month severance period and the Town shall pay the cost to continue health insurance for Kulaga and all dependents and life insurance during the three-month severance period.

Council may terminate this contract at any time for cause including willful misconduct, fraud, corruption, moral turpitude, or refusal or failure to perform in breach of this agreement. In the event this agreement is terminated involuntarily for cause or Kulaga resigns, the Town will not have to pay a severance package.

- (g) In the event Kulaga wishes to resign, he will give the Town not less than thirty (30) days' notice.

3. This agreement serves as the formal employment agreement between the Town and Kulaga and is the full and complete agreement of the parties and will be treated as such.
4. A.R.S. §38-511 concerning conflict of interest applies to this agreement.
5. The parties agree to work together in good faith in the performance of this agreement.
6. In the event of a breach of this agreement, the nonbreaching party is entitled to their reasonable attorney fees and costs resulting from the breach.

DATED this 22 day of October 2018.

TOWN OF GUADALUPE

Valerie Molina, Mayor

Attest:

Jeff Kulaga
Town Manager / Clerk

Approved as to form:

David E. Ledyard, Faith Ledyard & Faith, PLC
Town Attorney