

SPECIAL CITY COUNCIL MEETING AGENDA

Monday, June 8, 2020

Immediately following the Work Session

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

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

Mayor
Ken Miyagishima

Mayor Pro-Tem
Kasandra Gandara

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



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 – [yflore@las-cruces.org](mailto: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. 20-167: A RESOLUTION ENCOURAGING THE USE OF FACE COVERINGS IN RETAIL AND COMMERCIAL BUSINESSES IN THE CITY LIMITS OF LAS CRUCES DUE TO THE CORONA VIRUS 19 PANDEMIC.
[Resolution No. 20-167 - Pdf](#)
3. **ADJOURNMENT**

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20-167

Type of Action:☒ Resolution☐ Ordinance☐ TIDD Resolution**Council Action and Executive Summary****District:** ☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6**1st Reading:****Adopted:**

June 8, 2020

Drafter: David Dollahon**Department:**

City Manager's Office

Program: Council Support**Line of Business:**

Council Support

Title:**A RESOLUTION ENCOURAGING THE USE OF FACE COVERINGS IN RETAIL AND COMMERCIAL BUSINESSES IN THE CITY LIMITS OF LAS CRUCES DUE TO THE CORONA VIRUS 19 PANDEMIC.****TYPE OF ACTION:** ☒ Administrative ☐ Legislative ☐ Quasi-Judicial**PURPOSE(S) OF ACTION:**

To encourage the public to wear face coverings in retail and commercial businesses in the city.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On March 11, 2020, New Mexico Governor Michelle Lujan Grisham issued an Executive Order declaring a state of public health emergency and invoked her executive powers as authorized by the All Hazard Emergency Management Act and the Emergency Licensing Act in response to the declared pandemic of the COVID-19 virus. The United States Centers for Disease Control and Prevention ("CDC") and the New Mexico Department of Health have recommended that members of the public, when they need to interact with others outside the home, and especially in setting where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze and people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others.

The Governor, on May 15, 2020, announced the extension of the current public health order and directed businesses to ensure all employees have face coverings or masks and wear them in the workplace at all times when in the presence of others, except when eating, drinking, or exercising, or unless otherwise advised by a health care provider. Individuals also must wear a face covering in public settings, except when eating, drinking, or exercising. Businesses are advised to offer face coverings to customers.

This resolution encourages the use of face coverings by the general public in retail and commercial businesses in the city limits of Las Cruces due to the Corona Virus 19 pandemic.

ANNUAL BUDGET APPROVAL:☐ Yes☐ No☒ N/A**Does this action amend the Capital Improvement Plan (CIP)?**☐ Yes

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- ☐ No
- ☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes", this will approve the Resolution and encourage the use of face coverings by the general public in retail and commercial businesses in Las Cruces.
2. Vote "No", this will not approve the Resolution nor will it encourage the use of face coverings by the general public in retail and commercial businesses in Las Cruces.
3. Vote to amend, this would allow the City Council to modify the Resolution.
4. Vote to table, this would postpone consideration of the Resolution and staff would require further direction from City Council.

RESOLUTION 20-167

A RESOLUTION ENCOURAGING THE USE OF FACE COVERINGS IN RETAIL AND COMMERCIAL BUSINESSES IN THE CITY LIMITS OF LAS CRUCES DUE TO THE CORONA VIRUS 19 PANDEMIC.

The City Council is informed that:

WHEREAS, New Mexico Governor Michelle Lujan Grisham, on March 11, 2020, issued an Executive Order declaring a state of public health emergency and invoked her executive powers as authorized by the All Hazard Emergency Management Act and the Emergency Licensing Act in response to the declared pandemic of the Corona Virus 19 (COVID-19 or virus); and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") and the New Mexico Department of Health have recommended that members of the public, when they need to interact with others outside the home, and especially in setting where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze and people can be infected with the COVID-19 virus and be asymptomatic but still be contagious; and

WHEREAS, people can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic and many people have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

WHEREAS, the New Mexico Department of Health issued a Public Health Emergency Order on May 15, 2020, to require businesses to ensure all employees have face coverings or masks and wear them in the workplace at all times when in the presence of others, except when eating, drinking or exercising, or unless otherwise advised by a health care provider and to require individuals to wear a face covering or mask in public settings except when eating, drinking, or exercising; and

WHEREAS, the City of Las Cruces continues to be supportive and cooperative with the Governor's Executive Orders, state public health orders, and CDC guidance and seeks to enable local enforcement of the crucial preventative measures that may mitigate the spread of COVID-19 and support the gradual limited re-opening of businesses and public life.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the Las Cruces City Council encourages the general public to use face coverings in accordance with recommended practices contained within the existing New Mexico Public Health Orders and CDC guidelines when in or accessing retail and commercial businesses.

(II)

THAT for this Resolution, the following definitions of the identified terms are:

Face Covering

Face Covering means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering

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should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until take off safely. If a worker's Face Covering moves during work, it needs to be replaced with one that does not need to be frequently adjusted to reduce touching of the face. Face Coverings should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is NOT a Face Covering under this Order and is NOT to be used to comply with this Ordinance's requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

Retail or Commercial Businesses

A retail or commercial business is an entity that distributes goods or provides services to the public and includes, but is not limited to, restaurants, offices, grocery stores and markets, hotels, tour operations, veterinarians, automobile dealerships and services, medical providers, salons, spas, tattoo parlors, gyms, museums and cultural institutions, and casinos.

(III)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

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