



**NOTICE OF REGULAR MEETING
OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH
THURSDAY SEPTEMBER 16, 2021
7:00 P.M.**

Pursuant to A.R.S. § 38-431.02(B), notice is hereby given to the members of the Town Council and to the general public that the Town Council will hold the Regular Town Council Meeting which is open to the public on Thursday, September 16, 2021 at the Mammoth Community Center located at 101 W. 5th Street, Mammoth, Arizona. The Town Council may hold an Executive Session, A.R.S. § 38-431.03(A)(3) and (4) for legal advice, which will not be open to the public, to discuss any Agenda items set forth below.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
 - A. Possible consideration to excuse Councilmember(s) from Meeting pursuant to Mammoth Town Code 2.04.3
4. **CALL TO THE PUBLIC**
Pursuant to A.R.S. 38-341 (H)

A public body may make an open call to the public during a public meeting, subject to a three minute limitation to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

6. **CONSENT AGENDA**

ALL ITEMS SET FORTH BELOW ARE CONSIDERED TO BE ROUTINE MATTERS AND WILL BE ENACTED BY ONE (1) MOTION AND ONE (1) ROLL CALL VOTE OF THE TOWN COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION ON THESE

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

reason the pool was closed. She stated that she has lost faith in the council. She also stated that she was very unhappy with the council.

Diana Lopez stated that she wanted to discuss the pool. She stated that she is hurt and upset with the council. She stated that she feels angry and ashamed of the town of Mammoth. She also stated that she felt that the council was dishonest in how they handled the pool, because they were supposed to swim until October.

Vice Mayor Martinez responded to the statements as they were directed at her. She stated that in the minutes of the meeting it will show that the council intended to keep the pool open and that was the vote. The council passed that the pool would be open until October for the families on the weekend and the seniors. The only reason the pool is closed is because the previous pool manager did not like the council advocating for its people. The motion was to ensure that everyone could continue to use the pool not just the swim team.

Councilman Brewer stated that was not the intention of the council to close the pool. We wanted to keep the pool open. He also asked that the berm at the river crossing should be removed. Pinal County has taken their side down and we should remove our side as well.

Councilman Bustamante stated that he was speaking for the retirees. We need the pedestrian crossing for safety reasons. He asked that his statement be entered into record that "federal statues and court cases have said that you cannot divide a community by a physical barrier. There is one in Tombstone a town almost our size. There are a couple of the communities that have pedestrian crossings such as Globe. We need to find a way to allow for pedestrian traffic whether it is an overpass or an underpass this is a safety issue for our residents." Thank you.

6. CONSENT AGENDA

ALL ITEMS SET FORTH BELOW ARE CONSIDERED TO BE ROUTINE MATTERS AND WILL BE ENACTED BY ONE (1) MOTION AND ONE (1) ROLL CALL VOTE OF THE TOWN COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE OF EVENTS.

A. Motion to pull items A1, B and C and approve the Town Clerk, Police, Public Works, Library and Planning & Zoning Reports

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Roll Call Vote:

Councilman Adams-Yes

Councilman Brewer-Yes

Councilman Bustamante-Yes

Vice Mayor Martinez-Yes

Councilman Martinez-Yes

Mayor Armenta-Yes

Motion Passed Vote: 6-0

Vice Mayor Martinez stated that she pulled the Town Managers report because has questions. She asked about a truck we received from the county and asked how much we paid for it. The town manager stated that we received the vehicle for a dollar. Vice Mayor Martinez asked if the vehicle needs repaired. The Town Manager stated that the vehicle referenced was in good condition and needs no repairs. Vice Mayor Martinez asked about the two vehicles needing repair. The Town Manager stated that one of the

trucks was in an accident and the insurance is covering the cost of all of the repairs. The other vehicle is on the agenda because it needs the motor replaced.

Vice Mayor Martinez asked for an update on the grant for the school and the patrol vehicles. The Town Clerk stated the last update was approximately a week ago and Senator Kelly's assistant said they were waiting for the budget to be approved. She stated that the request for the police vehicles is in the top three for consideration, but her school would probably not be funded due to the amount of the request.

Councilman Bustamante spoke regarding congressional spending and earmarks. He expressed that he is unhappy with the lack of funding for the request for the school. He stated that this was a result of the Republican party.

Motion to approve the Town Managers Report

Motion by Vice Mayor Martinez

Seconded by Councilman Adams

Motion Passed VOTE 6-0

B. Approval of Accounts Payable for Payment and Filing

Vice Mayor Martinez asked that the financial report be pull for discussion because she has questions. She asked the attorney if he was ok with discussing his fees on the financial report. On page 3 of the accounts payable there is a payment to Jeff Bower for \$1,500 what is that for? There are also two payments to Cooper and Rutter \$5,640 and \$4,635 please why there are two separate charges? The attorney Steve Cooper stated that he does have a retainer of \$3,000 for the retainer and there was an additional charge for water rights litigation. Vice Mayor Martinez asked for a copy of the invoice for those charges. Steve Cooper explained about the water rights case. Vice Mayor Martinez also asked why we were charged \$2,600 by CAAG? The Town Manger stated that it was for annual membership dues. She also asked why the Wells Fargo credit card was \$7,200? She asked what the \$7,200 was for on the credit card. The Town Manager stated he thought it was for the credit card machine. Vice Mayor Martinez stated that was an extremely large amount. She asked if the council could approve the accounts payable without approving these charges? Councilman Bustamante stated we should approve the accounts payable and request the invoices for the charges.

Motion to approve the accounts payable with the exception of the \$7,206.16 for Wells Fargo

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed VOTE 6-0

C. Approval of Meeting Minutes from Regular Meeting of August 19, 2021

Vice Mayor Martinez asked that the minutes be revised because there were errors. Old Business item #A1 and #E needs to be revised. The Town Clerk stated she will revise the minutes, but it is hard to hear when the council does not use their microphones.

Motion to approve the minutes with the exception for A1 and E.

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed VOTE 6-0

7. OLD BUSINESS

A. Consideration and Possible Approval to Award Contract to Vendor to Pave Parking Lot at 337 N Hwy 77, Mammoth, AZ for an estimated bid of \$22,000

The Town Manager stated that there were 3 bidders interested but one refused provide a bid so we only have two bids for the job. This was the best and lowest bid. There are four inches of pavement there that needs to be removed to get it to grade for and additional \$6,000. The other bid was \$40,000. With the additional it would be a total of \$28,000.

Motion to Award Contract to Wilson Asphaltting and Sealing for \$28,000.

Motion by Vice Mayor Martinez

Secoded by Councilman Martinez

Motion Passed VOTE 6-1

B. Discuss Community Clean-up to be Held September 20-25 in Mammoth, (Discussion Only)

The Town Clerk explained that there will be week long Community Clean-up to be held Sept. 20-25th from 7AM-2PM. We are requiring a Mammoth water bill as residency verification. We will have three dumpsters for household garbage, one for tires, an area for weeds and brush and a dumpster for hazardous waste. Monday thru Friday will be a drop off and on Saturday staff and volunteer will bring their own vehicles and we will go to resident's homes and pick up garbage for those who need assistance. Vice Mayor Martinez asked about liability for the town with volunteers. The clerk stated there will be release form for volunteers. If the council would like to help, they can come out and pick up garbage or maybe help with lunch for the volunteers. We will be making hamburgers. Mayor Armenta stated there is also a number you can call to have someone come pick up any old vehicles free of charge.

C. Discuss National Night Out to be Held October 5, 2021 at the Little League Field in Mammoth and Request to Purchase Water and a \$50 Gift Card to be Raffled

The Town Clerk explained that they are having trouble get organizations to participate. Town staff will be doing games and the library staff will be there. We are asking to purchase two cases of water and a \$50 gift card to raffle off. The event will be at the little league field. Councilman Bustamante explained that National Night Out is intended to be a deterrent against crime. Its mostly for the youth and is to have the Police and Fire Department get involved with the youth.

Motion is to approve the purchase water and \$50 gift card for raffle for National Night Out.

Motion by Vice Mayor Martinez

Secoded by Councilman Martinez

Motion Passed Vote: 6-0

D. Request to Purchase a Motor and Commission Auto Repair Shop to Install it in the Public Works Vehicle Purchased from County for \$1, Estimated Total Cost of Repair \$5,000

The Town Manager explained that this item was tabled from the last meeting. He stated that Councilman Adams came out and looked at the vehicle and it needs to be done. He stated that we have two bids that are similar but one is \$500 more and we are asking for a decision. Vice Mayor Martinez stated that she felt the bid should go to the business in Mammoth since our businesses are struggling. We should do what we can to support the businesses in Mammoth. Councilman Adams stated that he agreed and felt that normally we would go with the lowest bid, but the \$552 was not an issue and we should give the bid to WC Industries and show our support. Councilman Brewer stated that he is all for supporting the local businesses as long as they are not gouging us. The Vice Mayor Martinez asked if anyone asked about a contract for future

business. Councilman Adams stated he spoke with WC Industries and he was going to put something together. He stated he would follow up. Vice Mayor Martinez stated to that it would be additional expense if we had to tow the vehicle to San Manuel rather than to use the local business. Attorney Steve Cooper stated that there are laws that ban giving preference to local suppliers. The law says you have to take the lowest and most responsible bid. If you want to award the bid to a local vendor you should state on the record why whether it be prior work done, availability to get work done or distance to pick up the vehicle. The Town Manager stated that the other bid Karl has a tow truck to pick up the vehicle. Vice Mayor Martinez asked for a copy of the warranty from the bidder from San Manuel. The Town Manager stated that he did not have it but he stated he would match the other bidder's warranty. Councilman Brewer stated we should treat it like it is our own money and award it to the lowest bidder.

Motion is to give the bid to have the engine installed to Karl's Auto

Motion by Councilman Brewer

Seconded by Councilman Martinez

Councilman Adams-No

Councilman Brewer-Yes

Councilman Bustamante-Yes

Vice Mayor Martinez-No

Councilman Martinez-Yes

Mayor Armenta-No

Motion Dies Vote: 3-3

Motion is to give the bid to have the engine installed to WC Industries

Motion by Vice Mayor Martinez

Seconded by Councilman Adams

Roll Call Vote:

Councilman Adams-Yes

Councilman Brewer-Yes

Councilman Bustamante-Yes

Vice Mayor Martinez-Yes

Councilman Martinez-Yes

Mayor Armenta-Yes

Motion Passed Vote: 6-0

8. NEW BUSINESS

A. Discussion and Possible of Approval of Amending out Personnel Policy RESOLUTION NO 2021-07

Vice Mayor Martinez stated she felt the amendment were well written and we should approve them. The attorney explained that the motion is to make it a public record so we do not have to publish and there will be a separate motion for the amendments.

Motion is to approve the Amendment to the Personnel Policy Resolution No 2021-07

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

B. Consideration and Possible Approval of Request to Enter into a Maintenance Agreement for the Pool

The Town Clerk explained this is just for someone to take care of the pool until we are ready to open the pool not to run the pool. She also stated that according to the Pinal County Environmental Health we do not have to have a CPO when we open the pool to the public. Councilman Adams asked if we can make

sure we add in the contract that the town is in charge of the pool. The Town Clerk explained it is not to open the pool just maintain it until we are ready to open then we will address those issues.

Motion is to Approve Request to Enter into a Maintenance Agreement for the Pool

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

C. Consideration and Possible Approval of Request to Purchase New Police Department Badges and Patches for Officers Uniforms at Cost of Approximately \$2,000 - \$3,000

Chief Mueller informed the council that Sargent Green delivered a baby at the Mammoth Apartments yesterday. Also, Corporal Chase is back so we will go back to 24-hour coverage for most of the time. He stated he has three applicants for the open position so recruitment is going well. With one additional officer we should be back to around the clock coverage. He explained to the council that the new patch is something the officers are very excited about. It has the trussells and the Galiuro's with are iconic for Mammoth. We have a lot of reserve officers from other areas so this has Mammoth stand out so you know where the officer is from. There is a lot of pride in it. We are asking for \$3,000 to purchase the badges and patches and badge patches this includes 12 badges, 150 shoulder patches and 50 badge patches. He stated that \$2,500 should be good and we have an idea for challenge coins so that will help.

Motion is to Approve Request to Purchase New Police Department Badges and Patches for Officers Uniforms at Cost of Approximately \$3,000 and any additional can go to challenge coins.

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

D. A.R.S. 38-431.03(A)(1) and (3) discussion and/or consideration of performance evaluation, of public officer, Town Clerk, of a public body including possible legal advice.

The Town Clerk explained that she has been with the town for six months and in keeping with town practice we feel that it is important to the council to provide input and goals for the next evaluation. Vice Mayor Martinez stated she thinks the clerk is doing a good job and has hit the ground running bringing us into compliance. You are an asset to the town. Councilman Bustamante stated that he put his comments on the evaluation form. Councilman Brewer stated he is very happy with the clerk's performance. Councilman Adams stated he is happy with her work and any time he has had to contact her she was helpful and responsive. Councilman Martinez stated he felt that you have done an excellent job. Mayor Armenta stated she agrees with the statements that have been made.

9. Mayor and Council Comments

Councilman Bustamante explained that our census numbers should be in soon and it will have an impact on the town. Also, we want to continue to look for funding for the pedestrian crossing. Councilman Adams there are a lot of people in the town that have been misinformed about the pool. We want to keep the pool open, but when we hire someone to take care of the pool, we need to make sure they answer to the town. Vice Mayor Martinez stated the berm should come down. It is counter-productive for this council vote and pass something and have town employees go behind the councils back and misconstruing to make the town look bad. If you work for this town, you should be reflecting the councils wishes. You don't have to agree with them but you do not have the right to go out and tell

people that the council is wrong. I think this should be a fire able offense and it needs to stop. Councilman Brewer stated that they are contractors so we should have fine associated with it. Mayor Armenta stated she hopes everyone shows up to help with the clean-up.

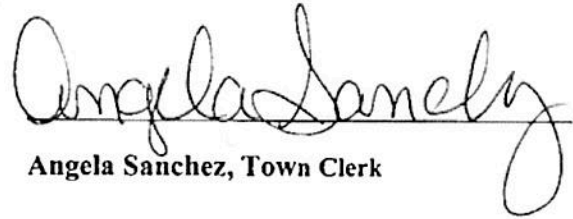
Motion is to adjourn meeting at 8:40 PM

Motion by: Councilman Bustamante

Second by: Vice Mayor Martinez

Motion Passed Vote 6-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held September 16, 2021. I further certify that the meeting was duly called and held.

A handwritten signature in black ink that reads "Angela Sanchez". The signature is written in a cursive style and is positioned above a horizontal line.

Angela Sanchez, Town Clerk