

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S M-20-2 ENACTMENT NO. M-2020-001

SPONSORED BY: Cynthia Borrego

1 MEMORIAL  
2 URGING THE CITY OF ALBUQUERQUE TO CONSIDER ALTERNATIVE AND  
3 SAFE METHODS TO RE-OPEN NON-ESSENTIAL BUSINESSES.

4 WHEREAS, The City of Albuquerque Code of Ordinances Chapter 11  
5 Morals and Conduct, Article 3 Human Rights, Section 2 DECLARATION OF  
6 POLICY § 11-3-2 states that in order to assure the public safety, public health  
7 and general welfare, Pursuant to Article VIII of the Albuquerque City Charter,  
8 the City policy is (C) to protect and promote equality of access to public goods  
9 and services; and

10 WHEREAS, on March 19, March 23, and April 6, 2020 The New Mexico  
11 Department of Health issued progressively restrictive public health orders  
12 restraining public interactions and narrowing definitions of essential  
13 businesses and business activities to culminate in requirements that all non-  
14 essential businesses reduce in-place workforces by 100%, and reduce the  
15 maximum number of customers allowed in essential retail business spaces to  
16 20% of the maximum occupancy of that space as determined by the fire  
17 marshal or fire department; and

18 WHEREAS, on March 18, March 30, April 10, and April 17, 2020  
19 Albuquerque's Mayor Timothy Keller, recognizing the New Mexico Department  
20 of Health's prioritization of public safety, issued progressively restrictive  
21 Declaration's on the Local State Emergency aimed at increasing social  
22 distancing practices and increasing protective equipment and sanitation  
23 requirements for essential businesses through May 15, 2020; and

24 WHEREAS, the April 20, 2020 New Mexico Legislative Finance Committee  
25 white paper recommended, as a pre-requisite to non-essential businesses re-  
26 opening, increased surveillance testing of asymptomatic people and contact

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1 tracing, tactics taken into account by Mayor Keller's preliminary  
2 considerations to re-open Albuquerque non-essential businesses; and

3 WHEREAS, on April 30<sup>th</sup> Governor Michelle Lujan Grisham reaffirmed  
4 Executive Order 2020-004 with allowances for the re-opening of Golf Courses  
5 and non-essential curb side delivery under certain conditions; and

6 WHEREAS, though the New Mexico Public Health Department mandates  
7 offer effective boundaries to the spread of COVID-19 cases and the  
8 maintenance of manageable levels of infection, their significant adverse  
9 effects on non-essential businesses is resulting in severe consequences to  
10 the local economy; and

11 WHEREAS, other municipalities in states across the country have  
12 reopened non-essential business to allow operation in outdoor environments,  
13 under certain conditions and restrictions, as identified in Exhibit 1:  
14 'Reopening Policies by State' a number of other states across the country are  
15 enabling non-essential businesses to reopen under varying conditions; and

16 WHEREAS, many municipalities are waiving permit requirements and fees  
17 for conducting business in an outdoor environment, including renting  
18 barricades, cones, and other street-level equipment and/or storing this  
19 equipment in community centers and other public facilities for easier, more  
20 cost-effective access; and

21 WHEREAS, businesses will require and should be considered for additional  
22 flexibility and facilitation in their operations by Zoning Enforcement and by  
23 City licensing bodies in order to operate in non-traditional ways and outdoor  
24 markets as there is no one standard that fits all business needs and types;  
25 and

26 WHEREAS, The City of Albuquerque Economic Department, The  
27 Albuquerque Chamber of Commerce, The Hispano Chamber of Commerce,  
28 ABQ Westside Chamber of Commerce, The Small Business Administration  
29 and many other local business advocacy groups offer e-commerce coaching  
30 services, enabling on-line marketing and order fulfillment's ready facilitation;  
31 and

32 WHEREAS, under current state and city mandated social distancing  
33 practices, capacity limits, protective equipment and sanitation requirements,

1 alternative approaches to conducting business such as in outdoor  
2 environments, e-commerce capabilities, establishing parklets outside of  
3 businesses to support curbside pickups, establishing temporary outdoor  
4 restaurant operations, coordinating outdoor markets that are similar to  
5 farmers markets in structure but include non-essential businesses, and  
6 establishing slow streets pilot programs where selected streets within narrow  
7 area boundaries with minimal volumes of traffic could be blocked off (Exhibit  
8 2: Outdoor Environment Operation Methods for Non-Essential Businesses), as  
9 well as re-opening measures undertaken in other states can and should be  
10 considered; and

11 WHEREAS, the additional gross receipts income from re-opening will more  
12 than cover the additional costs to the City of administering and monitoring  
13 alternative nonessential businesses re-openings.

14 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE  
15 CITY OF ALBUQUERQUE:

16 SECTION 1. The City Council expresses support for the business of the  
17 City of Albuquerque and urges the Mayor's Administration, and boards,  
18 committees and advisory councils that are addressing the Covid-19 health  
19 crisis, to consider alternative means of re-opening non-essential business as  
20 demonstrated by other states (Exhibit 1: Reopening Policies by State) as well  
21 as unique ways of conducting sales such as in outdoor markets, block and  
22 neighborhood temporary openings, curb-side pick-up, and encouraging and  
23 enabling e-commerce sales (Exhibit 2: Outdoor Environment Operation  
24 Methods for Non-Essential Businesses), while following all appropriate public  
25 health and safety considerations of the public welfare as mandated by the  
26 State of New Mexico Public Health Department.

27 SECTION 2. The City Council requests that the Mayor work with local  
28 business leaders to establish and distribute standardized health guidelines  
29 for businesses to follow, that ensure continued protection of the public health  
30 and safety against the spread of Covid-19 once restrictions are lifted.

31 SECTION 3. The City Council requests that the Mayor establish a program  
32 to provide resources to businesses for purchase of health screening and other

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equipment needed to implement re-opening protocols, which comply with appropriate health regulations and directives.

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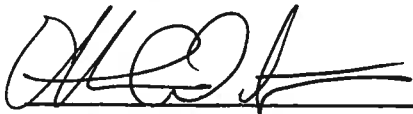
1 PASSED AND ADOPTED THIS 4<sup>th</sup> DAY OF May 2020  
2 BY A VOTE OF: 6 FOR 3 AGAINST.

3  
4 Against: Benton, Gibson, Jones  
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11 Patrick Davis, President  
12 City Council  
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20 Bill No. F/S M-20-2  
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26 ATTEST:

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29 Ethan Watson, City Clerk  
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