

SPECIAL CITY COUNCIL MEETING AGENDA

Friday, October 30, 2020 at 9:00 AM

Mayor
Ken Miyagishima

Mayor Pro-Tem
Kasandra Gandara

Councilors
Tessa Abeyta-Stuve
Gabriel Vasquez
Johana Bencomo
Gill Sorg
Yvonne Flores

Remotely via Zoom



CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

Individuals may view meetings live at
lascruces.civicweb.net

The health, safety and well-being of our residents and businesses are a top priority for City Council and the leadership in Las Cruces. As such, and consistent with and in support of the direction from Gov. Michelle Lujan Grisham and the New Department of Health public health order the Special Council Meeting will be held via video conference. In an effort to seek public input we ask that if you have comments/concerns/questions please e-mail your Councilor as follows:

District 1 – kgandara@las-cruces.org
District 2 – tstuve@las-cruces.org
District 3 – gvasquez@las-cruces.org
District 4 – jbencomo@las-cruces.org
District 5 – gsorg@las-cruces.org
District 6 – yflores@las-cruces.org
Mayor – mayor@las-cruces.org

If you need an accommodation for a disability to enable you to fully participate in this event please contact us 72 hours before this event at [541-2115/V](tel:541-2115).

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1. **CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC
SECTION 2-27 (E)(2)**

2. **RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

2.1. **RESOLUTION NO. 21-067: A RESOLUTION EXTENDING THE TERM
FOR THE MAYOR'S EMERGENCY PROCLAMATION 2020-06.**

[Resolution No. 21-067 - Pdf](#)

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3. **COVID UPDATE.**

**21-067****Type of Action:**☒ **Resolution**☐ **Ordinance**☐ **TIDD Resolution**

Special City Council Meeting Action and Executive Summary

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6	Adopted:	October 30, 2020
1st Reading:		Department:	City Manager's Office
Drafter:	David Dollahon	Line of Business:	Community & Council Support
Program:	Community & Council Support		
Title:	A RESOLUTION EXTENDING THE TERM FOR THE MAYOR'S EMERGENCY PROCLAMATION 2020-06.		

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:

To approve extension of the term of the Mayor's Emergency Proclamation 2020-06.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to Las Cruces Municipal Code (LCMC), 1997, as amended within Chapter 9, Emergency Management, Art. III, Sec. 9-35, Emergency Declaration Ordinance, the Mayor has the authority to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, or fire chief. Said emergency proclamations allow the Mayor to prohibit and/or require certain actions to maintain the public peace, health, welfare, or safety, and if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act.

On October 16, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-072 Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked In That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency. Further, on October 22, 2020, acting secretary of the Department of Health, Billy J. Jimenez, issued a Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders Limiting Businesses and Non-Profit Entities' Operations and Providing Additional Restrictions on Mass Gatherings Due to COVID-19. Previously, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; with all the Emergency Proclamations supporting and reiterating Governor Michelle Lujan Grisham's Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as "COVID-19". The Governor's Executive Orders, the Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease; and

As of October 26, 2020, there were 828 new COVID-19 cases in the State of New Mexico, which included 206 new cases in Dona Ana County on that day and which brought the total New Mexico cases to 41,863. Pursuant to his authority prescribed in Chapter 9 of the LCMC, as amended, Mayor Miyagishima invoked LCMC Sections 9-35 through 9-41 on Tuesday, October 27, 2020, to preserve the peace, health, welfare, and safety in the City of Las Cruces, specifically invoking the following actions:

Agenda Item #2.1.

1. That the previous Emergency Proclamation 2020-05 and the requirements therein shall remain in effect.
2. That all City indoor recreational facilities shall be closed for the next seven days. This closure does not extend to the City of Las Cruces Regional Aquatic Center which currently adheres to the State of New Mexico COVID Safe Practice guidelines.
3. Increased security and enforcement shall occur at the Las Cruces Farmer's Market to ensure that all entrants wear required face coverings in accordance with All Together New Mexico COVID Safe Practices.
4. The City of Las Cruces shall allocate resources that will facilitate safe compliance with the Governor's Executive Orders, the State of New Mexico Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations. This includes the enforcement of face covering requirements at public outdoor facilities and in private businesses.

The Mayor made this declaration of this Proclamation effective on October 27, 2020 at 6 0'clock a.m. and directed the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available. A special meeting to renew this Proclamation will be posted and scheduled within 72 hours of the effective date. The proposed Resolution is presented for City Council's consideration for a special meeting on the morning of Friday, October 30, 2020.

SUPPORT INFORMATION:

[Exhibit "A" - Emergency Proclamation 2020-06](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

- ☐ Yes
☐ No
☒ N/A

Does this action amend the Capital Improvement Plan (CIP)?

- ☐ Yes
☐ No
☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote yes, this would approve the Resolution and allow the term of the Mayor's Emergency Proclamation 2020-06 for seven days or unless rescinded by separate, future resolution of the City Council.
2. Vote no, this would not approve the Resolution nor would the term of the Mayor's Emergency Proclamation 2020-06 be extended.
3. Vote to amend - is not an option, as the Council may only extend or not extend the Mayor's Emergency Proclamation 2020-06 as presented in accordance with the Municipal Code.
4. Vote to table - is not an option, as the Council must act on whether to extend or not extend the Mayor's Emergency Proclamation 2020-06 as presented in accordance with the Municipal Code.

RESOLUTION 21-067

A RESOLUTION EXTENDING THE TERM FOR THE MAYOR'S EMERGENCY PROCLAMATION 2020-06.

WHEREAS, on March 27, 2020 the City Council passed the Emergency Declaration Ordinance, amending the Las Cruces Municipal Code, (LCMC) 1997 as amended, Chapter 9, Emergency Management, Art. III Sections 9-35 through 9-41, which provides the Mayor or the Mayor Pro Tem the authority to take immediate action for the protection of life and property, and for the preservation of public peace, safety, health, welfare, and for the continuity of efficient government operations and allows the City Council to authorize limited action in response to an emergency situation; and

WHEREAS, the Emergency Declaration Ordinance authorizes the Mayor and Council to exercise their emergency powers through a proclamation for term of three (3) days, but can be extended for up fourteen (14) days at a time by action of the City Council; and

WHEREAS, on October 16, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-072 Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked In That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency; and

WHEREAS, on October 22, 2020, acting Secretary of the New Mexico Department of Health, Billy J. Jimenez, issued a Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders Limiting Businesses and Non-Profit Entities' Operations and Providing Additional Restrictions on Mass Gatherings Due to COVID-19; and

WHEREAS, previously, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; with all the Emergency Proclamations supporting and reiterating Governor Michelle Lujan Grisham's Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as "COVID-19". The Governor's Executive Orders, the Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease; and

WHEREAS, of October 26, 2020, there were 828 new COVID-19 cases in the State of New Mexico, which included 206 new cases in Dona Ana County on that day and which brought the total New Mexico cases to 41,863; and

WHEREAS, pursuant to his authority prescribed in Chapter 9 of the LCMC, as amended, Mayor Miyagishima invoked LCMC Sections 9-35 through 9-41 on Tuesday, October 27, 2020, to preserve the peace, health, welfare, and safety in the City of Las Cruces, specifically invoking the following actions: 1) That the previous Emergency Proclamation 2020-05 and the requirements therein shall remain in effect; 2) That all City indoor recreational facilities shall be closed for the next seven days, not including the City of Las Cruces Regional Aquatic Center which currently adheres to the State of New Mexico COVID Safe Practice guidelines; 3) Increased security and enforcement shall occur at the Las Cruces Farmer's Market to ensure that all entrants wear required face coverings in accordance with All Together New Mexico COVID Safe Practices; and finally, 4) The City of Las Cruces shall allocate resources that will facilitate safe compliance with the Governor's Executive Orders, the State of New Mexico Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations, including the enforcement of face covering requirements at public outdoor facilities and in private businesses; and

Agenda Item #2.1.

WHEREAS, the Mayor made this declaration of this Proclamation effective on October 27, 2020 at 6:00 a.m. and directed the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available; and

WHEREAS, pursuant to LCMC 1997, Section 9-38(B), the original Emergency Proclamation was schedule to expire at 6:00 a.m. on Friday, October 30, 2020; and

WHEREAS, the City Council wishes that the Mayor's Emergency Proclamation 2020-06 be extended exclusive of the closure of the City indoor recreation facilities which shall remain closed for another 4 day only, for a term pursuant to LCMC, 1997, Section 9-38(C), to run concurrently with the State of New Mexico declared state of emergency for fourteen (14) days and to renew every fourteen (14) days and run concurrently with the State of New Mexico declared state of emergency in response to the novel COVID 19 pandemic, or until such time that the governing body cancels the Proclamation, which ever time is sooner.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Las Cruces:

(I)

THAT the Mayor's Emergency Proclamation 2020-06 (Exhibit "A") issued by Mayor Miyagishima on October 27, 2020 is hereby extended, excluding the closure of the City indoor recreation facilities, excepting the Las Cruces Regional Aquatic Center that may remain open, pursuant to LCMC 1997, Section 9-36, to run concurrent with the State of New Mexico declared state of emergency for fourteen (14) days and to renew every fourteen (14) days and run concurrently with the State of New Mexico declared state of emergency in response to the novel COVID 19 pandemic, or until such time that the governing body cancels the Proclamation, which ever time is sooner.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS



Office of the Mayor

KENNETH D. MIYAGISHIMA
MAYOR

CITY OF LAS CRUCES

CITY OF LAS CRUCES

PROCLAMATION OF EMERGENCY 2020-06

WHEREAS, pursuant to LCMC Art. III, Sec. 9-35, Emergency Declaration Ordinance, the Mayor has the authority to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, or fire chief; and

WHEREAS, such proclamation allows the Mayor to prohibit and/or require certain actions to maintain the public peace, health, welfare, or safety, and if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act; and

WHEREAS, on October 16, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-072 Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked In That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency; and

WHEREAS, on October 22, 2020, acting secretary of the Department of Health, Billy J. Jimenez, issued a Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders Limiting Businesses and Non-Profit Entities' Operations and Providing Additional Restrictions on Mass Gatherings Due to COVID-19; and

WHEREAS, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; and

WHEREAS, the Emergency Proclamations support and reiterate Governor Michelle Lujan Grisham's Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as "COVID-19"; and

WHEREAS, the Governor's Executive Orders, the Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease; and

WHEREAS, As of October 26, 2020, there were 828 new COVID-19 cases in the State of New Mexico, which included 200 new cases in Dona Ana County, and which brought the total New Mexico cases to 41,863.

NOW THEREFORE, I, Kenneth Miyagishima, Mayor of the City of Las Cruces, New Mexico, hereby invoke LCMC Sections 9-35 through 9-41, to preserve the peace, health, welfare, and safety in the City of Las Cruces, consistent with the above guidance and information. In particular, I am invoking the following actions:

Agenda Item #2.1.

I. I order the following:

- a. That the previous Emergency Proclamation 2020-05 and the requirements therein shall remain in effect.
- b. That all City indoor recreational facilities shall be closed for the next seven days. This closure does not extend to the City of Las Cruces Aquatic Center which currently adheres to the State of New Mexico COVID Safe Practice guidelines.
- c. Increased security and enforcement shall occur at the Las Cruces Farmer's Market to ensure that all entrants wear required face coverings in accordance with All Together New Mexico COVID Safe Practices.
- d. The City of Las Cruces shall allocate resources that will facilitate safe compliance with the Governor's Executive Orders, the State of New Mexico Emergency Public Health Orders, and the City of Las Cruces Emergency Proclamations. This includes the enforcement of face covering requirements at public outdoor facilities and in private businesses.

II. Effective Date

I hereby declare that this Proclamation will become effective on October 27, 2020 at 6 O'clock a.m. and direct the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available. A Special Meeting meeting to renew this Proclamation will be posted and scheduled within 72 hours of the effective date.

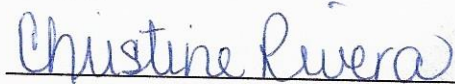
III. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Las Cruces, New Mexico.

DONE at Las Cruces, New Mexico this 26th day of October 2020, at the hour of 4:00 pm (MST).


KENNETH MIYAGISHIMA, MAYOR
City of Las Cruces, New Mexico

ATTEST:


CHRISTINE RIVERA, CITY CLERK
(SEAL)

