

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 33: FINANCE AND TAXATION, HOTEL OCCUPANCY TAX, SECTION 33.27 REGARDING USE OF PROCEEDS; PROVIDING A SAVINGS REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

Whereas, on May 27, 2014, the City Council of the City of Pflugerville, Texas, adopted Ordinance 1178-14-05-27 to provide for the collection of hotel occupancy taxes (“HOT”) within the City; and

Whereas, the City Council of the City of Pflugerville, Texas, now finds it appropriate to amend Ordinance 1178-14-05-27 regarding use of proceeds.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Chapter 33 is hereby amended as follows with strike-through being deletions from the Code and underlines being additions to the Code:

HOTEL OCCUPANCY TAX Section 33.27. USE OF PROCEEDS

The proceeds of the hotel occupancy tax levied by this article shall be used for the purpose of advertising and encouraging the growth of tourist and convention activity in the City and those purposes set forth in Texas Tax Code section 351.101, as amended.

~~The proceeds of the hotel occupancy tax levied by this article shall be used by the city council for the purpose of advertising and encouraging the growth of tourist and convention activity in the City, including the finance support of the civic center, and those purposes set forth in Texas Tax Code section 351.101, as amended; provided, however, that the City shall use a minimum of fifteen (15) percent of the total hotel occupancy tax revenue for advertising and promoting the City to directly impact tourism and the hotel and convention industry. The enhancement of the arts and cultural organizations and programs. Additionally, the city shall use a minimum of fifteen (15) percent of the total hotel occupancy tax revenue for the maintenance and improvement of the currently operating civic center and/or funding of historical restoration and/or preservation projects and/or programs which enhance the arts and/or preservation of the historic downtown area and other buildings with historic significance and/or solely city operated and controlled promotional programs that are allowed by state law. The remaining seventy (70) percent of the proceeds of the hotel occupancy tax shall be allocated by contract in accordance with the provisions of the city charter and the Texas Tax Code, as amended which limits the~~

~~revenue allocation for the promotion of the arts to fifteen (15) percent of the total hotel occupancy tax revenue. Any future contract or contracts may be for a period of time not to exceed five (5) years in duration.~~

~~No later than sixty (60) days after the end of each calendar year, all recipients of any hotel occupancy tax receipts under this article, other than the amounts authorized by city council and used by the city departments, shall submit an audited report to the city council, showing in detail the disbursement and use of all such amounts paid to each and the services or goods and/or merchandise received for the same.~~

~~Thirty (30) days prior to the end of the contract period, each recipient shall forward the city manager evidence of justification for the granting of a new contract by the city council for the future contract period. The receipt of any funds by any recipient shall not imply any right of automatic renewal of such contract for the ensuing years; such option under the charter of the city and the laws of the state shall rest exclusively with the city council.~~

Section 3. Conflicting Ordinances.

All prior ordinances of the City dealing with or applicable to this Ordinance are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Severability.

Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date.

This Ordinance will take effect upon its passage and adoption by the City Council in accordance with the provisions of Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2019.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles E, Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.