

AGENDA
SPECIAL CALLED CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
447 North Main Street
Boerne, TX 78006
July 7, 2020 – 4:00 PM

Facial coverings will be required.

1. CALL TO ORDER – 4:00 PM

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

4.A. [2020-407](#) SECTION 551.074: PERSONNEL MATTERS - TO INTERVIEW AND DELIBERATE THE SELECTION AND APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 4 AS PER THE CITY OF BOERNE’S HOME RULE CHARTER SECTION 3.08. (C).

5. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE:

5.A. [2020-406](#) CONSIDER APPOINTMENT OF A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF THE COUNCIL MEMBER FOR DISTRICT 4 AS PER THE CITY OF BOERNE’S HOME RULE CHARTER SECTION 3.08. (C), WHICH WILL EXPIRE IN MAY 2021.

5.B. [2020-408](#) ADMINISTER OATH OF OFFICE.

Attachments: [Oath of Office](#)
[Statement of Officer](#)

6. [2020-409](#) CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2020-19; AS PERMITTED BY THE CITY OF BOERNE’S HOME RULE CHARTER, SECTION 3.11.A. (As described below)

7. [2020-410](#) CONSIDER ORDINANCE NO. 2020-19; AN ORDINANCE OF THE

CITY COUNCIL OF THE CITY OF BOERNE, TEXAS REAFFIRMING THE CONTINUATION OF THE CITY'S DECLARATION OF STATE OF LOCAL DISASTER AND EMERGENCY; ADOPTING THE SECOND PROCLAMATION OF MAYOR HANDREN RELATED TO POLICIES REQUIRING THE WEARING OF MASKS; PROVIDING PROMPT AND GENERAL PUBLICITY; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; SUPERSEDING ORDINANCE NUMBER 2020-11; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [AIS Approval of Second Proclamation COVID19](#)
[Ordinance No. 2020-19](#)
[Second Proclamation of Orders Local Disaster and Public Health Safety](#)

8. ADJOURNMENT

s/s Ben Thatcher
City Manager

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the 1st day of July,
2020 at 5:00 p.m.

s/s Siria Arreola
Deputy City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City Hall Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City Council District 4 of the City of Boerne of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of the State, so help me God.

Signature of Officer

State of Texas)
County of Kendall)

Sworn to and subscribed before me
this ____ day of July, 2020.

Signature of Notary Public or Other Officer
Administering Oath

Printed Name



STATEMENT OF OFFICER

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Position to Which Appointed: _____


City and/or County: _____

EXECUTION

Under penalties or perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date

Signature of Officer

	<div style="text-align: center;">AGENDA ITEM SUMMARY</div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Vacant <input type="checkbox"/> 5 = Macaluso <input checked="" type="checkbox"/> All </div>
AGENDA DATE	July 7, 2020
DESCRIPTION	<p>CONSIDER ORDINANCE NO. 2020-19; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS REAFFIRMING THE CONTINUATION OF THE CITY'S DECLARATION OF STATE OF LOCAL DISASTER AND EMERGENCY; ADOPTING THE SECOND PROCLAMATION OF MAYOR HANDREN RELATED TO POLICIES REQUIRING THE WEARING OF MASKS; PROVIDING PROMPT AND GENERAL PUBLICITY; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; SUPERSEDING ORDINANCE NUMBER 2020-11; AND PROVIDING AN EFFECTIVE DATE.</p>
STAFF'S RECOMMENDED ACTION (be specific)	<p>Approve ordinance no. 2020-19, reaffirming the continuation of the City's Declaration of State of Local Disaster and Emergency; adopting the Second Proclamation of Mayor Handren related to policies requiring the wearing of masks; providing prompt and general publicity; granting the Mayor the power and authority to review, adopt, ratify, and execute subsequent emergency orders on behalf of the City Council; superseding Ordinance No. 2020-11; and providing an effective date.</p>
CONTACT PERSON	City Attorney Barbara L. Quirk
SUMMARY	<p>On June 25, 2020, Governor Abbott announced that the State of Texas will pause any further phases of the reopening of Texas as the state responds to the recent increase in positive COVID-19 cases and hospitalizations. The Governor has left open to local authorities the ability to require businesses to implement policies requiring their customers and staff to wear masks in their facilities.</p> <p>In previous Ordinance No. 2020-11, you gave the Mayor authority to make orders related to the COVID19 disaster, provided that they are approved by City Council within seven days. On June 30, 2020, County Judge Lux and Boerne Mayor Tim Handren simultaneously issued orders requiring the largest stores (HEB, WalMart, Home Depot, and Love's) to implement such a policy and strongly urging other commercial entities to do the same. The County prepared a sample policy and sign for businesses to utilize and we have placed similar items on the City's website.</p> <p>It is now necessary for you to consider whether or not to approve this</p>

	new Ordinance which adopts the Mayor's orders of June 30, 2020, (referred to as "the Second Proclamation.") This new ordinance also follows the same pattern of and supersedes the previous ordinance, clarifying that the continuation of the disaster declaration and public health emergency are affirmed until terminated, that the policy of suspending utility connections has been terminated, that the Mayor may make additional orders provided they are approved by Council in seven days, and that citizens of Boerne are otherwise expected to follow the Governor's orders.
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS REAFFIRMING THE CONTINUATION OF THE CITY'S DECLARATION OF STATE OF LOCAL DISASTER AND EMERGENCY; ADOPTING THE SECOND PROCLAMATION OF MAYOR HANDREN RELATED TO POLICIES REQUIRING THE WEARING OF MASKS; PROVIDING PROMPT AND GENERAL PUBLICITY; GRANTING THE MAYOR THE POWER AND AUTHORITY TO REVIEW, ADOPT, RATIFY, AND EXECUTE SUBSEQUENT EMERGENCY ORDERS ON BEHALF OF THE CITY COUNCIL; SUPERSEDING ORDINANCE NUMBER 2020-11; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, beginning in December 2019, a novel coronavirus now designated SARS-CoV2, which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, the President of the United States and the CDC, issued guidance concerning extraordinary measures which must be taken to contain COVID-19 and prevent its spread throughout the United States, including the quarantine of individuals, groups of individuals, and property and, additionally, including compelling individuals, groups of individuals, or property to undergo additional health measures that prevent or control the spread of disease; and

WHEREAS, the Governor of Texas declared a state of disaster for all counties in Texas related to the imminent threat of COVID-19 on March 13, 2020, and has issued additional orders related to the disaster since that date related to the COVID-19 disaster; and

WHEREAS, Kendall County officials have declared a public health emergency for Kendall County and have issued executive orders related to this emergency; and

WHEREAS, City of Boerne officials have consulted with County officials and with local health authorities who have indicated that COVID-19 has caused deaths in the areas surrounding the City of Boerne and that cases of COVID-19 exist in the City of Boerne; and

WHEREAS, in response to this imminent threat of disaster in the City of Boerne, and to alleviate the suffering of people and to protect the health, safety and welfare of its citizens, the Mayor of the City of Boerne, Texas, Tim Handren, issued three Declarations of Public Health Emergency and Disaster for the City of Boerne with related orders on March 16, 2020, March 20, 2020, and March 23, 2020, and issued additional amendments and Proclamations with orders related to the disaster since that time; and

WHEREAS, On March 24, 2020, April 14th, and April 28, 2020, the City Council of the City of Boerne, Texas extended the state of disaster and public health emergency for the City of Boerne and the orders issued by Mayor Handren prior to those dates such that they are currently effective until cancelled and follow the latest orders issued by the Governor of the State of Texas as such orders are issued and updated; and

WHEREAS, on April 27, 2020, the Governor of the State of Texas issued Executive Order GA-18 relating to gradually reopening the economy from previous restrictions and provided the public with a report providing extensive guidelines; and

WHEREAS, on June 25, 2020 Governor Abbott announced that the State of Texas will pause any further phases to reopen Texas as the state responds to the recent increase in positive COVID-19 cases and hospitalizations; and

WHEREAS, on June 30, 2020, the Mayor of the City of Boerne, Tim Handren, issued a Second Proclamation of orders related to the wearing of masks to slow the infection rate of COVID19 in the City of Boerne; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Boerne community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators in the surrounding areas is also dramatically rising despite efforts by local authorities to control the spread; and

WHEREAS, the orders approved herein are necessary to stress the importance to EVERYONE that it is time to unite to protect the lives, health and financial welfare of citizens of the City of Boerne and the State of Texas; and

WHEREAS, the City Council of the City of Boerne, Texas, due to the continued imminent threat of disaster created by the COVID-19 pandemic, and pursuant to Texas Government Code Section 418.108(b), Texas Health and Safety Code, Sec. 122.006, and the police powers granted to the City as a home rule municipality has determined that it is necessary for the health, safety, and welfare of the citizens of Boerne to reaffirm the continuation of the declarations of local state of disaster for public health emergency for the City of Boerne, Texas, until terminated, and to approve the Second Proclamation issued by Mayor Handren related to the COVID-19 pandemic;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

1. That the extension of the declaration of local state of disaster and, to the extent allowed by law, the state of public health emergency, previously declared for the City of Boerne for the COVID-19 pandemic ("the Declaration"), last approved by the Boerne City Council on April 28, 2020, is hereby reaffirmed; such state of disaster and public health emergency to continue until such time as it may be terminated by the Mayor of the City of Boerne or this City Council.
2. That the previous directive that the City of Boerne utility personnel suspend disconnection of utility services for non-payment during the term of the Declaration has been terminated and is no longer in effect.
3. That the Mayor's Second Proclamation issued on June 30, 2020 containing orders that City facilities and certain commercial entities within the City of Boerne adopt and implement policies requiring masks to be worn in their facilities, and strongly urging other commercial entities to adopt similar policies is hereby adopted and approved and shall continue in full force and effect until terminated or repealed by the Mayor of the City of Boerne or this City Council.
4. That the City of Boerne Mayor is hereby delegated and given the full power and authority of the City Council to review, ratify, and adopt any subsequent City of Boerne emergency orders necessary for the public health, safety, and welfare relating

to the COVID-19 pandemic, provided such orders will expire in seven days unless approved by this City Council.

5. The Declaration continues to activate the Emergency Management Plan utilized by the City of Boerne.
6. The Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans, as well as the preparedness and response aspects of those plans, and authorizes the furnishing of aid and assistance under the Declaration.
7. The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end the provisions are severable.
8. This Ordinance and the Second Proclamation shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Boerne, Texas and forwarded to the State of Texas.
9. That this Ordinance shall supersede Ordinance Number 2020-11 and any other ordinances which may be in conflict herewith.

That this Ordinance shall take effect immediately from and after its issuance and the Second Proclamation shall become effective on the date entered therein.

PASSED and APPROVED on this the ____ day of July, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

CITY OF BOERNE
SECOND PROCLAMATION OF ORDERS
LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, The World Health Organization (“WHO”) declared a Public Health Emergency of International Concern on January 30, 2020 and Dr. Tedros Adhanom Ghebreyesus, WHO’s Director-General, declared the COVID-19 can be characterized as a worldwide pandemic on March 12, 2020; and

WHEREAS, the Governor of the State of Texas issued a statewide disaster declaration related to the COVID-19 pandemic; and

WHEREAS, pursuant to powers granted to me under Texas Government Code Sections 418.108 and 418.1015, Chapter 81 of the Texas Health and Safety Code, and other relevant statutes, I, Tim Handren, Mayor of the City of Boerne, Texas, first issued a Declaration of Local Disaster for Public Health Emergency on March 16, 2020, due to the imminent threat of disaster posed by a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19; and

WHEREAS, I, Tim Handren, Mayor of the City of Boerne, Texas, have since that time periodically issued additional declarations and proclamations with orders for the benefit of the health, safety, and welfare of the citizens of Boerne, the latest being an Amended Proclamation issued April 29, 2020 (all of the foregoing declarations and amendments collectively referred to herein as “the Declaration and Orders of the City of Boerne”); and

WHEREAS, the City Council of the City of Boerne has approved and extended the Declaration and Orders of the City of Boerne on several occasions, the latest being by Ordinance passed and approved on April 28, 2020, in which the City Council extended these Declarations of Public Health Emergency and Disaster and the related orders, effective until cancelled, and gave me authority to review, ratify, and adopt any subsequent City of Boerne emergency orders relating to the COVID-19 pandemic; and

WHEREAS, in April, 2020, the Governor issued Executive Orders GA-15, GA-16 and GA-17, relating to a plan for the gradual reopening of the economy from previous orders related to the continuing COVID-19 pandemic, provided certain guidelines were followed; and

WHEREAS, on June 23, 2020, Governor Abbott issued a Proclamation Amending paragraph 5 of Executive Order 26 reducing the number of outdoor gatherings from 500 to 100 that Mayors and County Judges can impose additional restrictions on; and

WHEREAS, on June 25, 2020 Governor Abbott announced that the State of Texas will pause any further phases to reopen Texas as the state responds to the recent increase in positive COVID-19 cases and hospitalizations; and

WHEREAS, the transmission of COVID-19 has not dissipated but remains a significant threat to the health and safety of the City of Boerne community and rates of infection are increasing at an alarming rate and the number of people ending up in the hospital, ICU, or on ventilators in the surrounding areas is also dramatically rising despite efforts by local authorities to control the spread; and

WHEREAS, the orders herein are necessary to stress the importance to EVERYONE that it is time to unite to protect the lives, health and financial welfare of citizens of the City of Boerne and the State of Texas;

NOW THEREFORE, I, Tim Handren, Mayor of the City of Boerne, Texas, by virtue of the power vested in me by the Constitution and laws of the State of Texas and in accordance with guidance from health officials as well as additional input from medical, business and government staff as well as other officials in Kendall County, do hereby order as follows:

- I. Effective Friday, July 3, 2020 at 12:01 AM the commercial entities known as Home Depot located at 633 West Bandera Rd., Boerne, Texas 78006; HEB located at 420 West Bandera Road, Boerne, Texas 78006; and, Walmart located at 1381 S. Main St. Boerne, Texas 78006; whether they have public contact or not must implement a "Health and Safety Policy" that provides for requiring Face Coverings and Social Distancing Protocols. This Policy must be posted in a conspicuous place on the outside of the business to alert all who enter the business of the policy.
- II. Effective Friday, July 3, 2020 at 12:01 AM all City of Boerne facilities, such as the Library, City Hall, and Municipal Court, must implement a "Health and Safety Policy" that provides for requiring Face Coverings and Social Distancing Protocols in areas typically accessible to the public. This Policy must be posted in a conspicuous place on the outside of the facility to alert all who enter of the policy.
- III. All individuals over the age of ten (10), including employees, customers, visitors, invitees and contractors who are in public and/or entering a place of business listed at I. and II. shall use all reasonable efforts to comply with the Face Coverings and Social Distancing Protocols of businesses or facilities.
- IV. Effective Friday, July 3, 2020 at 12:01 AM all other "Commercial Entities" whether they have public contact or not are strongly urged to implement a "Health and Safety Policy" pertaining to Face Coverings and Social Distancing Protocols. This Policy should be posted in a conspicuous place on the outside of the business to alert all who enter the business of the policy.

*Face Coverings may include homemade masks, scarfs, bandanas, or a handkerchief.

This Order acknowledges that face coverings are not "reasonable" in all situations such as:

- When eating or drinking,
- Driving alone or with passengers who are part of the same household as the driver

- When doing so poses a greater mental or physical health, safety or security risk
- When operating outdoor equipment
- While outside or engaging in physical activity outside
- While in a building or activity that requires security surveillance or screening, such as a Bank.

Please note that face coverings are a secondary strategy to other mitigation efforts. Face coverings are not a replacement for social distancing, frequent handwashing, and self-isolation when sick. All individuals should follow CDC recommendations for how to wear and care for face coverings.

Residents should keep up the following habits while in public:

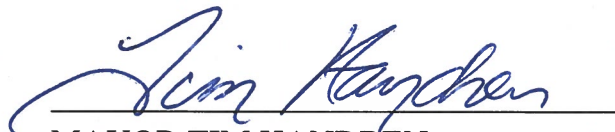
- i. Washing hand before you leave home and when you return
- ii. Staying at least six feet away from others
- iii. Avoiding touching your face
- iv. Not using disposable masks more than three times, and
- v. Washing reusable cloth masks regularly to prevent the spread of the virus.

*For a sample "Health and Safety Policy" or a "notice template", see www.Boerne-tx.gov


VOLUNTARY COMPLIANCE IS REQUESTED, NEEDED AND EXPECTED FROM EVERYONE.

All residents and businesses of the City of Boerne shall continue to comply with Executive Orders of the Governor of the State of Texas. This Proclamation supersedes any provisions of previous Declarations and Orders in conflict or inconsistent with the terms herein. This Second Proclamation and the State of Disaster and Public Health Emergency previously declared for the City of Boerne shall remain in full force and effect until cancelled by the City Council or the Mayor, subject to being modified, amended, or superseded.

Given under my hand this the 30th day of June, 2020.



MAYOR TIM HANDREN
City of Boerne, Texas

ATTEST : 
Lori Carroll, City Secretary

