



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
JANUARY 16, 2020**

These are the Minutes of a Regular Meeting held by the Mammoth Town Council on JANUARY 16, 2020 pursuant to the notice required by Law.

1. **CALL TO ORDER** – This meeting was called to order at 7:00 PM by Mayor Dietz
2. **PLEDGE OF ALLEGIANCE** Councilman Bustamante
3. **ROLL CALL**

PRESENT MEMBERS

Councilman Rash
Councilwoman Martinez
Councilman Bustamante
Mayor Dietz
Vice Mayor Anaya
Councilwoman Amparano
Councilman Martinez

PRESENT STAFF

Attorney S Cooper
Town Manager D Jones
Town Recorder S Christiansen
Chief Lujan

ABSENT MEMBERS

ALL COUNCIL MEMBERS ARE PRESENT

4. **PRESENTATION BY ARIZONA YOUTH PARTNERSHIP-COMMUNITY COALITION PRESENTER-DARIEN MATHEWS**

In Pinal County the average age of youth starting to drink is 12 years old the Arizona State average age is 13. 8th Graders and 10th Graders were given a questionnaire asking if they have used any of the following:

Substance	8 th local	8 th state	10 th local	10 th state
Alcohol	59.6%	29.0%	55.4%	45.6%
Marijuana	38.3%	14.3%	33.9%	28.9%
Inhalants	14.9%	04.2%	10.5%	03.8%
RX	08.5%	06.9%	16.1%	10.8%

As you can see, the local average is much higher than the State average!!

COPPER CORRIDOR COALITION—Under the Drug-Free Communities Grant, this coalition is geared towards reducing the amount of illegal substance abuse, especially among the youth. Our focus is educating our communities and schools about the dangers of drugs such as vaping, marijuana, alcohol, cigarettes, cocaine, opioids, meth, and much more. We have a youth and adult coalition that is working to make a difference by serving the community and spreading knowledge about the potential harms of drug use.

THE YOUTH COALITION—The goal of this coalition is for the youth to become leaders in their schools and communities and to educate other youths, retailers, parents and other community leaders. We meet once a month to discuss community events and ways to get involved in order to educate about the dangers of drug abuse. The youth have the opportunity to be heard, to make the coalition their own, and to truly take lead in making a difference.

Meetings in Superior on the 3rd Tuesday of the Month

Meetings in Hayden on the 4th Tuesday of the Month

Contact Information is Darien Mathews (310) 926-4765

5. **CALL TO THE PUBLIC**

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)

Before Call to the Public begins Mayor Dietz stated to the public that we would like to keep all conversations limited to three minutes, state your facts and be courteous to all when presenting your comments, Thank you.

- a. **Terry Adams-** I noticed yesterday that a man-lift was delivered to the town, I am assuming and hoping that this is to fix the lights on Highway 77. If so, I commend you for getting this done, if not then we still need to address the problem of the lights. Second is the police department, you have before you tonight the idea of giving our police department over to Pinal County. Every town needs to have its own police department. We must keep the police department here, you have no problem raising funds for other needs, due what needs to be done to keep our police and fire departments here.
- b. **Annie Martinez-** Just like everyone else I am concerned with the raising of water and sewer rates. (She passed handouts to the Council) Our accounting procedure for using the Town Gas Card by employees is that the receipt must show employee name, vehicle number, date, and amount. Before you are two receipts, the first is a receipt for gas purchase which shows the name and truck #, the date and dollar amount. The second is a hand written post it with the date and an amount of \$46.?? for gas. How do we know that this was gas for truck #5. This is unacceptable. I also received a call from a resident on this same day, a town employee was seen buying cigarettes on a Town of Mammoth credit card. You as a council need to reign in your employees. At the very best we have major misuse of funds and resources. The last meeting you were told about using town resources in the form of mechanic work to personal vehicle. You need to do something about this, get it on an agenda and take action. I am telling you right now as a citizen, you are not raising my water 300% when you're allowing cigarette purchases and this type of receipts for accounting. You guys need to take action.
- c. **Ricardo Romo-** Discussion concerning Pinal County and the Police Department. This has been brought up in other administration and did not go through because the cost was too high. What makes you think the cost is not higher now? It seems like every time we talk about departments needing to make cuts, it always falls on the police department. I don't hear you say let's contract out the water or the sewer, or public works or the library. We need our Police, they are our first line of defense. Use Pinal County to assist only.
- d. **Ernest Bustamante- A proposal to the Governor concerning Florence and the Prisons.** Florence in itself is a historical city and takes pride in that. However, the prisons are a major employer in the City of Florence. This proposal attempts to close the state prison which opens it up to private organizations to run these facilities. Feels that the funneling of state money to the private sectors will not be beneficiary to Florence or the whole of Pinal County. Advising you to keep a watch on what our government heads are considering for our Counties and State.
- e. **Bob Sloan-** The swimming pool is one of the brightest stars we have, people come from all over to use our pool. It has been well cared for by the Gort Family and I believe it should continue as it has in the past with them running it.
- f. **Margaret Sloan-** One of the main point when we moved here was the swimming pool and the library. They are both needed and I cannot think of why anyone would want to do without either of them.
- g. **Juan Ponce-** Water Tank #1. Water level indicator is not properly working and as far as is known it has not been repaired. The checking for water level is done by opening and inserting a stick or other device to check the level. This is a possible contaminant for this system. Second concern is low to no water pressure. Tired of having no pressure. This needs to be made a priority, first is the safety of the men, and second is safety for the residents and finally satisfaction with the service. Feels that more communication is needed between administration, police, fire, and public works.
- h. **(CLOSE CALL TO THE PUBLIC)**

6. APPROVAL OF MINUTES

- a. **For November 21, 2019 Regular Meeting Plus Public Hearing**
Note that Councilwoman Martinez requested that the minutes be amended to reflect that the oral reports pulled from the Consent Agenda were not place in their original sequence as described in the announcement of the Consent Agenda. The Treasures Report followed the Planning and Zoning and the Police Report due to the fact that the Town Manager was out

of the Council Chambers and did not return until after the following two reports had been given orally.

Motion is to Approve the Minutes of Nov. 21, 2019 with the amended note attached.

Motion by: Councilwoman Martinez Second by: Councilwoman Amparano

Motion Passes Vote 7-0

7. MAYOR AND COUNCIL COMMENTS

- a. **Councilwoman Martinez-** In case the public is unaware there was a shooting near 1st and 2nd street area during the previous week. There were 5 shots fired. Officer Shelton was on scene in a matter of minutes. Our dispatchers did a great job of relaying the call. Had we had Pinal County manage this, it could have been much different outcome. We have done well with great dispatchers and the 911 recordings now working, but if Shelton would have been fired upon his nearest backup would have been 10 – 15 minutes away on a good day. We need to not only protect our citizens but our officers as well. Only one officer to maintain order for the entire town may not be enough. Turning Police service over to the County would only serve to increase this problem. Please keep this in mind when discussing the possible use of Pinal County Sheriff. Kudos to our Police Department for reacting so quickly this could have been much worse. They were not able to catch the shooter but the presence made in such a quick response time made everyone feel safer. Also it tells us that we need a higher police presence in that area.
- b. **Councilman Bustamante-** Concerning the ½ cent Pinal tax that came during the election has been accruing and our cut of this is about \$300,000.00. It was challenged and then upheld on appeal, this keeps the tax in effect. This is waiting to see if it will be appealed to the Supreme Court. We need to keep a watch on this as we are one of the 4 towns listed in receiving these monies. This could be future funding for the Town of Mammoth. This would be for our roads to be repaired. Second is the need for discussions on several items concerning our town. The need to discuss these issues is to get everyone's point of view and be able to make well informed decisions for our town and residents.

8. CONSENT AGENDA

- a. **Staff Recommendations and Reports**
 - i. Town Clerk/Treasure Report
 - ii. Public Works Report
 - iii. Library Report
 - iv. Town Managers Report
- b. **Staff Reports**
 - i. Treasure/Town Clerk Report
 - ii. Planning and Zoning
 - iii. Police Report
- c. **Account Payable for Payment and Filing**

Motion for Staff Reports to be presented orally after the Consent Agenda has been voted.

Motion by: Councilwoman Amparano Second by: Councilman Martinez

Motion passed Vote 7-0

Motion is to Accept Consent Agenda and Accounts Payable for Payment and Filing, excluding Police Report and Treasure/Town Clerk Report.

Motion to Accept Consent Agenda

Vote Roll Call	Councilman Rash	YES	Councilman Martinez	YES
	Councilwoman Martinez	YES	Vice-Mayor Anaya	YES
	Councilwoman Amparano	YES	Mayor Dietz	YES
	Councilman Bustamante	YES		

Motion Passed Vote 7-0

Treasure Report-Town Manager Don Jones. – December 1-31, 2019-Beginning Balance of \$767,747.80 Revenues of \$266,080.75 Expenses of \$148,371.65

Ending Balance of \$885,456.90 Which is a positive Month addition of \$117,709.10

Motion to Accept Treasurers Report

Motion by: Councilwoman Martinez

Second by: Councilman Rash

Motion Passed Vote 7-0

Police Report-Chief Lujan-gave statistical report for December 2019—Our police department received the bullet proof window from the U of A and as soon as public works can install it, there will be protection for the dispatchers room. It will have a small opening to push through papers or ID cards. This will supply and added amount of security for our dispatchers when they are alone in the office. We are in the process of hiring one officer. We are proud to announce that we were able to adopt two families for the Holidays in the month of December. Even with the strike problems the officers and dispatchers were able to donate 590.00 to assist in providing Christmas for those two families. We have hired another dispatcher, and our 911 recording is online. This was a cost of 17,000.00 which came from asset forfeitures and did not cost the town a penny. I would like to ask that the general orders presented for tsars be passed as soon as possible to limit liability to the town. We at the police department have had a badge made up for the Police Commissioner which can be worn and passed on to the next commissioner once his term is complete. (Badge was presented to Al Anaya and then it was discovered that Ernest Bustamante was actually the Police Commissioner and the Badge was then passed to him.) Congratulations to Police Commissioner Bustamante.

There was a moment of praise for the amount of work and assets that Chief Lujan has brought to our community. The Council in unison spoke very highly of his character and work ethics in association with being our Chief of Police.

Motion to Accept Police Report

Motion by: Councilwoman Amparano

Second by: Councilwoman Martinez

Motion Passed Vote 7-0

Planning and Zoning Report-Sharon Christiansen-With the loss of Diane Theobald from the commission we are down to only 2 members and do not have a quorum and therefore cannot hold a meeting. We do have a person who is willing to be a member and should be sworn in soon. We are still in need of two more members to sit on the Planning and Zoning Board. Just an update on the citations that will be going to court: we had thought there may be a need to change the wording prior to filing, but that has been cleared up and we have a go to proceed. I will be filing the first of our properties in the Magistrate Court next week. Superior has started a new program that allows the town to go in and rehab vacant properties and then they are auctioned at a low price of the cost to the town and high bid takes it. It is my understanding that they were able to get some grants to help begin the program. I will be speaking with them over the next couple of weeks to see if there is a way for us to institute this same type of program here in Mammoth. Also we are intending to use the police department more for the properties that are occupied and still refuse to comply, officers will be able to write criminal citations that will force parties to appear in court and plead their case for refusal to comply with town ordinances. We are hoping that 2020 will be our year for change and we can start making Mammoth the Beautiful Place we all know it can be. (Suggestion was to place an ad in the Que Pasa) We will also be needing a new Council Liaison once we get going again, Gina Medina was our person from the Council.

Motion to Accept Planning and Zoning Report

Motion by: Councilwoman Martinez

Second by: Councilman Martinez

Motion Passed 7-0

Appreciation of Services Recognition of Wendy Gort on CDBG Grant Management and Alex and Wendy Gort for volunteer work in Managing, Operating and maintaining the Town Pool and swim programs. (Mayor Dietz presented recognition awards and stated the Town's appreciation for all the time and work they put into help the Town of Mammoth and it's residents) Thank you to the Gort's on behalf of the entire Town of Mammoth.

9. OLD BUSINESS

- a. **Discussion and Possible Approval of Police Policies and Procedures concerning Rules of Conduct and use of NON-Lethal Force (Tsars)**

Motion to Approve Policies and Procedures concerning Rules of Conduct and use of NON-Lethal Force (Tsars) Effective Immediately as of January 16, 2020 @ 8:10 PM

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Amended to include the following-- Effective Immediately as of January 16, 2020 @ 8:10 PM

Motion by: Councilwoman Martinez
Motion Passed Vote 7-0

Second by: Councilman Bustamante

- b. **Reconsideration of Approval for Request for Professional Auditing**
(This is to change from The Approval which occurred at the November Meeting, to not having an independent auditor in addition to Colby and Powell perform auditing at this time. Reasoning is the budget limitations and the cost at this time.)

Motion is to Reconsider the Approval for Professional Auditing

Motion by: Councilwoman Amparano	Second by: Vice Mayor Anaya			
Vote Roll Call	Councilman Rash	NO	Councilman Martinez	NO
	Councilwoman Martinez	NO	Vice-Mayor Anaya	YES
	Councilwoman Amparano	YES	Mayor Dietz	YES
	Councilman Bustamante	YES		

Vote is 4-3 Motion is Passed to Reconsider the Approval for Request of Professional Auditing by an independent source.

Motion is to Approve and proceed with obtaining an independent auditing of the Town of Mammoth Financial Position.

Motion by: Councilwoman Martinez	Second by: Councilman Martinez			
Vote Roll Call	Councilman Rash	YES	Councilman Martinez	YES
	Councilwoman Martinez	YES	Vice-Mayor Anaya	NO
	Councilwoman Amparano	NO	Mayor Dietz	NO
	Councilman Bustamante	NO		

Vote is 4-3 Motion has been Defeated

- c. **Possible Direction to Staff to begin process with Accountants and the Arizona Department of Revenue to Repeal the Take Home Food Tax**

Motion is to direct staff to replace this item on the April 2020 Agenda for further discussion and/or action. No Vote Taken

- d. **Discussion of Possible Reconsideration of Possible Authorization of Intergovernmental Agreement and/or Acquiring or Leasing of Elementary School Building, providing Security and possible relocation of the Mammoth Police Department to the Elementary School Building.**

(Committee includes A. Martinez, E. Bustamante, M. Martinez with F. Amparano as an alternate would like to continue at this time)

NO ACTION TAKEN AT THIS TIME

- e. **Council to determine whether to discuss and possibly approve Rate Fee Increase for Water and Sewer Rates at February Regular Meeting.**

Motion is to direct staff to place this item on the February Agenda. No Vote Taken

- f. **Discussion on whether to contract with Pinal County for providing Police Services**

NO ACTION TAKEN AT THIS TIME

- g. **Discussion and Authorization to begin recruiting process for Town Manager and/or Public Works Director**

Direct staff to prepare advertisement for Town Manager/Public Works to include salary range of 60,000 to 80,000 Depending on Experience, set place to send resumes and set places to advertise opening for a minimum of 60 days prior to discussing selections. Town Manager must have knowledge of Accounting and Budgeting, Public Works Director's knowledge is a must if to combine both positions. Otherwise we may have to list as two separate positions.

10. NEW BUSINESS

- a. **Consideration and Possible Approval of Contract with Wendy Gort and the Sea Lions Swim Team to Manage Town Pool for 2020 Swimming Season and to allow use of Pool for Sea Lions Swim Team.**

This contract is an agreement for the Town of Mammoth to Receive management of the Pool and Surrounding Area including management of the 2020 Swim Season for the public by Wendy Gort and the Sea Lions. In exchange Wendy Gort and the Sea Lions will be granted the use of the Mammoth Pool for practice and meets at no cost.

Motion is to Accept Management Contract with Wendy Gort and the Sea Lions for the 2020 Swim Season, not to be compensated with payment but to include the use of the pool for swim practice and meets by the Sea Lions at no cost.

Motion by: Vice Mayor Anaya

Second by: Councilman Martinez

Motion Passed Vote 7-0

- b. **Consideration and Possible Approval of creating Town Parks and Recreation Board**
Staff is directed to create advertisement for Letters of Interest to be a member of the Town of Mammoth Parks and Recreation Board.

- c. **Consideration and Possible Ratification of Donation of \$100 to the Lions Club for Christmas Packages for needy in the Town of Mammoth**

Motion is to ratify this donation of \$100 to the Lions Club for Christmas Packages for the Needy 2019

Motion by: Councilwoman Amparano

Second by: Vice Mayor Anaya

Motion Passed Vote 7-0

- d. **Consideration and Possible Approval of Contract with selected Contractor in the amount of \$230,226.35 for the Kino Street and Bluebird Street Paving Project. This project is funded up to 75% by the Arizona Department of Emergency Management (DEMA)**

Motion is to approve contract for Kino Street and Bluebird Street Paving Project in the amount of \$230,226.35 which is funded up to 75% by the Arizona Department of Emergency Management (DEMA)

Motion by: Councilwoman Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

- e. **Consideration and Possible Approval of Creation of Public Safety Retirement Board**

We currently have a Public Safety Retirement Board of which at least two members have made known their desire to step down as members of this Board. This Board meets only when an officer retires, therefore, there may only be 1 or 2 meetings per year.

Motion is to direct staff to advertise for Letters of Interest to be a member of the Public Safety Retirement Board.

11. **Possible Executive Session – Executive Session was entered at 9:54PM all Public was asked to Vacate the Council Chambers at this time and the recording was stopped.**

Regular Meeting reconvened at 10:43PM

12. **Adjourn**

Motion is to Adjourn meeting at 10:45PM

Motion by: Councilwoman Amparano

Second by: Councilwoman Martinez

Motion Passed Vote 7-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held January 16 , 2020. I further certify that the meeting was duly called and held.

Don Jones, Town Manager