



SPECIAL CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, November 10, 2020 at 5:30 PM

AGENDA

CALL TO ORDER

NOVEMBER 3, 2020 SPECIAL ELECTION

1. Canvass Election Results of the November 3, 2020 Special Election
2. Consider Approval of Ordinance No. 2020-O-36 Canvassing the Returns and Declaring the Results of the November 3, 2020 Special Election
3. Consider Approval of Ordinance No. 2020-O-37 Amending the City of Stephenville Code of Ordinance Article II. *Hotel Occupancy Tax*

ADJOURN

Notice is hereby given that members of the Stephenville City Council may participate in this meeting via teleconference or videoconference as allowed by Governor's Order due to the COVID-19 pandemic. As allowed by this Order, a quorum may not be present in a physical location.

Pursuant to Section 418.108(g) of the Texas Government Code, a Declaration of Local Disaster issued on April 22, 2020, and in the interest of public health, the city has exercised its right to limit ingress and egress in public buildings. As such, the public will be allowed into city facilities to attend the meeting on a limited basis.

The meeting is available for viewing via livestream on the City's Facebook Page (City of Stephenville – City Hall).

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.

ORDINANCE NO 2020-O-36

AN ORDINANCE CANVASSING THE RETURNS OF THE SPECIAL ELECTION HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF STEPHENVILLE THE ADOPTION OR REJECTION OF AN ADDITIONAL TWO PERCENT HOTEL OCCUPANCY TAX FOR THE PURPOSE OF FINANCING A “SPORTS VENUE PROJECT” IN ACCORDANCE WITH CHAPTER 334, TEXAS LOCAL GOVERNMENT CODE AND DECLARING RESULTS OF THAT ELECTION.

WHEREAS, pursuant to Ordinance No. 2020-O-04 of the City of Stephenville, Texas, adopted on the 4th day of February, 2020, a Special Election was duly held on the 4th day of November 2020, for the purpose of submitting to the qualified voters of the City of Stephenville a ballot measure to authorize the collection of an additional 2% Hotel Occupancy Tax for the purpose of funding a “Sports Venue Project” as defined in Chapter 334, Texas Local Government Code; and

WHEREAS, said Special Election was held with the solemnities and formalities necessary to make a valid election, all notices having been posted in the manner and for the length of time required by law; and,

WHEREAS, only duly qualified resident voters of the City of Stephenville, Texas, voted at the Special Election called and held on November 4, 2020; and,

WHEREAS, a quorum of the City Council met on Tuesday, November 10, in a public meeting duly called and conducted in accordance with the Texas Open Meetings Act and duly canvassed the election returns of the above described Special Election.

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

SECTION 1.

The findings set forth above are found and determined to be true, and are incorporated into the body of this ordinance for all purposes as if fully set forth herein.

SECTION 2.

The City Council of the City of Stephenville, having canvassed the returns of said Special Election and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made and that the following propositions received the following votes:

Proposition A		
For	4614	78%
Against	1291	22%

SECTION 3.

Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of Stephenville Charter, the City Council finds, determines, and declares the results of said Special Election to be that Proposition A has been approved by a majority of the qualified voters of the city who

voted in the Special Election.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this order shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this order, since the same would have been enacted by the City Council without the incorporation of this order of any such unconstitutional phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED this the 10th day of November, 2020.

Doug Svien, Mayor

ATTEST:

Staci L. King, City Secretary

Reviewed by Allen L. Barnes,
City Manager

Randy Thomas, City Attorney
Approved as to form and legality

ORDINANCE NO. 2020-O-37

AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS, AMENDING ARTICLE II. – HOTEL OCCUPANCY TAX OF THE CODE OF ORDINANCE OF THE CITY OF STEPHENVILLE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2020-O-04 of the City of Stephenville, Texas, adopted on the 4th day of February, 2020, a Special Election was duly held on the 4th day of November 2020, for the purpose of submitting to the qualified voters of the City of Stephenville a ballot measure to authorize the collection of an additional 2% Hotel Occupancy Tax for the purpose of funding a “Sports Venue Project” as defined in Chapter 334, Texas Local Government Code; and

WHEREAS, on November 3, 2020 a Special Election was held, with its results being duly canvassed and declared by Ordinance No. 2020-O-17 and adopted on November 10, 2020, that authorized the City Council of the City of Stephenville to collection an additional two percent Hotel Occupancy Tax for the purpose of funding a “Sports Venue Project” as defined in Chapter 334 of the Texas Local Government Code.

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

SECTION 1.

Section 36.16 is hereby amended to read as follows:

“Sec. 36.16. - Tax levied; rate; exception.

- (A) Every person owning, operating, managing or controlling any hotel shall collect a tax on the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of \$2.00 or more per day, such tax to be equal to seven percent (7%) of the consideration paid by the occupant of such room to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies.

Every person owning, operating, managing or controlling any hotel shall also collect an additional tax to be equal to two percent (2%) of the consideration paid by the occupant of such room to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies. This tax shall be designated as a “Sports Venue Tax.”

SECTION 2.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 3.

This ordinance shall become effective January 1, 2021.

PASSED and APPROVED this the 10th day of November, 2020.

Doug Svien, Mayor

ATTEST:

Staci L. King, City Secretary

Reviewed by Allen L. Barnes,
City Manager

Approved as to form and legality by
Randy Thomas, City Attorney