

## Minutes Town Council Regular Meeting December 13, 2018

Valerie Molina  
Mayor

Anita Cota  
Vice Mayor

Mary Bravo  
Councilmember

Gloria Cota  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Ricardo Vital  
Councilmember

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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, December 13, 2018, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

### 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 Anita Cota, Councilmember Mary Bravo, Councilmember Gloria Cota, Councilmember Elvira Osuna, Councilmember Joe Sánchez, and Councilmember Ricardo Vital

Staff Present: Jeff Kulaga – Town Manager / Clerk, Wayne Clement – Fire Chief, Bob Thaxton – Finance Director, Jennifer Drury – Assistant to the Town Manager, Fidelis Garcia – Honorable Judge Guadalupe Municipal Court (*arrived at 6:15 p.m.*), Jessica Swanson – Court Administrator (*arrived at 6:15 p.m.*), 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:

Mayor Molina noted that the minutes under consideration are for the November 28, 2018, Town Council Special Meeting. Councilmember Sánchez stated that the motion for agenda item G3, page 2, needs to be corrected.

**1. Motion by Councilmember Vital to approve the November 28, 2018, Town Council Special Meeting minutes [as amended]; second by Councilmember Sánchez. Motion passed unanimously 7-0.**

Approved the minutes of the Town Council Special Meeting held on November 28, 2018.

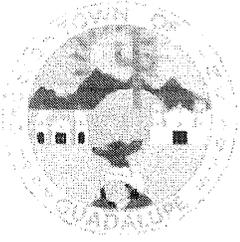
E. CALL TO THE PUBLIC – None.

F. MAYOR and COUNCIL PRESENTATIONS – None.

### G. DISCUSSION AND POSSIBLE ACTION ITEMS:

**1. VICE MAYOR SELECTION:** Councilmembers and David Ledyard, Town Attorney, discussed the process to nominate and vote for a Councilmember(s) to serve as Vice Mayor for a two year term, ending November 5, 2020. At the request of Mayor Molina, Vice Mayor Cota discussed her duties, serving as Vice Mayor.

Councilmember Sánchez nominated Anita Cota to continue to serve as Vice Mayor. Councilmember Vital nominated himself to serve as Vice Mayor.



Mayor Molina called for a voice vote.

**Councilmembers Joe Sánchez and Gloria Cota, and Vice Mayor Anita Cota, voted for Anita Cota to serve as Vice Mayor. Mayor Molina, and Councilmembers Bravo, Osuna, and Vital, voted for Ricardo Vital to serve as the Vice Mayor. Councilmember Vital was selected to serve as the Vice Mayor 4-3.**

Mayor Molina thanked Anita Cota for serving as Vice Mayor.

*Councilmember Osuna left the meeting at 6:09 p.m.*

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**2. ENERGY PRESENTATION:** Ron Stalica, Vice President, Midstate Energy, presented an energy conservation plan for Town of Guadalupe municipal facilities. Mr. Stalica stated that the goal is to upgrade Town facilities without raising taxes or fees. Per state statute, if the project fails to reduce costs as guaranteed, Midstate Energy would be responsible for paying the difference. The focus of energy conservation efforts would be on water, natural gas, electricity, and sustainability. Facilities audited include the Mercado, Town Hall, Library, Fire Station, and the Senior Center. Mr. Stalica discussed how the Town would benefit from the proposed conservation plan, and next steps.

In response to questions, Mr. Stalica stated that he will provide follow up information to Councilmembers regarding comparable size communities that have participated in energy conservation plans. Mr. Stalica noted that the price and cost to store batteries has decreased over time; and, that if Councilmembers wish to proceed with this process, Midstate Energy could include Town park lighting and park water use as part of the project.

Jeff Kulaga, Town Manager / Clerk, stated that the next step would be to finalize the energy conservation audit, free of charge. Should Councilmember's wish to proceed with the implementation of an energy conservation plan, staff would issue a Request for Proposals. Discussion ensued regarding the potential installation of solar shade structures at the Town Fire Station; and, that this project could provide energy conservation guidance for the Avenida del Yaqui Street Improvement Project.

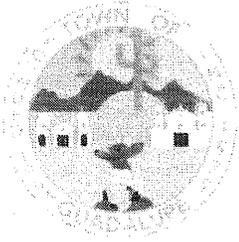
Vice Mayor Vital noted that the Pascua Yaqui Tribe may be interested in participating in an energy audit.

Councilmembers directed the Town Manager to move forward with the completion of the energy conservation audit.

**3. TOWN COURT QUARTERLY REPORT:** Fidelis Garcia, Presiding Judge, Guadalupe Municipal Court, provided a quarterly report of the Town of Guadalupe Courts. Judge Fidelis outlined operational changes that have been made by implementing personnel restructuring in the Court. Customer service enhancements include the addition of a Town Court customer service kiosk in the Town Hall lobby; the addition of a payment drop box; an upgrade to the Town Court website; and, ways the Court is utilizing technology to improve processes and its communication with clients. Staff will provide additional information to Councilmembers regarding security measures that the Court has implemented.

In response to questions, Judge Fidelis stated that prosecutors review truancy cases; and, that there are confidentiality issues related to these cases.

Vice Mayor Vital requested that Judge Fidelis forward Court related information to him so that it can be included in the community newspaper.



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In response to questions, Judge Fidelis stated that a majority of cases that are heard in court concern domestic violence. Judge Fidelis indicated that he will provide annual comprehensive statistical court case data in his next update to Council. The Court has entered into a contract with an outside party to maintain the kiosk. Payments made at the kiosk will be verified by a minimum of two Court staff members. Customer receipts will be issues for payments made at the kiosk.

Judge Fidelis stated that there is a committee that reviews court processes which is comprised of a prosecutor, defense attorney, himself, and a representative from the Maricopa County Sheriff's Office. Judge Fidelis noted that there is a vacancy for a Councilmember representative to serve on this committee.

In the next Court quarterly report, Mayor Molina requested that the Judge provide court case statistics and data related to the nature of court cases that are managed by the Court.

Jeff Kulaga, Town Manager / Clerk, stated that if Councilmembers wish to appoint a Councilmember representative to serve on the Court committee, staff will schedule a Council action for the next Regular Council Meeting.

**4. PUBLIC HEARING – REZONING REQUEST:** Held a public for a rezoning request from R1-9 to R1-6 to allow proper zoning of a lot split for construction of single family home. This rezoning request is for the property located at 5706 East Calle Mexico, Guadalupe, Arizona, and is further described as parcel 301-06-164B, in Block 11 of East Guadalupe, a subdivision recorded in Book 211, Page 18, Maricopa County, Arizona records. This rezoning request of the property owner, Mr. Salah Smoudi, would allow for the construction of a new single family home on the property. *(Note: this item is related to agenda item G5)*

There were no speakers on this agenda item; and, the applicant, Salah Smoudi, was not in attendance. David Ledyard, Town Attorney, advised Councilmembers to continue the public hearing to provide an opportunity for Councilmembers to reach a finding for the rezoning request; and, that if the public hearing is closed, there would be additional administrative processing requirements.

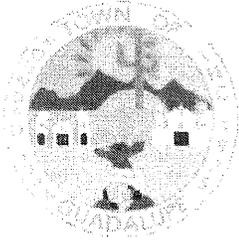
Jeff Kulaga, Town Manager / Clerk, confirmed that the applicant was notified that these agenda items were scheduled for this Council meeting.

**Motion by Councilmember Sánchez to continue the public hearing to the January 10, 2019, Regular Council Meeting; second by Vice Mayor Vital. Motion passed unanimously 6-0.**

**5. REZONING REQUEST:** This is a rezoning request for 5706 East Calle Mexico, Guadalupe, Arizona, further described as parcel 301-06-164B, in Block 11 of East Guadalupe, a subdivision recorded in Book 211, Page 18, Maricopa County, Arizona, records from R1-9 to R1-6 to allow proper zoning of a lot split for construction of single family home. This rezoning request of the property owner, Mr. Salah Smoudi, would allow for the construction of a new single family home on the property. *(Note: this item is related to agenda item G4)*

There was no action take on this agenda item. See G4 for discussion.

**6. PUBLIC HEARING – TOWN OF GUADALUPE 2018 TAX CODE AMENDMENTS:** 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 2018 Amendments, Sections 1 through 7, to the Town of Guadalupe Tax Code, by reference. *(Note: this item is related to agenda items G7 & G8)*



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Jeff Kulaga, Town Manager / Clerk, stated that there were no speakers on this agenda item, nor has any public input regarding this agenda item been submitted to Town staff.

**Motion by Vice Mayor Vital to close the public hearing; second by Councilmember Sánchez. Motion passed unanimously 6-0.**

**7. TOWN OF GUADALUPE 2018 TAX CODE AMENDMENTS (ORDINANCE NO. O2018.03):** Councilmembers adopted **ORDINANCE NO. O2018.03** related to the 2018 Tax Code Amendments, Sections 1 through 7, to amend and include in the Town of Guadalupe Tax Code, and direct staff to move forward with implementation. Ordinance No. O2018.03 adopts the 2018 Tax Code Amendments, by reference, to Resolution No. R2018.25. *(Note: this item is related to agenda items G6 & G8)*

Jeff Kulaga, Town Manager / Clerk, stated that the Town Council recently adopted the 2012-2014 Model City Tax Code. This agenda item concerns specific amendments to the Town of Guadalupe Tax Code as follows:

1. Local Option #B of the Model City Tax Code (MCTC) is withdrawn, removing the exemption for transactions with governmental agencies.
2. Model Option #15 of the MCTC is withdrawn and the Town Use Tax is established at a tax rate of four percent.
3. Local Option #JJ of the MCTC is selected, exempting the Town from the Town Use Tax.

Mr. Kulaga noted that adoption of these amendments provides an equal footing with other Arizona jurisdictions.

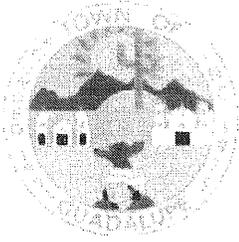
**Motion by Councilmember Anita Cota to approve agenda item G7; second by Vice Mayor Vital. Motion passed unanimously 6-0.**

**8. TOWN OF GUADALUPE 2018 TAX CODE AMENDMENTS (RESOLUTION NO. R2018.25):** Councilmembers adopted **RESOLUTION NO. R2018.25** related to the 2018 Tax Code Amendments to amend and include in the Town of Guadalupe Tax Code, and direct staff to move forward with implementation. The Amendments will be incorporated into the Tax Code of the Town of Guadalupe. *(Note: this item is related to agenda items G6 & G7)*

Jeff Kulaga, Town Manager / Clerk, stated that agenda items G6 and G7 are related to this agenda item.

**Motion by Councilmember Anita Cota to approve agenda item G8; second by Councilmember Gloria Cota. Motion passed unanimously 6-0.**

**9. AK-CHIN INDIAN COMMUNITY GAMING GRANT – RESOLUTION NO. R2018.26:** Councilmembers adopted **RESOLUTION NO. R2018.26** authorizing the Mayor to execute an intergovernmental agreement, **(IGA 2018-01)**, between the Ak-Chin Indian Community and the Town of Guadalupe to accept awarded 12% Contribution Grant in the amount of \$80,000 towards building renovations and equipment replacement for the Guadalupe Head Start / Ed Pastor Senior Center; and, sign all necessary documents in furtherance of this agreement.



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Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is to formalize the acceptance of an \$80,000 gaming grant from the Ak-Chin Indian Community. Mr. Kulaga noted that grant funding will be utilized to purchase various kitchen equipment, roof repair, an air conditioner unit, and potential patio expansion. Staff anticipates completing the projects in 2019.

In response to a question, Mr. Kulaga stated that expansion of the patio would require raising the floor of the patio, which would increase the expense.

**Motion by Councilmember Bravo to approve agenda item G9; second by Councilmember Sánchez. Motion passed unanimously 6-0.**

**10. TOHONO O'ODHAM NATION GAMING GRANT – RESOLUTION NO. R2018.27:** Councilmembers adopted **RESOLUTION NO. R2018.27** authorizing the Mayor to execute a Grant-In-Aid-Agreement, (**IGA 2018-02**), between the Tohono O'odham Nation and the Town of Guadalupe to accept awarded 12% local revenue sharing contribution in the amount of \$62,500 as a partial payment towards the purchase of a replacement Type 1 Fire Engine; and, sign all necessary documents in furtherance of this agreement.

Jeff Kulaga, Town Manager / Clerk, stated that the Tohono O'Odham Nation has awarded a \$62,500 gaming grant to the Town of Guadalupe for the partial payment of a Type 1 Fire Engine.

**Motion by Councilmember Anita Cota to approve agenda item G10; second by Councilmember Sánchez. Motion passed unanimously 6-0.**

**11. CONTRACT EXTENSION – PUBLIC DEFENDER:** Councilmembers approved a contract extension in the form of a second amendment to the public defender contract (**C2018-30**) for Matthew Marner to provide services to the Guadalupe Magistrate Court as a Public Defender and, sign all necessary documents in furtherance of this agreement. The contract extension is for a period of approximately 6 months, ending on June 30, 2019. All other terms of the original August 30, 2016, contract agreement remain in full force, and are not changed.

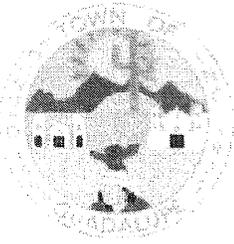
Jeff Kulaga, Town Manager / Clerk, stated that the proposed contract renewal ends June 30, to align with the fiscal year budget cycle.

**Motion by Councilmember Anita Cota to approve agenda item G11; second by Vice Mayor Vital. Motion passed unanimously 6-0.**

**12. GAMING GRANT STATUS REPORT:** Jeff Kulaga, Town Manager / Clerk, reviewed the status of the 2018 12% local revenue sharing tribal/community gaming grant requests from the Town. Grant funding will not be used to pay staff salaries.

A Councilmember discussed the importance of addressing the need for additional street lighting; and, how a lack of street lighting endangers youth. Mr. Kulaga stated that staff will research what the priorities are for each of the tribal gaming grant communities, and align the Town's gaming grant requests with those priorities.

No action was taken on agenda item G12.



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**13. COUNCIL MEETING SCHEDULE:** Jeff Kulaga, Town Manager / Clerk, stated that Councilmembers previously indicated their desire to cancel the November 28, December 12, and December 26, 2019, Regular Council Meetings. Mr. Kulaga also discussed various proposed agenda items along with their respective meeting dates.

In response to questions, Mr. Kulaga stated that for next year, the Christmas tree lighting event is scheduled for November 30, 2019, with the Christmas Party scheduled for either Saturday, December 7 or 21, 2019. Councilmembers voiced a preference was to schedule the Christmas party on Saturday, December 7, 2019.

Councilmembers discussed 2019 high school graduation dates and requested that the May 23, 2019 Regular Council Meeting be rescheduled to May 30.

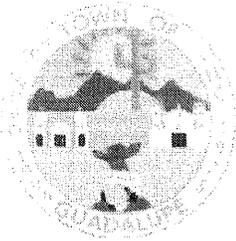
Councilmembers approved the following Town Council Regular Meeting schedule for calendar year 2019:

Month	2 <sup>nd</sup> Thursday – Date	4 <sup>th</sup> Thursday – Date
January	10	24
February	14	28
March	14	28
April	11	25
May	9	<b>23 – MEETING CANCELLED</b> <b>30 ADDED</b>
June	13	27
July	11	25
August	8	22
September	12	26
October	10	24
November	14	<b>28 – MEETING CANCELLED</b>
December	<b>12 – MEETING CANCELLED</b> <b>9 (MONDAY) ADDED</b>	<b>26 – MEETING CANCELLED</b>

**TOWN MANAGER’S REPORT**

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

- The Christmas party and parade event went well; and, there were 11 event sponsors.
- Thanked Pascua Yaqui Tribe for their partnership
- Thanked Krista VanDerMolen for her Christmas event coordination efforts.
- Thanked staff members for their assistance with special event set up and clean-up.
- Flags in Arizona will be at half-staff until December 30, 2018.
- Wednesday, January 30, 2019 – ribbon cutting ceremony for the new fire truck.
- Saturday, February 9, 2019 – Dia de Guadalupe.



At the request of Mr. Kulaga, Wayne Clements, Fire Chief, provided an update on the value of the Town of Guadalupe fire protection certification rating. Mr. Clements stated that the International Organization for Standardization (ISO) recently conducted an audit of the Town of Guadalupe Fire Department. The audit occurs every five years. Guadalupe earned a rating of 2, which is the same as the cities of Phoenix and Tempe. This rating will have a positive impact on insurance rates for businesses. Being a member of the Automatic Aid Pact was a helpful factor in earning this rating.

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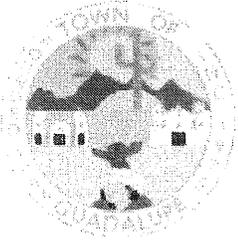
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Jeff Kulaga, Town Manager / Clerk, *continued:*

- Saturday, December 15, 2019 – procession event. Valley Metro has been notified of this event.
- Sunday, December 16, 2019 – Biehn Colony Park Christmas party.

H. COUNCILMEMBERS' COMMENTS

- Councilmember Gloria Cota  
Thanked staff members for attending the meeting.
- Councilmember Anita Cota  
Friday, December 14, 2018 – Santa's workshop event.  
Thanked Krista VanDerMolen for her Christmas event coordination efforts.  
Thanked the Pascua Yaqui Tribe for their partnership.  
Congratulated Vice Mayor Vital for his leadership.
- Councilmember Sánchez  
Good participation on the Christmas parade.  
Would like code enforcement ordinances concerning vehicles and vacant lots reviewed.
- Vice Mayor Vital  
Thanked Krista VanDerMolen for her Christmas event coordination efforts.  
Wednesday, December 19, 2018 – Town Hall staff appreciation luncheon.
- Councilmember Bravo  
Enjoying the energy of the Town Council.  
Thanked staff for working well together on the Christmas events.
- Mayor Molina  
Thanked Krista VanDerMolen for her Christmas event coordination efforts.  
Wished everyone an enjoyable holiday season.



I. ADJOURNMENT

**Motion by Councilmember Sánchez to adjourn; second by Councilmember Bravo.  
Motion passed unanimously 6-0.**

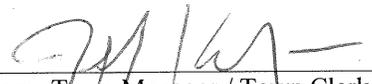
The meeting was adjourned at 7:53 p.m.

  
Valerie Molina, Mayor

Valerie Molina  
Mayor

ATTEST:

Anita Cota  
Vice Mayor

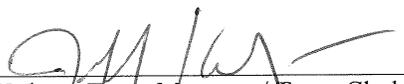
  
Jeff Kulaga, Town Manager / Town Clerk

Mary Bravo  
Councilmember

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 13<sup>th</sup> day of December, 2018. I further certify the meeting was duly called and held and that a quorum was present.

Gloria Cota  
Councilmember

  
Jeff Kulaga, Town Manager / Town Clerk

Elvira Osuna  
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Joe Sánchez  
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