



EXTRAORDINARY SKIES.
UNCOMMON GROUND.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the special meeting of the City Council of Sierra Vista held on the 26th day of June, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of July, 2020.

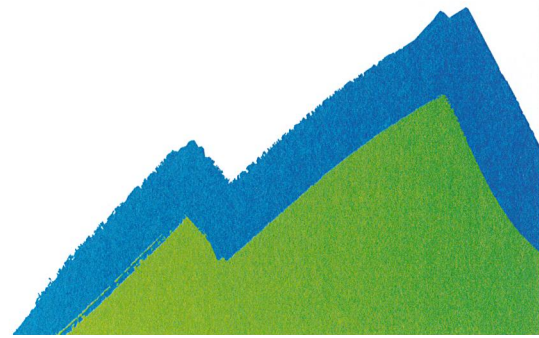
SEAL

A handwritten signature in black ink, appearing to read "Maria G. Marsh", written over a horizontal line.

Maria G. Marsh
Deputy City Clerk

A handwritten signature in blue ink, appearing to read "Jill Adams", written over a horizontal line.

Jill Adams
City Clerk





Sierra Vista City Council
Special Meeting Minutes
June 26, 2020

Mayor Mueller called the June 26, 2020 City Council Special Meeting to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present 3:05 p.m.
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Jon Kosmider, Deputy Police Chief
Nathan Williams, City Attorney
Jill Adams, City Clerk

Item 1 Acceptance of the Agenda

Council Member Calhoun moved that the Agenda for the Special City Council Meeting of June 26, 2020, be approved as written. Council Member Umphrey seconded the motion. The motion passed by a 5/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, and Calhoun.

Item 2 Resolution 2020-040, Authorization for the Mayor to declare a local emergency pursuant to ARS 26-311(A) and to issue an emergency order

Mayor Pro Tem Gray moved that Resolution 2020-040, authorization for the Mayor to declare a local emergency pursuant to ARS 26-311(A) and to issue an emergency order, be approved. Council Member Calhoun seconded the motion. The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

Mr. Potucek stated that since Governor Ducey declared a state-wide emergency and issued a Stay Home, Stay Healthy, Stay Connected Order, which was on March 30, 2020 regarding the Coronavirus pandemic the City has been operating under Governor Ducey's Executive Order by requiring social distancing and measures such as that. The City has been doing that faithfully throughout the pandemic. On June 17, 2020 Governor Ducey issued Executive Order 2020-040 containing the spread of COVID-19 continuing Arizona mitigation efforts in which he authorized

then counties, cities and towns to adopt policies regarding face mask coverings for the public to mitigate the spread of COVID-19. This was the first time that the Governor deviated from a one size fits all approach with regards to dealing with the virus across the State and giving local governments the option to do that.

Mr. Potucek stated that he mentioned during the Tuesday, June 23, 2020 Council work session, that there needs to be work done to the cleanup of some of the City's emergency operations language in the City Code, but for now Arizona Revised Statutes provides that a mayor of a city or town may with the vote of the Council then deem that an emergency condition exists within that city or town. The proposed resolution would allow that to occur for the period of the COVID-19 crisis until such time as the Governor declares the emergency over at that point.

The resolution authorizes the Mayor to be able to declare a local emergency in Sierra Vista with the vote of the Council and then the Mayor can address the emergency with a proclamation or an executive or as he deems appropriate. The emergency clause allows the Mayor to move immediately after the vote to issue any orders/proclamation that he deems necessary.

Mayor Mueller announced that the City's public system for broadcasting went off, which is funded in the budget for replacement. Different means are being done including Cool FM to record the Council Meeting to get the word out.

Mr. Wayne Gregan and Mr. Michael De Carlo voiced their opposition to the mandatory use of masks in public.

Mayor Mueller thanked Mr. Gregan and Mr. De Carlo for their comments and stated that he has thought about their concerns as well and his deliberation has not been hasty, which Council Members can attest to that. He thanked Council for considering his request for the authority to declare a local emergency, thanked the people of Sierra Vista and the Greater Sierra Vista community for doing those things that are required to help stop the spread of COVID-19. He encouraged everyone to wash and dry their hands regularly, stay at home to the maximum extent possible, maintain social distancing and wear masks where social distancing cannot be maintained and stated that while the citizens have been admirable in these efforts, COVID is persistent. The City's hospital, despite all and how well the community is doing in the local zip codes, which are monitored on a regular basis, is responsible for health care across Cochise County and beyond. However, charts on statewide hospital capacity have continued to decrease and while hospitals in Cochise County still have capacity, they are properly planning for a worst case. Canyon Vista Medical Center is concerned about the shrinking capacity and has started training their Ethics Board, a committee comprised of medical and hospital staff who have the tough mission of evaluating which patients will receive services and care when it may not be available, which includes rooms, equipment, incubators and etc.

Mayor Mueller stated that the fact that the hospital must train a committee to be prepared to act in a legal and responsible manner, gives him pause as it should for everyone and based on this information, and the continued growth of cases primarily in the 20 to 40 area year group, in areas in Cochise County and around the City, he feels that it is necessary to strictly follow the CDC guidelines completely. If the proposed resolution is passed, he will be establishing measures that will result in more effective use of masks to help deter the spread of COVID in the City. In closing, he asked Council for approval and thanked several folks that have helped him to make sure that the City has an implementable as well as enforceable to the most extent possible declaration, once it is in fact authorized and signed. He thanked Mr. Potucek, Ms. Yarbrough, Police Chief Thrasher, Fire Chief Jones, and Mr. Williams.

Council Member Benning stated that during the last couple of days, he has shared the same concern as his colleagues, and it is a big request to give away their elected voice for the people that want them to speak on their behalf. However, in times of an emergency, he understands that dire needs require immediate decisions before Council can come together as a body. He added that he has concerns and has spoken to his doctors on how to keep safe and healthy; however, he cannot expect others to do the same. He believes that the government should not interfere with people's lives in telling them what to do and what not to do and coming out and making this decision is hard for him. He further stated that this decision weighs heavy on him as well as the Mayor, but he also knows what it is to lose a loved-one and he does not want anyone to be in the hospital by themselves. Lastly, he asked the Mayor to consider all suggestions provided to him by Council before putting out a policy because this is not about wearing masks, it is about the community and the state that it is currently in.

Council Member Wolfe stated that she has seen throughout Arizona, those communities that have mandated the wearing of masks, different rules. She further stated that she wants to make sure that people understand the rules and asked about enforcement because she hopes that there is education and not a citation.

Council Member Calhoun stated that the decision being made as part of the Arizona Revised Statute is to protect public health while respecting individual rights. Just hearing that creates tension between the two, but people have been given their choice to the greater good of the public, and the decision that must be made is due to the pandemic. She further stated that she has heard repeatedly the pride felt by citizens about its city and that the community is the greatest place in the world to live in. Sierra Vista's citizens are caring and giving, whether it is in a crisis or for only one person, which has been seen through social media. Lastly, she asked for each person in the community to refrain from commenting to another person about whether or not they are wearing a mask because there are people who have legitimate medical reasons as to why they cannot wear a mask. People should do what they think is the right thing to do according to the Mayor's proclamation and leave others to do what they need to do.

Council Member Umphrey thanked the Mayor for calling a special meeting. She added that she understands that this decision was not easy, but Council is in an important position that takes sometimes a very courageous step to do what is in the best interest of the City. This is not a partisan issue it is a public health issue and that is sometimes lost in all the static that is heard. She thanked the Mayor for his careful consideration on this issue and stated that she trusts him in moving forward.

Council Member Pacheco stated that she had questions about enforcement and has shared her thoughts with Mr. Potucek. She shared that having worked in a healthcare setting for the last five years, she is in favor of policy being guided by recent, relevant, and accurate data and noticed this decision is not based on opinions. The decision is based on facts, numbers, and data, guided by professionals who work in the medical field, and she is grateful that they are having discussions. The Mayor has been in constant communication with the Health Department, hospital, healthcare professionals and that is who people need to be listening to. She explained that the research that she has seen show that the use of face coverings reduces transmission of COVID-19 by at least 50 percent and there is a lot of information to back that up. She added that when she is out in public, she wears a mask because she is a believer in the studies produced by the healthcare community and because she does not know whether she has been exposed, and it is clear that this disease can be spread by those who have no symptoms. Although, she has a household of healthy individuals, she wears a mask to be

considerate of her friends and neighbors who are caring for an elderly parent or compromised individual. She wears one because she wants the community to thrive, businesses to stay open and for employees to stay healthy. Wearing a mask is a small sacrifice to fight the spread of the disease in the community.

Mayor Pro Tem Gray stated that while hers and the Mayor's timing is not always in sync, she knows that the Mayor acts with every intention of what is best for the City. She reminded the public that she voted for Mayor Mueller and so did the majority of Sierra Vista and to her that means that they trust him, and all are aware of how much he loves Sierra Vista. She also stated that she has no doubt that Mayor Mueller will do what he believes is right and listen to the Council, the public and what they think is right in every decision that he makes and whole heartedly is in favor of giving him the authority to make this decision.

Mayor Pro Tem Gray further stated that there is a lot of information and she wonders if anyone can be certain of what it is that they must do until a vaccine comes out. In conjunction with staying home when necessary, washing hands and staying a safe distance away when needed, along with wearing a mask are all things that are known can help. Lastly, she stated that it behooves the City to do what is required to help each other and quoted Pastor Mark Perry, "that we are not doing this for ourselves, we are doing it for each other and to remember that in these times and all times that we are to love thy neighbor." This is what she believes Sierra Vista is and that is what they do, and she fully expects to have people who do not like it, but they need to understand the importance. This is something that must be done at this time.

Council Member Benning asked about the exception to wearing a mask while using sports or practice fields together. Mayor Mueller stated that it is primarily for the Little League. He added that once Council gives him the authority, he will issue a declaration, and if there are things in it that Council wants to discuss, he does not have a problem in amending the declaration. The declaration contains issues that have been talked about with staff, subject matter experts, etc. to make sure that the declaration is as accurate and clean as possible, where people needing exemptions have one. If this goes out today, commercial establishments will need ample time to comply with the order.

Council Member Wolfe stated that she does not like wearing a mask or having the government tell her what to do, but sometimes it is just the way that it has to be and she is thankful for the people in the community that are careful and hopefully the disease and some of the fear can stop.

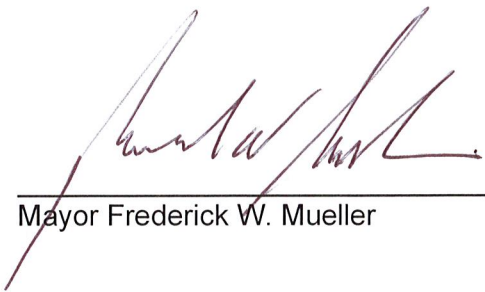
Council Member Pacheco stated that she has not been out in public for the last three months to social distance and the wearing of masks is for when social distancing is not possible.

Mayor Mueller stated that if there is not a reasonable requirement, people are not going to obey/follow it and that is the thinking behind it.

Adjournment

Mayor Mueller adjourned the June 26, 2020 special meeting of the Sierra Vista City Council at 3:42 p.m.

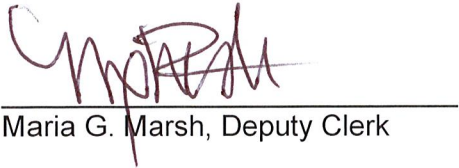
Mayor Mueller read the Emergency Declaration (on file with the City Clerk).



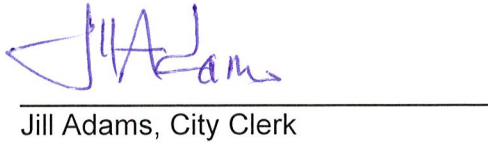
Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk

EMERGENCY DECLARATION

WHEREAS, the COVID-19 pandemic conditions throughout the State of Arizona have resulted in widespread illness, business and services closures, health care saturation and many other conditions that pose significant threats to communities; and

WHEREAS, the COVID-19 pandemic has resulted in a condition of peril to the health and safety of many citizens as well as economic impacts to our businesses and tourism industry; and

WHEREAS, on June 17, 2020 Arizona Governor Ducey issued Executive Order 2020-40 "Containing the Spread of COVID-19 Continuing Arizona Mitigation Efforts"; and

WHEREAS, on June 26, 2020 the City of Sierra Vista issued resolution 2020-40, authorizing the Mayor of the City of Sierra Vista to declare a Local Emergency and recognizing the necessity of precautionary measures due to the threat COVID-19 poses to public health and safety;

NOW, THEREFORE, it is hereby declared that an emergency now exists in the City of Sierra Vista, Arizona;

IT IS HEREBY ORDERED;

Effective June 27, 2020 at 12:00 a.m.:

SECTION 1: Face Coverings or use of Shields in Public

- A. Wearing a Face Covering Or Using Shielding In Public Spaces. Every person over the age of ten (10) is required to make use of a face covering or shield in a Public Space when maintaining a six foot distance is not possible. Adults accompanying children shall use reasonable efforts to cause those children to wear face coverings when in public.
- B. Commercial Establishments. The wearing of face coverings is required in all commercial establishments located within the City of Sierra Vista when physical distancing is impossible to continuously maintain. Commercial Establishments have until midnight July 1, 2020 to fully comply with this order.
- C. Schools, Institutions of Higher Learning, Child Care Centers, Not for Profit organizations providing food and shelter, and Houses of Worship are requested to establish and publish their own guidelines for the proper wearing of face coverings in their spaces that are accessible to the public.
- D. Exceptions. Face coverings are not required: 1) When a person is at home; 2) When a person is alone in a vehicle or in a vehicle with people the person lives with; 3) When a person is at a commercial establishment for the purposes of eating, drinking or sleeping; 4) When a person is exercising outdoors alone or with people they live with, and while using public sports or practice fields; 5) While swimming; 6) In workspaces not open to the general public; 7) For any person who cannot wear a face covering

because of a medical condition, mental health condition or developmental disability, or who is unable to remove the face covering without assistance; and 8) In an emergency situation where the wearing of a face covering is not feasible.

- E. Definitions. 1) Public Space means: a) Indoor spaces that are overseen by the City of Sierra Vista where the public is allowed to enter. b) Outdoor spaces such as parks, playgrounds, parking lots, and other areas such as places where the public would gather while waiting to enter an establishment. c) In or on Public Transportation. 2) Person means: any person, regardless of whether they are a resident, employee, customer, vendor, visitor, invitee or other. 3) Face Covering means: a covering made of fabric or soft permeable material that covers the nose mouth and surrounding areas of the lower face. 4) Shield means an impermeable physical barrier designed to separate individuals from physical contact.

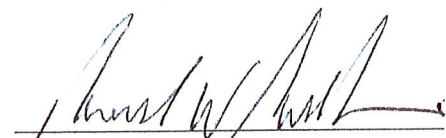
SECTION 2: Enforcement.

Any enforcement of this proclamation shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. Before any action is taken to enforce this order under ARS Sub-Section 26-317 (a class 1 misdemeanor), a person shall be notified of the violation and be given an opportunity to comply.

SECTION 3. Duration.


The Order shall remain in effect until the earlier of the rescission of this Local Emergency Declaration by the Mayor of the City of Sierra Vista or the rescission of Executive Order 2020-40 by the Governor of the State of Arizona.

Dated this 26th day of June, 2020.



Frederick W. Mueller, Mayor

ATTEST:



Jill Adams, Sierra Vista City Clerk

