

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

AN ORDINANCE

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY ON PUBLIC PROPERTY IN CONNECTION WITH THE 2018 NCAA DIVISION I MEN'S FINAL FOUR BASKETBALL TOURNAMENT ON MARCH 19, 2018 THROUGH APRIL 5, 2018; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE IN THE DOWNTOWN AREA; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

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WHEREAS, the City of San Antonio, in conjunction with various sponsors and promoters, is hosting the 2018 NCAA Division I Men's Final Four Basketball Tournament (March 29, 2018 and April 2, 2018) ("Event") in the Alamodome; and

WHEREAS, the Event is expected to attract thousands of visitors to the San Antonio area and are projected to generate significant economic impact; and

WHEREAS, pursuant to the City's powers as a Home Rule Municipality, it is in the best interest of the City to regulate this Event to preserve the health and safety of all citizens, visitors and participants, as well as preserve the aesthetic qualities of the downtown area, and therefore, the City has determined it is necessary to designate a Clean Zone within specific boundaries in the downtown area in conjunction with the Event; and

WHEREAS, on November 2, 2006, City Council passed Ordinance No. 2006-11-02-1256 which created the Privately Controlled Property Vending Program and that Program shall not be modified by this proposed Ordinance, except as set forth in Section 4, below; and

WHEREAS, this Ordinance shall be effective only for the duration of the dates specified and shall not effect the operations of the City outside the specified dates and boundaries of these Events; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. It is authorized that a portion of the downtown area of San Antonio shall be designated a Clean Zone on March 19, 2018 through April 5, 2018.

SECTION 2. The Clean Zone shall be in effect for twenty-four (24) hours from 12:01 a.m. on the first day of each designated period and ending at midnight on the last day of each designated period.

SECTION 3. The geographic boundaries of the Clean Zone consist of an area bounded by St. Mary's and McCullough on the north, Frio on the west, Durango and Florida on the south and Hackberry on the east. Specifically the boundaries are as follows:

- a) Martin east from N. Frio to N. St. Mary's;
- b) North and east on N. St. Mary's to McCullough;
- c) South and east on McCullough to Nolan;
- d) East on Nolan to N. Hackberry;
- e) South on Hackberry to Florida;
- f) West and north on Florida to Labor;
- g) North on Labor to E. Durango;
- h) North and west on Durango to S. Frio; and
- i) North on Frio to W. Martin

The Clean Zone shall encompass the area within the boundaries describe above, including the entire area of the boundary streets, and all public property and right-of-way, which is adjacent to, or about, the boundary streets described. A map showing the geographical boundaries of the Clean Zone is attached to this Ordinance as **Exhibit I.**

SECTION 4. The Clean Zone also includes all public leased space and private property governed by the City's Privately Controlled Property Vending Program ("Program") and said Program shall govern all vending on such public leased space and private property. All vendors permitted under the Program who desire to sell Event-related merchandise during any Clean Zone period must get the prior approval of the appropriate event sponsor (either the San Antonio Bowl Association, the University Interscholastic League or the San Antonio Local Organizing Committee)("Event Sponsor"). Vendors under the Program are not required to obtain a Clean Zone license to engage in business they have already obtained a Program permit to conduct.

SECTION 5. The Downtown Operations Department is authorized to issue Clean Zone Licenses subject to the provisions set forth in this Ordinance. A person shall not occupy public property or rights-of-way within the Clean Zone for the purposes of selling, distributing or offering for sale or free of charge, services or goods, including, but not limited to food, drinks, flowers, plants, tickets, merchandise or souvenirs without authorization prescribed by this section. The Clean Zone is designated and authorized subject to the following conditions:

- (1) Any person who wishes to sell or vend food, frozen food, flowers, souvenirs or other merchandise, erect temporary signage, inflatables, banners flags, pennants, wind or "sandwich board" signs or project images, or otherwise engage in temporary promotional or commercial activities of any kind, including sampling, located within the geographical boundaries and the dates

of the Clean Zone, and from a location which is on City property or rights-of-way, must:

- a. Seek and acquire the recommendation of the appropriate Event Sponsor; and
- b. Acquire a “Clean Zone License” which shall be:
 - i. Coordinated through the Downtown Operations Department; then
 - ii. Issued by the appropriate Department of the City; and
 - iii. At a cost of \$750.00 per vendor for the first approved site and \$100.00 for each additional site, plus any applicable fees for the type of commercial activity involved.
 - iv. Each Clean Zone License is particular to one of the Events and a separate Clean Zone license is required to vend at each Event; and
- c. Obtain a background investigation from the San Antonio Police Department and provide the results to the Downtown Operations Department prior to the issuance of a Clean Zone License. Criminal convictions for any felony offense, any sexual offense, including misdemeanors, offense to a child, including misdemeanors, and any offense requiring registration as a sexual offender will result in denial of a Clean Zone License.
 - i. This criminal background investigation shall include local, state and federal records.
 - ii. All applicants must request completion of the criminal background investigation in person at the San Antonio Police Department records division located at 315 S. Santa Rosa, Monday through Friday, 8:00 a.m. to 4:00 p.m., except for City holidays.
 - iii. All applicants shall be responsible for all costs and fees associated with this criminal background investigation. All fees are non-refundable.

(2) There shall be no “foot” or mobile vending Clean Zone Licenses issued. All approved Clean Zone vendors will be assigned to a fixed location for the duration of the Event. All locations are to be determined in the sole discretion of the Director of the Downtown Operations Department.

SECTION 6. Funds generated by this Ordinance will be deposited into Fund 11001000 General Fund, Internal Order 219000000000 and General Ledger 4407217.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers,

SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 8. The Clean Zone License shall specify the exact location of the licensee's operation, and the licensee shall comply with all the provisions of the City Code, and state and federal laws, including, but not limited to, the City Health and Safety Code, and all applicable state and local health and safety laws and regulation.

SECTION 9. Any person who engages in the activity defined in Section 5 without the prior recommendation of the Event Sponsor and a Clean Zone License issued by the City, except as provided in Sections 4 and 10, will be subject to immediate impoundment of all tangible property related to the unauthorized commercial activity and may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$2,000.00.

SECTION 10. Notwithstanding any other provision of this Ordinance, any person authorized to conduct business within the geographical boundaries of the Clean Zone is hereby authorized to engage in its authorized, licensed, contracted, permitted or certificated activity during the time period specified for the Clean Zone and is not required to obtain a Clean Zone License. However, if any such person already authorized to conduct business wishes to sell Event-related merchandise during any Clean Zone period they must get the prior approval of the appropriate Event Sponsor. No person shall be authorized to sell or distribute illegal, non-licensed, or unauthorized merchandise, regardless of whether that person obtains a Clean Zone License.

SECTION 11. Enforcement assistance, if requested by the Event Sponsor(s), will require the assignment of off-duty San Antonio Police Department officers. All costs associated with the off-duty police officers will be the responsibility of the requesting Event Sponsor(s).

SECTION 12. This Ordinance shall take effect on the tenth (10th) day after the date of passage.

PASSED AND APPROVED this 30th day of March, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney