

## Minutes Town Council Regular Meeting May 10, 2018

Valerie Molina  
Mayor

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, May 10, 2018, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Guadalupe, Arizona, in the Council Chambers.

Anita Cota  
Vice Mayor

### A. CALL TO ORDER

In the absence of Mayor Molina, Councilmember Vital called the meeting to order at 6:05 P.M.. Councilmembers approved Councilmember Vital to Chair the meeting.

Gloria Cota  
Councilmember

### B. ROLL CALL

Councilmembers Present: Councilmember Gloria Cota, Councilmember Elvira Osuna, Councilmember Joe Sanchez, and Councilmember Ricardo Vital

Elvira Osuna  
Councilmember

Councilmembers Absent: Mayor Valerie Molina, Vice Mayor Anita Cota, and Councilmember Faustino Valenzuela

Joe Sanchez  
Councilmember

Staff Present: Jeff Kulaga – Town Manager / Clerk, Bob Thaxton – Finance Director, Jennifer Drury – Assistant to the Town Manager, Catalina Alvarez – CAP Director, Fidelis Garcia, Presiding Judge Guadalupe Municipal Court, Elizabeth Rapacz, Court Clerk, Jessica Swanson, Judicial Clerk Supervisor, and Dave Ledyard – Town Attorney

Faustino Valenzuela  
Councilmember

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Osuna led the invocation. Councilmember Vital then led the Pledge of Allegiance.

Ricardo Vital  
Councilmember

### D. APPROVAL OF MINUTES:

**1. Motion by Councilmember Sanchez to approve the April 26, 2018, Town Council Regular Meeting minutes; second by Councilmember Osuna. Motion passed unanimously 4-0.**

Approved the minutes of the Town Council Regular Meeting held on April 26, 2018.

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### E. CALL TO THE PUBLIC

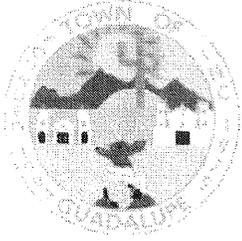
Monica Arareli Garcia Carrasco discussed the following: invited Councilmembers to a Peace First event on September 21, 2018, in Cocorit, Mexico; a partnership opportunity with the Town of Guadalupe to seek grants for green/sustainable housing for seniors from Bank International in Washington, DC, totaling \$1 million; and, seeking employment verification documentation from the Town of Guadalupe, for her mother.

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### F. MAYOR and COUNCIL PRESENTATIONS – None.

### G. DISCUSSION AND POSSIBLE ACTION ITEMS:

**1. PUBLIC HEARING:** Held a public hearing for a Conditional Use Permit to locate a mobile home on the 5447 and 5449 East Calle Encinas properties, zoned R1-6 Residential. *(continued from the April 12, 2018, Regular Council Meeting)*



Valerie Molina  
Mayor

Anita Cota  
Vice Mayor

Gloria Cota  
Councilmember

Elvira Osuna  
Councilmember

Joe Sanchez  
Councilmember

Faustino Valenzuela  
Councilmember

Ricardo Vital  
Councilmember

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The public hearing was opened.

Jaime Quihuis, Applicant, stated that the property owner has a need for the family, as a whole, to provide oversight and assistance to her.

David Ledyard, Town Attorney, stated that this agenda item was continued from a previous Council meeting to allow staff additional time to research various issues involved with the Conditional Use Permit request. Mr. Ledyard suggested that the Town Managers' findings be summarized, for the record.

Jeff Kulaga, Town Manager / Clerk, stated that there have been no objections received to date, regarding the Conditional Use Permit request. He reported that the staff research revealed that in May 9, 2002, a Conditional Use Permit request for a mobile home to be located on the same property for a three-year period was approved by the Town Council, 5-1. The applicant is the grandson of the property owner; and, the property owner is also in support of the Conditional Use Permit request.

The existing home straddles two separate properties, as would the proposed mobile home. Staff could not locate records on when the placement of the existing home originally occurred, including whether the property was located in the County at the time, or after the Town was incorporated.

The proposed mobile home does not have wheels, which is consistent with the Conditional Use Permit request in 2002. The Town Code (Code) does not include provisions to allow a home or manufactured home to straddle two properties, nor does the Code allow mobile homes on R1-6 zoned properties. However, approval of the Conditional Use Permit in 2002 set a precedent to allow a mobile home to straddle the two properties.

Councilmembers could include a provision that the Conditional Use Permit remain valid as long as relatives of the property owner of the land reside in the mobile home.

Mr. Ledyard stated that a mobile home can be located on an R1-6 lot if it is the only residence on the property, and only if a Conditional Use Permit has been obtained. He reviewed two documents, Findings and Decision, and Final Decision, (Exhibit A) that could be included as part of the record.

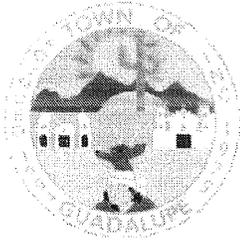
In response to questions, Mr. Kulaga stated that the 2002 Conditional Use Permit was approved for a three-year period.

The public hearing was closed.

2. **USE PERMIT:** Councilmembers approved a Conditional Use Permit for a mobile home to be located on the properties of 5447 and 5449 East Calle Encinas. *(continued from the April 12, 2018, Regular Council Meeting)*

In response to questions, Mr. Ledyard, Town Attorney, stated that the mobile home must meet the definition of a manufactured home, per the Town Code (Code). The mobile home must be a minimum of 70' in length. The Code does not allow for a temporary unit, or a unit that is less than 70' in length; and, must adhere to what was requested by the applicant as outlined in the (Conditional Use Permit) application.

Jeff Kulaga, Town Manager / Clerk, stated that the mobile home is 13' x 70' in length, which meets the Code requirements.



In response to questions, Mr. Ledyard stated that the Council could consider including a requirement that both lots have to be owned by the same person, and that the applicant or a member of his/her family must live in the mobile home. Councilmembers could also place a time limit on the Conditional Use Permit. Mr. Ledyard outlined various voting options to Councilmembers.

**Motion by Councilmember Sanchez to approve agenda item G2; second by Councilmember Cota. Motion passed unanimously 4-0.**

Valerie Molina  
Mayor

Mr. Ledyard clarified that Councilmembers have indicated that the extenuating and special circumstances do equal substantial justification to approve the applicants' request. He then asked Councilmembers if they wished to include any conditions of approval to the Conditional Use Permit request.

Anita Cota  
Vice Mayor

Mr. Ledyard restated the condition of approval, as discussed by Councilmembers as follows:

Gloria Cota  
Councilmember

The approval is for a five-year period, and only if: the lots continues to be owned by one owner who is a member of the applicant's family; and, the mobile home continues to be occupied by the applicant or his/her family. The mobile home must be installed within 365 days of the issuance of this permit. If any of these requirements are not met and maintained, the Conditional Use Permit will expire 90 days thereafter unless the applicant applies for and receives approval of an extension by the Town Council.

Elvira Osuna  
Councilmember

**Motion by Councilmember Sanchez to approve the conditions of approval as read into the record by Mr. Ledyard; second by Councilmember Cota. Motion passed unanimously 4-0.**

Joe Sanchez  
Councilmember

3. **RESOLUTION:** Adopted **RESOLUTION NO. 2018.10**, to repeal and replace Resolution No. R2018.05; and, authorized the submittal of an application for a grant from the Pascua Yaqui Tribe for public safety, public works, and Community Action Program purposes.

Faustino Valenzuela  
Councilmember

Jeff Kulaga, Town Manager / Clerk, stated that a gaming grant request for \$50,000 for public safety during special events was omitted from Resolution No. R2018.05. The proposed resolution includes seeking gaming grant funding for public safety resources for special events.

Ricardo Vital  
Councilmember

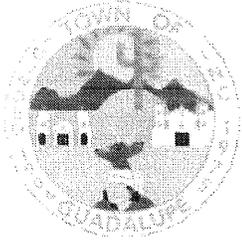
**Motion by Councilmember Sanchez to approve agenda item G3; second by Councilmember Osuna. Motion passed unanimously 4-0.**

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4. **APPROVAL of CONTRACT:** Councilmembers approved a Design Services Contract (**Contract #2018-15**) and a Municipal Aesthetics Funding Agreement (**Contract #2018-16**) between Salt River Project Agricultural Improvement and Power District (SRP) and the Town of Guadalupe for the design of electrical facilities for the conversion of overhead powers lines to underground power lines from Calle Tomi to Calle Vaou Nawi along Calle Guadalupe; and, directed the Town Manager to sign all necessary documents in furtherance of this contract.

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Jeff Kulaga, Town Manager / Clerk, stated that the purpose of these contracts is to underground approximately 1,100 feet of power lines along Guadalupe Road between Calle Tomi to Calle Vaou Nawi. The Town is utilizing \$108,000 of SRP aesthetic funds for this project; and, there is no local funding match requirement for this project.



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Anita Cota  
Vice Mayor

Gloria Cota  
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Ricardo Vital  
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Mr. Kulaga noted that in January, 2018, the Town Council approved a \$220,000 SRP aesthetic fund. Should the Town Council approve the project, the Town will have \$70,000 remaining in the Town's SRP aesthetic fund, with a fiscal year 2018/19 allocation anticipated in June.

**Motion by Councilmember Sanchez to approve agenda item G4; second by Councilmember Cota. Motion passed unanimously 4-0.**

**5. MARICOPA COUNTY COMMUNITY DEVELOPMENT ADVISORY COMMITTEE APPOINTEE RECOMMENDATIONS:** Councilmembers recommended forwarding the names of Councilmembers Joe Sanchez and Ricardo Vital to the Maricopa County Board of Supervisors for consideration to appoint a primary representative and an alternate representative, to serve on the Maricopa County Community Development Advisory Committee. The term of office is July 1, 2018 to June 30, 2020.

On behalf of Mayor Molina, Councilmember Vital read the following into the record for Council consideration: As requested by the Maricopa County Human Services Department – Housing and Community Development Division, I (Mayor Molina) am recommending to Town Council that Councilmembers Joe Sanchez and Ricardo Vital represent the Town of Guadalupe by participating on the Community Development Advisory Committee for a term of July 1, 2018 to June 30, 2020. Should this be approved by Town Council, please direct the Town Manager to forward this recommendation to the Maricopa County Human Services Department – Housing and Community Development Division.

**Motion by Councilmember Osuna to recommend to the Maricopa County Board of Supervisors the names of Councilmembers Joe Sanchez and Ricardo Vital, to serve on the Maricopa County Community Development Advisory Committee; second by Councilmember Cota. Motion passed unanimously 4-0.**

**6. APPROVAL of CLAIMS:** Councilmembers approved the check register for April, 2018, totaling \$449,671.67.

**Motion by Councilmember Osuna to approve agenda item G6; second by Councilmember Sanchez. Motion passed unanimously 4-0.**

**7. APPROVAL of AMENDMENT NO. 2 to INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY, HUMAN SERVICES DEPARTMENT:** Councilmembers approved Amendment No. 2 to an Intergovernmental Agreement with the Maricopa County Human Services for the provision of Community Action Program services; and, authorized the Mayor to sign all necessary documents in furtherance of this amendment. **(Contract #2018-17)**

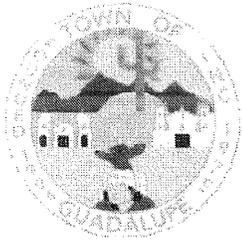
Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is to provide \$35,000 of funding from Maricopa County for rental and utility assistance for the Town of Guadalupe Community Action Program.

**Motion by Councilmember Sanchez to approve agenda item G7; second by Councilmember Cota. Motion passed unanimously 4-0.**

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

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

- May 30, 2018 – East Valley Hispanic Chamber of Commerce Networking Mixer, Mercado Multipurpose Room, 5:30 PM – 7:30 PM.
- Staff submitted a gaming grant request to the Gila River Indian Community.



Valerie Molina  
Mayor

Anita Cota  
Vice Mayor

Gloria Cota  
Councilmember

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- Town Council candidate information: 24 - 48 signatures are petition signature requirements; petitions are due between April 30, 2018 and May 30, 2018, at 5:00 PM. The deadline to obtain Town Council candidate packets is May 30, 2018.

**G8. TOWN COURT ANNUAL REPORT:** Fidelis Garcia, Presiding Judge, presented the Town Court Annual Report to Councilmembers. *(item taken out of order)*

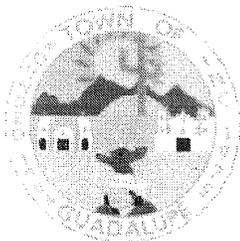
Fidelis Garcia, Presiding Judge, Guadalupe Municipal Court, acknowledged the contributions of various staff members that are involved in Town Court operations. Judge Garcia reviewed administrative progress, aged case review, court security, court technology, court enhancements, professional development, community engagement, court case loads, court accomplishments, and financial activity for fiscal year 2019. He noted that in a recent Court audit, the auditor's had no findings during their investigation, which is a significant change since the audit that was conducted in 2017. He emphasized the importance he places on treating court cases consistently.

Judge Garcia discussed the following: current security challenges and how that impacts Court operations; remodeling or relocating the Court, to ensure that the Court has a dedicated Courtroom; how grant funding has been allocated to improve Court operations; how the Court implemented a quarterly employee performance review process; how the Court participates in the Veteran's Court Program; praised the Pascua Yaqui Tribe for the resources they provide; staff compensation as it relates to employee retention; and, Court hours of operation.

In response to questions, Judge Garcia outlined his Court fine methodology and administrative practices, and the potential involvement with the Arizona Correctional Industries program.

#### I. COUNCILMEMBERS' COMMENTS

- Councilmember Osuna  
Drivers are not stopping at the stop sign located on Calle Vaou Nawi.  
Encouraged community members to report criminal, gang, drug, and suspicious activity.  
Discussed shootings that have occurred.
- Councilmember Cota  
Thanked staff members for attending the meeting.  
Voiced how proud she is of Judge Garcia.
- Councilmember Sanchez  
Thanked staff members for attending the meeting.  
Wished all a Happy Mother's Day.
- Councilmember Vital  
Thanked staff members for their work.  
Congratulated Guadalupe graduates.  
Working on providing water donations to the CAP office.



J. ADJOURNMENT

**Motion by Councilmember Sanchez to adjourn; second by Councilmember Osuna.  
Motion passed unanimously 4-0.**

The meeting was adjourned at 7:43 p.m.

Valerie Molina  
Mayor

  
Ricardo Vital, Councilmember

ATTEST:

Anita Cota  
Vice Mayor

  
Jeff Kulaga, Town Manager / Town Clerk

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

Elvira Osuna  
Councilmember

  
Jeff Kulaga, Town Manager / Town Clerk

Joe Sanchez  
Councilmember

Approved by the Town Council on June 14, 2018.

Faustino Valenzuela  
Councilmember

Ricardo Vital  
Councilmember

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