

MINUTES OF THE REGULAR MEETING
OF THE TOWN OF GUADALUPE COUNCIL

Minutes of the Regular Town of Guadalupe Council Meeting, Thursday, December 14, 2017, at 6:00 P.M., in the Town Council Chambers, Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona.

Valerie Molina
Mayor

A. CALL TO ORDER

Mayor Molina called the meeting to order at 6:03 P.M..

Anita Cota
Vice Mayor

B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Anita Cota, Councilmember Elvira Osuna, Councilmember Joe Sanchez, and Councilmember Ricardo Vital

Gloria Cota
Councilmember

Councilmembers Absent: Councilmember Gloria Cota and Councilmember Faustino Valenzuela

Elvira Osuna
Councilmember

Staff Present: Jeff Kulaga – Town Manager / Clerk, Bob Thaxton – Finance Director, Nancy Holguin – Community Development Coordinator, Gerardo Moreno – Public Works Director, Wayne Clement – Fire Chief, Veronica Matuz – Interim Senior Center Director, Jennifer Drury – Assistant to the Town Manager, Kay Savard – Deputy Town Clerk

Joe Sanchez
Councilmember

C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Osuna called for a moment of silence in recognition of victims of domestic violence, and acknowledged a recent tragedy within the community. Councilmember Osuna then led the invocation and the pledge of allegiance.

Faustino Valenzuela
Councilmember

D. APPROVAL OF MINUTES:

Approved the minutes of the Regular Council Meeting held on November 9, 2017 and the Special Council Meeting held on November 9, 2017.

Motion by Vice Mayor Cota to approve the November 9, 2017, Regular and Special Council Meeting Minutes; second by Councilmember Vital. Motion passed unanimously 5-0.

Ricardo Vital
Councilmember

E. CALL TO THE PUBLIC – no one spoke.

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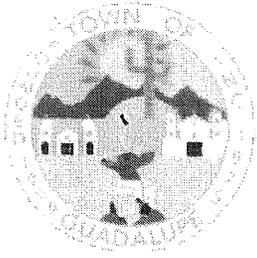
F. MAYOR and COUNCIL PRESENTATIONS:

1. Pascua Yaqui Tribe Collaborative Efforts Presentation

Mayor Molina introduced Mario Molina, Director of Education, and Lenny Dempsey, Education Supervisor, of the Pascua Yaqui Tribe. Mr. Dempsey provided an update regarding a partnership between the Pascua Yaqui Tribe and the Tempe Union High School District that is focused on assisting students to graduate from high school. The Pascua Yaqui Tribe has approved grant funding for this program. Mr. Dempsey outlined program highlights, the program timeline, and participating schools and colleges.

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Mr. Dempsey then discussed a partnership with the Town of Guadalupe to provide a teen resource center to be located at the Mercado in the Town of Guadalupe. Infrastructure renovations and resources needed are currently being evaluated. The facility will be programmed to allow for various groups utilize the space. Various entities have provided grant funding for this program. A program update will be provided to the Town Council in January.



Mayor Molina thanked the Pascua Yaqui Tribe for providing grant funding for the programs.

2. Guadalupe Library Annual Report

Mayor Molina called upon Amy Vaterlaus – Branch Manager, Guadalupe Library, to provide an annual report. Ms. Vaterlaus discussed the various types of programs offered by the Guadalupe Library (Library), statistics regarding Library/program usage, and technological resources that are available to patrons. Staff is researching the possibility of incorporating portable Wi-Fi hotspot technology at the Library. Ms. Vaterlaus outlined upcoming initiatives based on customer feedback from a survey that was conducted in February.

Valerie Molina
Mayor

In response to a question, Mr. Kulaga stated that staff is in the process of purchasing a book from the Pascua Yaqui Tribe to add to the Library’s collection.

Anita Cota
Vice Mayor

G. DISCUSSION AND POSSIBLE ACTION ITEM:

Gloria Cota
Councilmember

I. PUBLIC HEARING: Held a public hearing for a variance by Nature Med, Inc. (dba Harvest – a medical marijuana dispensary) located at 1821 W. Baseline Road, Suite 101 for extended hours of operation outside of existing Town ordinance. The current ordinance requires business closure at 6:00 P.M. The requested variance is to extend hours of operation to a 9:00 P.M. closure, Monday through Sunday.

Elvira Osuna
Councilmember

Mayor Molina opened the public hearing and called upon Adam Baugh, Applicant Representative, Nature Med, Inc., to provide a presentation.

Joe Sanchez
Councilmember

Mr. Baugh stated that the Nature Med facility provides medical necessities to patients. Products are available based on the needs of each customer. The requested variance is based on the following four criteria that must be satisfied, as set forth by state statute:

Faustino Valenzuela
Councilmember

1. The property has no left turn access when traveling westbound on Baseline Road. Extending the hours of operation will give patients improved access to the property.
2. Sequencing of when the State law was passed compared to when the Town ordinance was adopted.
3. Medication cannot be kept in stock.
4. There is an existing facility in Guadalupe that operates until 9:00 P.M., for a probationary timeframe.

Ricardo Vital
Councilmember

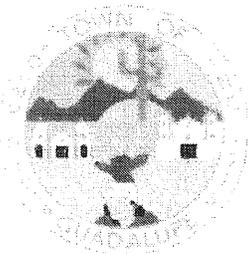
Mr. Baugh noted that the above conditions are not self-imposed, nor did the applicant cause the four criteria to occur. It would be unusual for one facility to be open until 9:00 P.M., and not the other facility. He noted that the variance would not be detrimental to area businesses and would preserve the enjoyment of substantial copyrights. After reviewing the Town code, it appears that the hours of operation for these types of facilities are not restricted. Currently, convenience stores, liquor stores, and adult entertainment facilities, may be open later than what is being requested. In order to maintain reasonable use of property and competitive and equal playing fields for dispensaries in the area, the variance would preserve property rights. There have been no complaints or crime associated with this facility. Extended hours are appropriate. It is a challenge for patients that work to make it to the facility by 6:00 P.M..

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In response to questions, Mr. Baugh stated that he would be agreeable to a one-year stipulation for the extended hours of operation; and, that he would reapply for extended hours of operation 30 days prior to the expiration of the variance.

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



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Anita Cota
Vice Mayor

Gloria Cota
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Elvira Osuna
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Joe Sanchez
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2. **VARIANCE REQUEST:** Councilmembers granted a variance request, with conditions, for Nature Med Inc. (dba Harvest – a medical marijuana dispensary) located at 1821 W. Baseline Road, Suite 101 to extended hours of operation outside of existing Town ordinance from 6:00 P.M. to 9:00 P.M. Monday through Sunday.

David Ledyard, Ledyard & Faith, PLC, Town Legal Counsel, discussed the applicant’s overview of the variance test as outlined in the meeting packet materials. Should the Council wish to grant the variance request, the Council would need agree that the four statements are correct, and should be included in the motion as follows:

- A. Special circumstances related to patient access and restrictive hours create an undue hardship.
- B. The special circumstances are not self-imposed.
- C. The request to extend hours of operation is necessary for the preservation and enjoyment of substantial property rights.
- D. The variance will not be materially detrimental to adjacent persons or property.

If the variance is granted, Mr. Ledyard stated that the motion could reference Variance Test, Section 5, A, B, C, and D. Should the Council not approve the variance request, the Applicant would have the burden of proving that all four statements are true.

In response to a question, Mr. Ledyard stated that the Council can include the one-year timeframe in which the variance will be in effect; and, if the Applicant wishes to extend the variance timeframe, the Applicant will need to apply for an extension 30 days prior to the expiration of the variance.

In response to a question concerning property access. Mr. Baugh indicated that he was aware when he purchased the building that there was a property access issue. Mr. Baugh referenced Arizona case law that knowledge of special circumstances does not invalidate special circumstances.

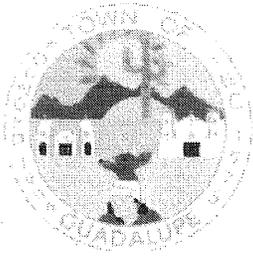
Motion by Mayor Molina to acknowledge that the Variance Test statements, Section 5, A, B, C and D are correct; that the 9:00 P.M. hours of operation extension be approved for a probationary time limit of one-year; and, that if the Applicant wishes to request an extension of the variance, the Applicant must apply for a time extension within 30-days of the expiration of the variance; second by Councilmember Vital. Motion passed 4-1 with Vice Mayor Cota voting no.

3. **RESOLUTION:** Councilmembers adopted **RESOLUTION 2017-21** authorizing the Mayor to execute an intergovernmental agreement IGA2017A021 between the Ak-Chin Indian Community and the Town of Guadalupe to accept awarded 12% Contribution Grant in the amount of \$95,000 towards the purchase of a Type 1 Fire Engine and sign all necessary documents in furtherance of this agreement.

Mayor Molina stated that the Town of Guadalupe received a 12% grant from the Ak-Chin Indian Community for the purchase of a fire engine vehicle.

Motion by Vice Mayor Cota to adopt Resolution 2017-21; second by Councilmember Sanchez. Motion passed unanimously 5-0.

4. **RESOLUTION:** Councilmembers adopted **RESOLUTION 2017-22** authorizing the Mayor to execute an intergovernmental agreement IGA2017A022 between the Phoenix metropolitan area Cities, Towns, Fire Districts, and governmental jurisdictions and the Town of Guadalupe for the purpose of providing automatic aid assistance for fires and other types of emergency incidents as described under the terms of the Agreement (the



“Automatic Aid System”) and authorize for the Mayor to execute formal notice that the Town of Guadalupe Fire Department is withdrawing from the currently existing Automatic Aid Agreement for Fire Protection and Other Emergency Service.

Motion by Councilmember Vital to adopt Resolution 2017-22; second by Councilmember Sanchez. Motion passed unanimously 5-0.

- 5. **APPROVAL of BID:** Councilmembers approved a bid to repair Maintenance Building roof, gutters and walls.

Jeff Kulaga, Town Manager / Clerk, stated that the Town received three bids, each totaling approximately \$80,000, \$16,400, and, \$14,200. Staff has reviewed the bids and is recommending approval of the \$16,400 bid, [Woodruff Construction].

In response to a question, Jennifer Drury, Assistant to the Town Manager, stated that she felt that the high bid was due to lack of interest in responding the bid.

Motion by Vice Mayor Cota to award the bid to Woodruff BWC Construction; second by Councilmember Sanchez. Motion passed unanimously 5-0.

- 6. Councilmembers reviewed the Mercado and Mercado Multi-Purpose Room fee schedule.

Jeff Kulaga, Town Manager / Clerk, reviewed the proposed fee schedule for the Mercado Multi-Purpose Room. The goal was to create a dynamic fee schedule for various facility uses and times of use in order to generate interest in the rental of this facility. He noted that the Mercado has experienced a deficit over the last few years, which remains the case for this year.

Staff is also recommending the implementation of a no waiver of fees – no exception policy; users would be charged a fee if: the facility is not clean; property damage occurs; and, in cases where repairs/replacement of equipment is needed. Administratively, staff would inventory the equipment being rented to ensure all equipment is accounted for and in good condition, after each use. Rental contracts will include the terms that customers will be billed for missing or damaged equipment. With Council concurrence, staff will return to a Town Council Meeting in January with a policy, for Council consideration.

Mayor Molina requested consideration of incorporating community partners into the fee schedule.

Councilmembers received clarification that the proposed fee schedule applies to the multipurpose room, and not the Mercado.

No action was taken on agenda item 6.

- 7. Councilmembers reviewed and approved the 2018 Town Council meeting calendar.

Jeff Kulaga, Town Manager / Clerk, reviewed the proposed Town Council Meeting schedule for 2018. He discussed key meeting dates and proposed topics of discussion. Should the Council approve the meeting schedule, staff will post the schedule on-line and at the Town Hall entrance, for public transparency and planning purposes. Special sessions may be scheduled, as needed.

Mr. Kulaga noted that the Town Hall hours of operation will be changing to 8:00 A.M. – 5:00 P.M., Monday through Friday. The anticipated additional annual cost to operate the Town Hall five days a week is approximately \$15,000 - \$20,000, in order to provide meals to senior citizens on Friday’s.

In response to a question, Mr. Kulaga clarified that the new Town Hall hours of operation will begin on January 2, 2018.

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Gloria Cota
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Elvira Osuna
Councilmember

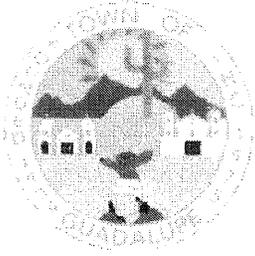
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Councilmembers received clarification regarding the Tempe Union High School District graduation dates.

Motion by Councilmember Vital to approve the proposed 2018 Town Council Meeting schedule; second by Councilmember Osuna. Motion passed unanimously 5-0.

8. Councilmembers considered and approved canceling the December 28, 2017 Town Council meeting.

Motion by Councilmember Vital to cancel the December 28, 2017, Town Council Meeting; second by Councilmember Sanchez. Motion passed unanimously 5-0.

H. TOWN MANAGER’S REPORT – *this item was taken out of order.*

Jeff Kulaga, Town Hall Manager / Clerk reported the following:

- The Pascua Yaqui Tribe has approved \$50,000 in gaming grant funds to the Town of Guadalupe for community policing, road closures, and expenses associated with various Town events.
- Chris Baca, Superintendent, Tempe Union High School District, sent a letter of thanks for the \$4,000 donation from the Town of Guadalupe for the Native American Program.
- Friday, December 15, and Saturday, December 16, 2017 – Community Clean Up event.
- In 2017, Waste Management collected approximately 310 tons of trash and debris from the Town.

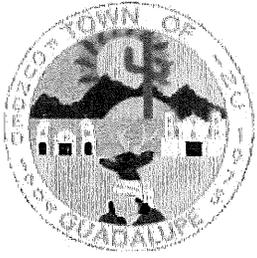
Councilmember Osuna requested that the placement of dumpsters for the Community Clean Up event not be located in the middle of the plaza.

Jeff Kulaga, Town Hall Manager / Clerk *continued:*

- In February, the City of Tempe will restripe the south bound traffic lanes at the Town boundaries, and improve signage. Traffic flow will not be impacted.

I. COUNCILS’ COMMENTS – *this item was taken out of order.*

- Councilmember Vital
Thanked staff for their work.
- Councilmember Sanchez
There was good participation at the Christmas banquet.
Thanked staff for their work; and, Mr. Beck for painting the alleys.
Concerned about pot holes on Avenda Yaqui.
- Vice Mayor Cota
Thanked staff for their work on the Christmas party.
Concerned about sprinkler head issues and the timing of turning the lights on at Stottlemyre Park.
Thanked staff for their recycling efforts.
Supports having the Senior Center open on Friday’s.
- Councilmember Osuna
There will not be fireworks during the weekend events.
Thanked staff for their work.
Friday, December 15, 2017 – Fiesta event.
Saturday, December 16, 2017 – procession event that includes food and vendors.
Placement of trash bins for the weekend events should not be in the center of the plaza.
Thanked staff for attending the Town Hall Meeting.



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- Mayor Molina
Thanked staff for attending the Town Hall Meeting.
Thanked staff for their event clean-up work.
Community appreciated the Christmas party and parade.
Welcomed Jeff Kulaga, Town Manager / Clerk.
Welcomed Kay Savard, Town Clerk.
- Councilmember Osuna
She appreciated two Town Deputies playing basketball with children.
- Mayor Molina
Sheriff Penzone is working to improve relations with the Town of Guadalupe.

9. Councilmembers voted to retire into a closed executive session to receive legal advice from its attorney and to discuss and consider its position and instruct its negotiators concerning said position on contracts and/ or the sale or lease of real property as allowed by ARS 38-431.03A (3)(4) and (7).

Mayor Molina announced that the Town Council will adjourn to executive session.

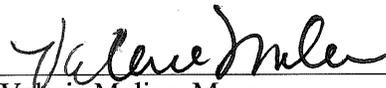
10. Councilmembers returned to the public session and voted to adjourn the meeting.

J. ADJOURNMENT

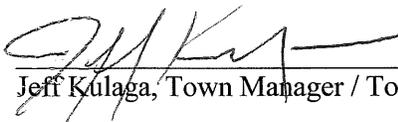
**Motion by Vice Mayor Cota to adjourn the meeting; second by Councilmember Vital.
Motion passed unanimously 5-0.**

The meeting was adjourned at 7:48 P.M.

APPROVED:

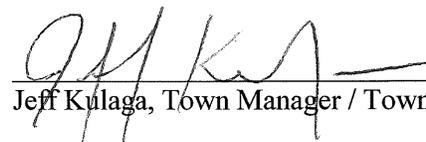

Valerie Molina, Mayor

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 14th day of December, 2017. I further certify the meeting was duly called and held and that a quorum was present.


Jeff Kulaga, Town Manager / Town Clerk

Approved by the Town Council on January 11, 2018.