

AN ORDINANCE 2008-10-09-0916

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY ON DECEMBER 26, 2008 THROUGH DECEMBER 30, 2008 IN CONNECTION WITH 2008 VALERO ALAMO BOWL; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; 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 is hosting the 2008 Valero Alamo Bowl ("Event") on December 29, 2008 in the Alamodome; and

WHEREAS, the Event is expected to attract tens of thousands of visitors to the San Antonio area and is 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 the 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 Clean Zones 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 the Event; **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 December 26, 2008 through December 30, 2008.

SECTION 2. The Clean Zone shall be in effect for twenty-four (24) hours from 12:01 a.m. on the December 26, 2008 and ending at midnight on December 30, 2008.

SECTION 3. The geographic boundaries of the Clean Zone consist of an area bounded by N. 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) W. Martin east from 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 S. Hackberry;
- e) South on S. Hackberry to Florida;
- f) West and north on Florida to Labor;
- g) North on Labor to Camargo;
- h) North and west on Camargo to S. Alamo;
- i) South on S. Alamo to S. St. Mary's;
- j) North on S. St. Mary's to Durango;
- k) North and west on Durango to N. Frio; and
- l) North on N. Frio to 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 event sponsor (the San Antonio Bowl Association) ("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 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 the 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 214 W. Nueva, room 123, 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 Downtown Operations Administration, General Ledger 4407217 Permit - Downtown Peddlers.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers 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 regulations.

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 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

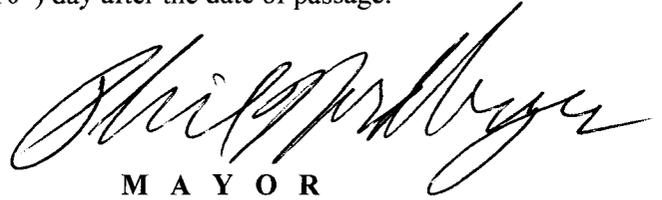
LB
10/09/08
Item #23

Zone License.

SECTION 11. Enforcement assistance, if requested by the Event Sponsor, 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.

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

PASSED AND APPROVED this 9th day of October, 2008

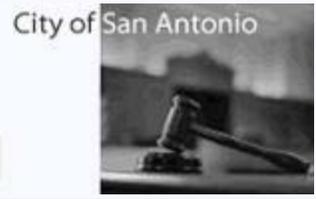

M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 23

| | |
|---------------------|---|
| Name: | 6, 7, 8, 11, 12, 13, 14, 15A, 15D, 16, 17, 19, 20, 21, 22, 23, 24, 25A, 25B, 26, 28B, 28C, 29 |
| Date: | 10/09/2008 |
| Time: | 02:51:49 PM |
| Vote Type: | Motion to Approve |
| Description: | An Ordinance authorizing a portion of the downtown area to be designated as a Clean Zone in order to regulate certain commercial activity within public property or rights-of-way on December 26, 2008 through December 30, 2008 in connection with 2008 Valero Alamo Bowl; designating the geographical boundaries for the Clean Zone; 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. [Penny Postoak Ferguson, Assistant City Manager; Jim Mery, Interim Director, Convention, Sports and Entertainment Facilities] |
| Result: | Passed |

| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
|------------------------|-------------|-------------|-----|-----|---------|--------|--------|
| Phil Hardberger | Mayor | | x | | | | |
| Mary Alice P. Cisneros | District 1 | | x | | | | |
| Sheila D. McNeil | District 2 | | x | | | | |
| Jennifer V. Ramos | District 3 | x | | | | | |
| Philip A. Cortez | District 4 | x | | | | | |
| Lourdes Galvan | District 5 | | x | | | | |
| Delicia Herrera | District 6 | | x | | | x | |
| Justin Rodriguez | District 7 | | x | | | | |
| Diane G. Cibrian | District 8 | | x | | | | x |
| Louis E. Rowe | District 9 | | x | | | | |
| John G. Clamp | District 10 | | x | | | | |

CLEAN ZONE AREA

N Frio

E Martin St

W. Durango

W St. Mary's
McCullough

Nolan

ALAMO DOME

S Hackberry St

Labor

Florida

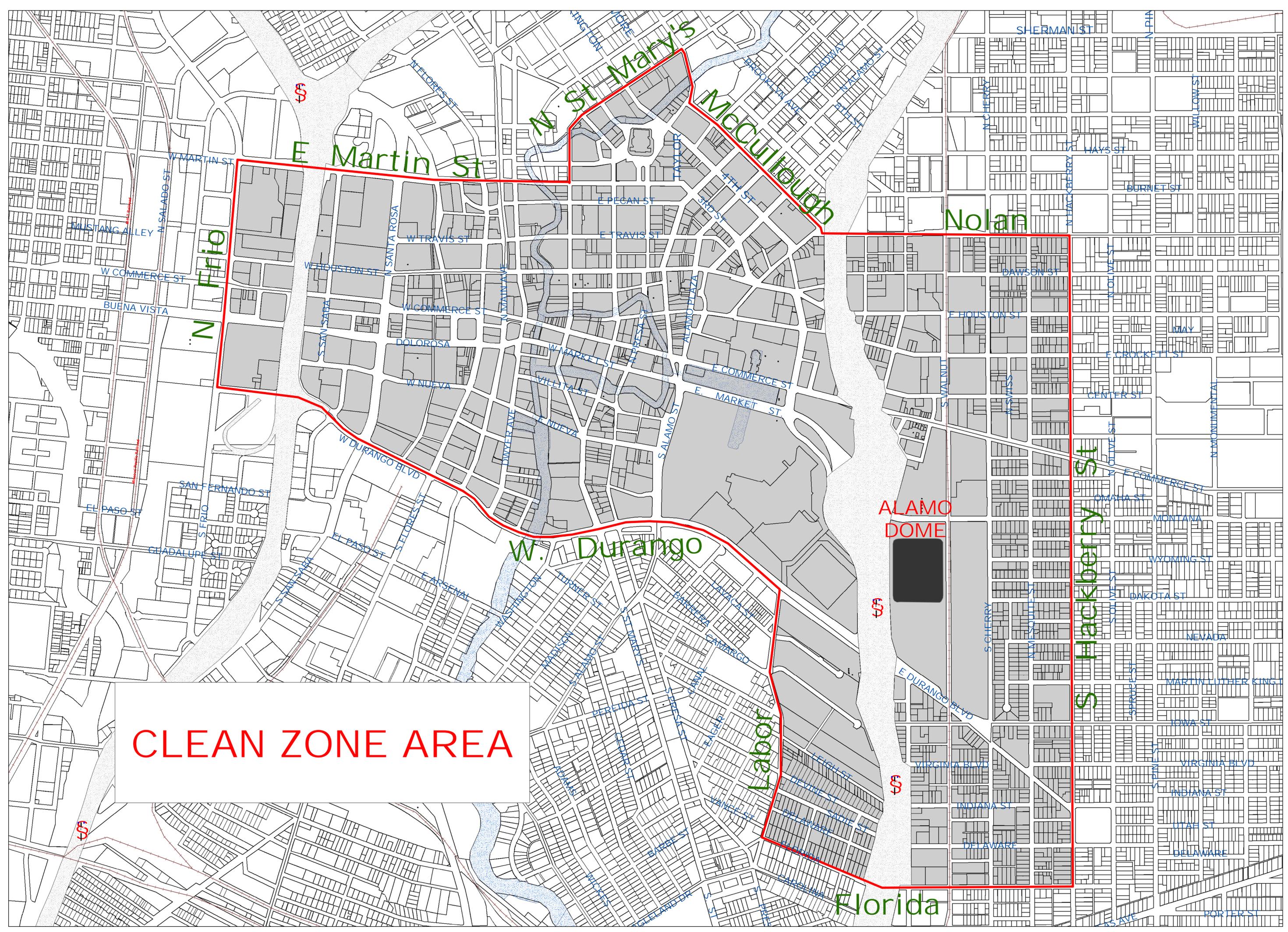
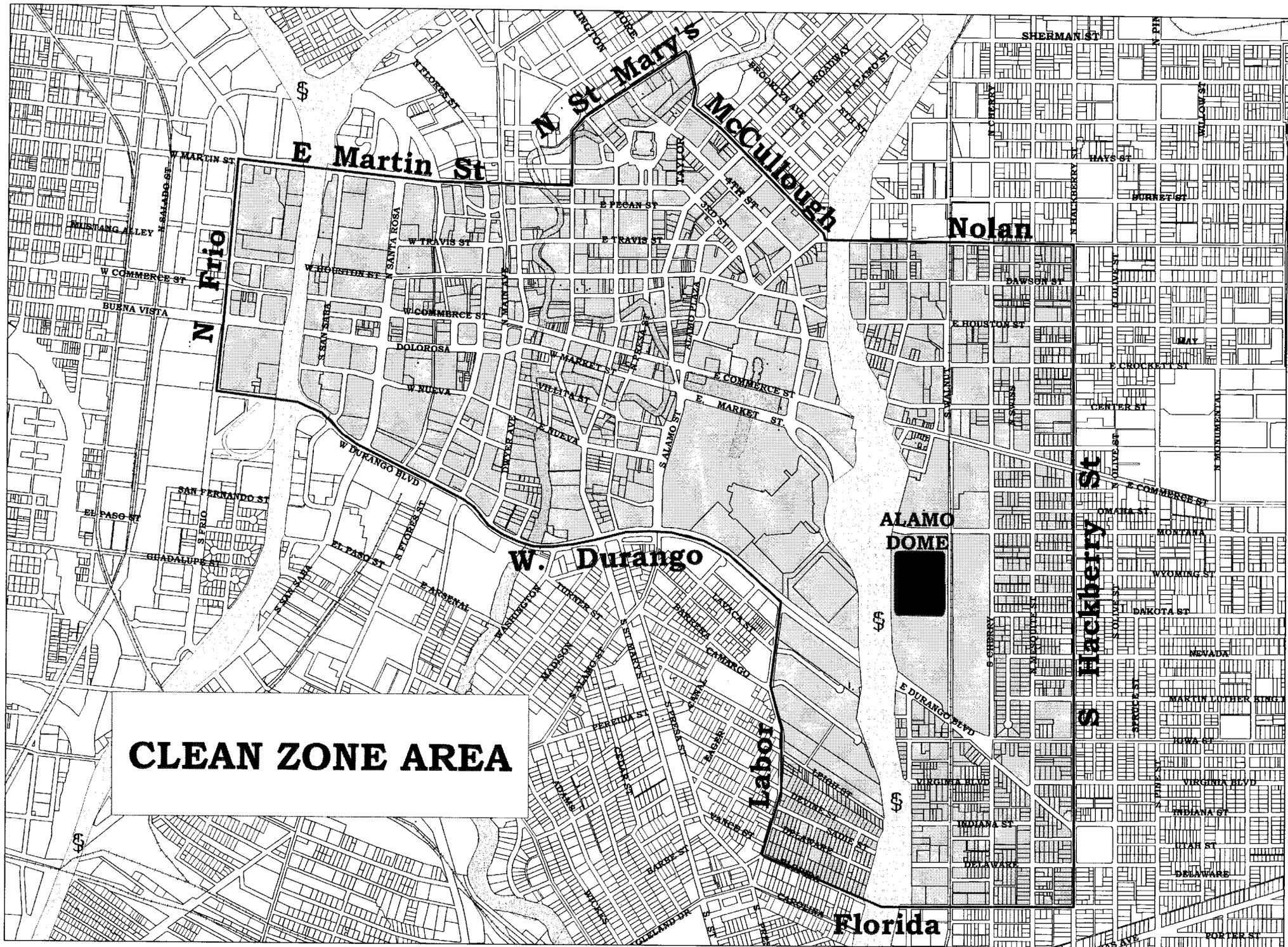


Exhibit
I



CLEAN ZONE AREA

N St Mary's

McCoullough

E Martin St

Nolan

N Prio

W. Durango

ALAMO DOME

S Hackberry St

Labor

Florida

ARTICLE IV. MOBILE FOOD ESTABLISHMENTS

Sec. 13-61. Exclusions.

This Article does not apply to those vehicles which are permitted, approved, or allowed to distribute food under other provisions of this Code.

Sec. 13-62. Permit requirements.

(a) No person shall operate a mobile food establishment or vend food afoot who does not possess a valid, current mobile food establishment permit from the Director as provided in this Article. The permit shall specify the type of food to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.

(b) A person seeking a mobile food establishment permit from the Director shall make application on a form provided by the Director, and shall provide all of the information listed in sub-sections (1) through (10) as part of the application:

- (1) The name and address of the owner and/or operator.
- (2) A description of the owner and/or operator.
- (3) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners.
- (4) The name under which the food vending operation will be operated.
- (5) A description of the type of food or the specific foods to be vended; as for example prepackaged peanuts, prepackaged candy, prepackaged food not potentially hazardous and nonperishable food, nonprepackaged food, produce, etc.
- (6) The manner of mobile food vending operation to be conducted; as for example foot vending, truck, trailer, pushcart, etc.
- (7) A description of any vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of any vehicle licensed or registered with the state.
- (8) The address and food establishment permit number of the commissary required by this Article.
- (9) Any other information reasonably required by the Director; and
- (10) If the person seeking a mobile food establishment permit from the Director vends on a public street, sidewalk or right-of-way, or travels with the person's mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the person vends, then the person shall provide as part of the application to the Director a written statement from the San Antonio Police Department certifying that the person seeking a mobile food establishment's permit is not a sex offender registered with the Texas Department of Public Safety and that the records reviewed by the San Antonio Police Department indicate that the person seeking a mobile food establishment permit has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal backgrounding of persons engaged in mobile food vending are specific in Exhibit 1 hereto on file in the office of the City Clerk, and hereby adopted and incorporated herein for all purposes by reference.

(c) Upon receiving a proper application for a permit, the Director shall make appropriate inspections of the food, equipment, vehicles and other reasonable inspections concerned with the mobile food vending operation and shall issue a permit and a sticker only if:

- (1) The application complies with subsection (b) of this section; and,
- (2) The inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and City ordinances governing the proposed mobile food establishment operation.

(d) Mobile food establishment fees shall be as follows:

(1) The permit for an afoot vendor vending food which is prepackaged, nonperishable, and not potentially hazardous shall be forty-eight dollars (\$48.00) per year. A person vending afoot must have a permit for vending afoot even though he or she also may have a permit for vending from a vehicle.

(2) The permit fee for a mobile food establishment carrying food which is described as snow cones/shaved ice/raspas, as well as food which is prepackaged, nonperishable and not potentially hazardous shall be sixty-six dollars (\$66.00) per year.

(3) The permit fee for a mobile food establishment vending prepackaged perishable and potentially hazardous foods or a combination of the above with prepackaged nonperishable and not potentially hazardous foods shall be one hundred dollars (\$100.00) per year.

(4) The permit fee for a mobile food establishment vending perishable and potentially hazardous foods or nonperishable and not potentially hazardous foods or snow cones/shaved ice/raspas that are prepared on or in the mobile unit or a combination of the above with prepackaged foods shall be two hundred sixty-five dollars (\$265.00) per year.

(5) The permit fee for a pushcart mobile food establishment shall be seventy-two dollars (\$72.00) per year.

(6) The fee for each written statement from the San Antonio Police Department for persons age seventeen (17) and older as required in subsection 13-62(b)(10) shall be the sum of the fees required to obtain the local, state and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(7) The permit fee for a special permit for mobile food establishment in the Downtown Business District shall be three hundred fifty dollars (\$350.00) per year. The permit fee for vending in the Downtown Business District shall be in addition to any other fees set out in this Chapter.

(e) All funds collected for permits under the provisions of this Article shall be deposited in the general fund of the City.

(f) The valid sticker shall be displayed by a mobile food establishment:

(1) Inside the vehicle, used in connection with the mobile food vending operation, at the top of the windshield on the passenger side of the vehicle; or

(2) On the trailer fender above the tailgate and license plate of an open, flat bed or enclosed trailer used in connection with the mobile food vending operation; or

(3) At the top right-hand corner on the front of a pushcart, bicycle or tricycle used in connection with the mobile food vending operation; or

(4) In front of the two-compartment sink of a corn roaster used in connection with the mobile food vending operation.

(g) Mobile food establishment and afoot vendor's permits shall be valid for only one (1) year from the date of issuance unless sooner suspended or revoked.

(h) Mobile food establishment and afoot vendor's permits shall not be transferred or assigned and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.

(i) Every mobile food establishment and afoot vendor's permit shall be renewed each year in like manner as the original permit application, except that the written statement from the San Antonio Police Department required under subsection 13-62(b)(10) shall be renewed every two (2) years from the date of issuance by the San Antonio Police Department of such written statement, with a current written statement to be provided to the Director by the permit holder every two (2) years at the time the permit holder is seeking permit renewal.

(j) The Director shall make routine, unannounced inspections of mobile food establishments, and commissaries when applicable, to determine whether or not the vending operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this Article, other applicable City ordinances and state and federal statutes, regulations and rules.

(k) Samples of food and other substances used in the preparation of food may be taken or retained until examined by the Director for the detection of unwholesome and deleterious qualities. The Director may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean or deleterious to health. The owner, operator or other person in charge of such food shall immediately and in the presence of the Director, destroy such adulterated, tainted, diseased, fermented, decaying or otherwise unwholesome, unclean food as directed by the Director.

Sec. 13-63.Operation requirements and restrictions.

(a) Mobile food establishments are subject to the following requirements and restrictions:

(1) It shall be unlawful for an afoot food vendor to sell any potentially hazardous food within the City. It shall be unlawful for an afoot food vendor to sell from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required under this Chapter.

(2) It shall be unlawful for the operator of a mobile food establishment as defined in subsections 13-62(d)(2) through (6) to remove the food from the mobile establishment to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this Chapter; except that mobile food establishments may sell produce from no more than three (3) tables that are six (6) feet long and stand at least eighteen (18) inches above the ground, and that are located adjacent to the permitted mobile food establishment.

(3) It shall be unlawful to operate a mobile food establishment on streets where a traffic hazard is created and as listed in Exhibit No. 1 of Section 16-236(b).

(4) Mobile food establishments may operate in parks subject to the requirements set in section 22-2 of this Code.

(5) Mobile food establishments may stop in a public street, or right-of-way, provided:

(A) This area is not in or within fifty (50) feet of an intersection; and,

(B) This area is not an area prohibited to the standing or parking of vehicles; and,

(C) All items are vended from the curbside of the vehicle or the rear of the vehicle; and,

(D) The mobile food establishment is in compliance with the requirement for hazard lamps as set forth in subsection 13-63(14); and

- (E) The mobile food establishment is vending in a safe manner.
- (6) Mobile food establishments may be stopped on private property, properly zoned and with the written permission of the property owner if approved flush type toilet facilities, connected to an approved type sewage system area are available on the private commercial property. Overnight parking is prohibited.
- (7) Food vendors shall comply with this Code as well as with state and federal law and nothing in this Article shall exempt a food vendor from zoning ordinances.
- (8) Mobile food establishments operating within Market Square or El Mercado shall comply with the appropriate provisions of Chapter 32, Article 2.
- (9) No person shall operate a mobile food establishment within three hundred (300) feet of any public, private elementary, middle or high school grounds one hour before, during, and one hour after school hours.
- (10) Mobile food vending operations shall not be carried on within three hundred feet (300') of any permitted food establishment as defined under Article I of this Chapter. A mobile food establishment may be exempt from this provision if written, notarized permission is given by the food establishment owner with regards to a mobile food establishment operating within three hundred feet (300') of his establishment. The written permission shall be kept with the mobile food establishment unit at all times as the unit is located within three hundred feet (300') of said food establishment.
- (11) It shall be unlawful to operate a mobile food establishment in the Downtown Business District with the exception of vendors who have obtained a special permit from the City Downtown Operations Department in addition to having all required valid mobile food establishment permit(s). The City Manager or her designee shall have authority to establish policies and procedures governing the issuances and regulation of the Special Permit for mobile food establishments in the Downtown Business District.
- (12) The hours of operation of any mobile food establishment operating in a residential area shall be 7:00 a.m. Central Standard Time to thirty minutes after sunset, except during the months of June, July and August, wherein such hours of operation shall be 7:00 a.m. Central Standard Time to 10:00 p.m. Central Standard Time.
- (13) The total noise level of any mobile food establishment shall comply with Chapter 21, Article III of this Code. The mobile food establishment shall turn off all music and recorded messages while stationary, except when stopped at a controlled intersection.
- (14) Mobile food establishments that are operating in a residential area shall comply with Section 547.703 of the Texas Transportation Code. When stationary, the mobile food establishment must turn on its hazard lamps as defined in Section 547.331 of the Texas Transportation Code, except when stopped at a controlled intersection.
- (15) No mobile food establishment shall be parked in violation of section 35-311 of the Unified Development Code.
- (16) No food vendor or food handler who meets the requirements set forth in subsections 13-62(b)(10) or 13-63(17) shall be a sex offender registered with the Texas Department of Public Safety or shall have been convicted of any sexual offense or any offense against a child as defined by applicable law.
- (17) Prior to vending, each food vendor and food handler, who vends on a public street, sidewalk, or right-of-way, or who travels with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler vends, shall be required to obtain a written statement issued by the San Antonio Police Department certifying that the food vendor or food handler is not a sex offender registered with the Texas Department of Public Safety and that the records reviewed by the San Antonio Police Department indicate that the food vendor or food handler has not been convicted of any sexual offense or any offense against a child as defined by applicable law. The basic requirements for submitting requests for criminal

backgrounding of persons engaged in mobile food vending are specific in Exhibit 1 hereto on file in the office of the City Clerk, and hereby adopted and incorporated herein for all purposes by reference.

(18) Each food vendor and food handler who is required under subsection 13-63(17) to obtain a written statement from the San Antonio Police Department must renew this written statement every two (2) years from the date of issuance by the Police Department of such written statement.

(19) The fee for each written statement from the San Antonio Police Department for persons age seventeen (17) and older as required in subsections 13-63(17) and (18) shall be the sum of the fees required to obtain the local, state, and national criminal histories for the applicant. There shall be no fee for the written statement for persons under the age of seventeen (17).

(20) Each food vendor and food handler who vends on a public street, sidewalk, or right-of-way, or who travels with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler vends, shall carry a current written statement from the San Antonio Police Department, as required under subsection 13-63(17), on their person at all times while vending.

(21) It shall be unlawful for a person who has obtained a mobile food establishment permit pursuant to section 13-62, and to whom subsection 13-62 (b)(10) applies, to hire or allow a food vendor or food handler to vend on a public street, sidewalk, or right-of-way, or to travel with a mobile food establishment on a public street, sidewalk or right-of-way to or from a location where the food vendor or food handler will vend, who has not first obtained a current written statement issued by the San Antonio Police Department as required by subsections 13-63 (17) and (18).

(22) It shall be unlawful for a person operating a mobile food establishment to place or allow the placement of any table, chair, awning or other seating or eating area at, near or around the location of the mobile food establishment; provided, however, that this provision shall not be construed to conflict with or prohibit what is allowed by subsection 13-63(2) for the display of produce by mobile food establishments.

Sec. 13-64. Sanitation requirements generally.

Mobile food establishments shall comply with the following requirements. These requirements pertain to all mobile food establishments unless specifically addressed otherwise:

(1) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in section 229.169 of the Texas Food Establishment Rules as adopted in this Chapter unless specifically addressed in this section.

(2) A mobile food establishment shall be operated from a commissary and shall report to the commissary each day of operation for all cleaning and servicing operations. The mobile food establishment shall acquire needed supplies from the commissary or other approved source. The mobile food establishment shall provide documentation of each visit to the commissary and shall have that documentation available for inspection. Mobile food establishments dispensing fresh fish and shrimp, prepackaged novelty ice cream, whole, uncut fruit and vegetables and individual portion size nonperishable foods such as pickles, candy, peanuts and including snow cones/shaved ice/raspas are exempt from this provision.

(3) Mobile food establishments that dispense snow cones/shaved ice/raspas, shrimp, fish, shellfish, or crustacea shall provide a gravity fed hand washing system, soap, and paper towels.

(4) Liquid waste resulting from any mobile vending operation shall be stored in permanently installed retention tanks of at least fifteen (15) percent larger capacity than the water supply tank but of no less than thirty (30) gallon capacity and shall be drained and thoroughly flushed during servicing operations. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary.

(5) All food that requires packaging or preparation by the vendor shall be processed in the commissary that is required as a support facility for a mobile food establishment.

(6) Mobile food establishments dispensing snow cones/shaved ice/raspas shall be designed so as to enable the operator of the unit to protect the equipment, syrup, ice and utensils used in the operation of the unit from dust, insects and rodents while the unit is in transit or overnight storage.

(7) Mobile food establishments shall provide waste containers for customers at such times when the unit is parked.

Sec. 13-65. Sanitation requirements for units with facilities to prepare food.

In addition to the sanitation requirements described in section 13-64 of this Article, food vendors preparing and vending food from a mobile food establishment, commonly referred to in the trade as a "hot truck", shall comply with the following requirements:

(1) A mobile food establishment servicing area shall be provided at the commissary required in subsection 13-64(2) of this Article, and shall include at least overhead protection for any supplying, cleaning or servicing operation. Within this servicing area, there shall be a location provided for the flushing and the draining of liquid waste separate from the location provided for water servicing and for the loading and the unloading of food and related supplies.

(2) The commissary will provide a date/time device, with associated means to record the date and time, and require each mobile food establishment that is serviced to document the date and time of arrival and departure from the commissary. The mobile food establishment will make available for inspection the record of the date and time of the servicing at the commissary.

(3) Approved water storage facilities for potable water shall be provided on the mobile food establishment and shall be of sufficient capacity (minimum twenty-five (25) gallons) to furnish enough water for food preparation, utensil cleaning and sanitizing, and hand washing. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil or grease and it shall be kept capped when not being used to fill the storage facility. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water and gas distribution pipes or tubing shall be constructed and installed in accordance with public health and plumbing standards as set out by the ordinances of the City. The water for said operations shall be from an approved source.

(4) A ten-gallon capacity heating device, or an instantaneous heater, capable of producing one hundred ten (110) degrees Fahrenheit hot water shall be provided in the mobile food establishment.

(5) All food service operations shall be carried on from within the mobile food establishment.

(6) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the Director.

Sec. 13-66. Special requirements for units which are hand pushed.

(a) In addition to the requirements described in section 13-64 of this Article, the following requirements shall be met by mobile food establishments of perishable foods and potentially hazardous foods from a hand pushed mobile food establishment; except that snow cones/shaved ice/raspas, produce, prepackaged novelty ice cream and prepackaged nonperishable food vendors are exempt from the provisions of subsections (6), (7), and (8).

(1) All equipment utilized in the mobile food establishment shall have prior approval of the Director.

(2) Snowcones/shaved ice/raspa vendors shall provide a gravity fed hand washing station. Soap and paper towels are to be provided. Waste water from handwashing is to be collected in a sealable container and disposed of in a sanitary sewer.

(3) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the Director.

(4) The mobile food establishment shall be located in clean surroundings, on concrete, brick or equally impervious ground and maintained in a clean and sanitary condition.

(5) A push cart vendor shall be prohibited from operating on the public streets.

(6) The mobile food establishment shall be cleaned and serviced at the commissary at the beginning of each day and shall be stored inside a building when not in operation. The mobile food establishment shall acquire needed supplies from the commissary or other approved source. The mobile food establishment shall provide documentation of each visit to the commissary and shall have that documentation available for inspection. With prior approval from the Director or his designee, however, the mobile food establishment may be kept on site in a location that is secured, fenced and inaccessible to the public during nonoperating hours. When so stored on site, such mobile food establishment must be covered for protection from the elements and potential vectors with covering approved by the Director or his agent. The mobile food establishment stored on site shall be cleaned and serviced on the same standards as those units cleaned and serviced in a central commissary and must meet all other requirements of this Chapter.

(7) Hand pushed mobile food establishments dispensing unpackaged food and drink shall be equipped with a two-compartment stainless steel sink, soap and paper towels, and provided with an adequate amount of hot and cold running water.

(8) Facilities to heat water and potentially hazardous food products on hand pushed mobile food establishments shall be installed and operated in accordance with the San Antonio Fire Department rules and regulations.

Secs. 13-67--13-80. Reserved.

CITY OF SAN ANTONIO
Privately Controlled Property Vending Program
(River Walk Area and Street Level)
Permit Policies and Procedures

1.0 INTRODUCTION

- 1.1 The City of San Antonio (City), through the Downtown Operations Department, shall administer a program to receive, review, and approve permit applications for individuals that desire to vend in the River Walk and at street level in the Downtown Business District as authorized by Ordinance No. 2006-11-02-1256 amending Section 35-679 (e) of the Unified Development Code and by Ordinance No. 2006-11-02-1257 amending Section 16-236 (b) of the San Antonio City Code.
- 1.2 This policy sets out guidelines for the permitting process for vending on exterior public leased space and private property, and specifically authorized by the following:
 - 1.2.1 River Walk Area as per Section 35-679 (e) of the Unified Development Code and;
 - 1.2.2 Downtown Business District street level as per Section 16-236 (b) of the San Antonio City Code.
- 1.3 No permit will be issued without operator approval.
- 1.4 No permit will be issued without approved lease amendments if vending location is within a public leased space.
- 1.5 Public leased space between the sidewalk and the San Antonio River is ineligible for vending under this program, as illustrated on Exhibit A.

2.0 PURPOSE:

- 2.1 To establish administrative policies and procedures for the application and permitting process in order to monitor and control the quantity and quality of vendors who desire to vend and/or entertain on all privately controlled property, whether by lease agreement from the City of San Antonio or by fee simple ownership, along the San Antonio River Walk Area and on sidewalk property owned by the City of San Antonio and leased to adjacent businesses within the Downtown Business District.
- 2.2 This policy is not applicable for permits issued in connection with the River Walk Designated Public Space Vending Program, or any other vending program available through the City of San Antonio.

3.0 DEFINITIONS:

- 3.1 “Operator” means the business with legal control of the property on which vending is proposed to take place. Only persons with legal authority to bind any

Operator in a contract shall be authorized to grant permission to allow a Vendor by executing the required affidavit. General Managers or Shift Managers of Operators shall not be deemed to have such authority unless such authority is provided to them in writing from a controlling authority of Operator.

- 3.2 “City” means City of San Antonio.
- 3.3 “Department” means the Downtown Operations Department.
- 3.4 “Director” means the Director of the Downtown Operations Department.
- 3.5 “Petitioner” means any prospective vendor submitting an application for a vending permit.
- 3.6 “Products” means goods or merchandise.
- 3.7 “Vendor” means any natural person granted a permit under this program.

4.0 APPLICATION PROCESS:

- 4.1 Prospective vendors (Petitioner) wishing to vend as part of this program may obtain applications from the City’s website (www.sanantonio.gov) or at the City of San Antonio’s Downtown Operations Department Offices, located at 202 E. Nueva from 8:00 am to 4:00 pm Monday through Friday, except for City Holidays.
- 4.2 Staff will be available to review applications for completion, and no application will be accepted unless deemed complete.
- 4.3 A Petitioner for a permit must submit a completed application to vend on exterior leased public property or on private property on an approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.
- 4.4 Petitioner must be eighteen (18) years of age or older at the time of application.
- 4.5 Petitioner shall obtain a signed Affidavit from the Operator of the property along the River Walk Area, whether privately owned or leased from the City, wherein vending is proposed to take place or from the Operator of the property leased from the City at street level in the Downtown Business District prior to applying for a permit.
 - 4.5.1 Any permit issued under this program is subject to the rights of the Operator, and in the case of property owned in fee simple by a private party, by the owner of the property approved for vending. In the event that the Operator or the owner of the property withdraws their permission to the vendor to vend on the approved property, this permit shall no longer be valid.
- 4.6 Petitioner acknowledges and agrees that criminal convictions for any felony offense, any sexual offense including misdemeanors, offense to a child including

misdemeanors, any offense requiring registration as a sexual offender will result in denial of Petitioner's Application, without limitation.

- 4.6.1 Petitioner is required to submit a completed criminal background investigation as part of the Petitioner's application process.
- 4.6.2 This criminal background investigation shall include local, state, and federal records.
- 4.6.3 Petitioner must request completion of the criminal background check in person at the San Antonio Police Department (SAPD) records division located at 214 W. Nueva, Room 123 Monday through Friday, 8:00 a.m. to 4:00 p.m., except for City Holidays.
- 4.6.4 Petitioner must complete and present the appropriate consent forms to San Antonio Police Department records division at time of request and authorize the release of Petitioner's criminal history to the City of San Antonio.
- 4.6.5 Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable.
 - 4.6.5.1 \$16 payable to the San Antonio Police Department. Cash or Money orders only will be accepted.
 - 4.6.5.2 \$15 payable to the Texas Department of Public Safety. Money orders only will be accepted.
 - 4.6.5.3 \$18 payable to the U.S. Treasury Department. Money orders only will be accepted.
- 4.7 Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the petitioner's responsibility to provide said completed criminal background check for the application to be complete.
- 4.8 The Downtown Operations Department will consider Petitioner's Application complete with the submission of Local criminal background check, and will issue a vending permit to those petitioners who meet all other documentation standards and requirements under this permit process. Petitioner's Local criminal background check will be complete with submission of a Clearance Letter provided by SAPD.
- 4.9 The requirement to submit completed State and Federal records checks shall continue for each petitioner and vendor. In those cases, where an individual has been issued a permit under this vending program, and who's State and Federal records check returns non-compliant with the requirements set out in Section 4.6 above, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City

- 4.10 In the event that a criminal conviction as stated in Section 4.6 above is discovered during a vendor's valid permit period, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 4.11 Each Petitioner shall provide a State of Texas Sales Tax and Use Permit Number issued by the State Comptroller's Office. Said Tax and Use Permit must be valid and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate in the Program
- 4.12 Those petitioners submitting an application as a group as allowed by Chapter 35-679-4 (a) shall each submit individual applications. Said applications must be submitted jointly with other prospective group members. Each petitioner submitting as a group must meet all documentation standards and requirements under this permit process.
- 4.13 Each petitioner will submit a list of products or services that he or she will be selling, including manufacturing information, with the application.
 - 4.13.1 This submittal shall include pictures of or actual products, method and/or manner of display, representations of containers/ carts and/or any other information requested. A list of prohibited items can be found under the Rules and Regulations Section 6.0.
 - 4.13.2 Products or services sold must be an ancillary use to and compatible to the main business of the property.
- 4.14 No third party advertising will be allowed in any method or manner of display.
- 4.15 The Downtown Operations Department shall review the completed applications for compliance with the stated requirements. Any request for a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679 (b) prior to commencement of operation or vending.

5.0 PERMIT PROCESS:

- 5.1 The Director shall issue the Privately Controlled Property Vending Program (River Walk Area and Street Level) Permits.
- 5.2 Each permit shall be valid only for the exterior space within the Privately Controlled Property Vending Program (River Walk Area and Street Level) and shall be valid for one year from date of issuance. Vending permits issued through the separate River Walk Designated Public Space Vending Program will not be valid for the Privately Controlled Property Vending Program (River Walk Area and Street Level).
- 5.3 Each permit (badge) shall include:
 - 5.3.1 The Permit Number as issued by the Downtown Operations Department;
 - 5.3.2 A photo of the approved vendor;
 - 5.3.3 Approved vendor's contact information;
 - 5.3.3.1 Phone number(s);

5.3.3.2 Residence Address: Address must match permit application information;

5.3.4 Identification of the approved Privately Controlled Property Vending Program (River Walk Area and Street Level) site(s);

5.3.5 Permit Validity Dates;

5.3.6 List of approved goods, merchandise or services to vend.

5.4 The actual permit (badge) shall be displayed prominently, professionally, and worn at all times by the approved petitioner, without exceptions.

5.5 Replacement badges are available for an additional fee of \$50.

6.0 PERMIT FEES:

6.1 The permit fee per year is seven hundred and fifty dollars (\$750.00) per vendor for the first approved site.

6.2 Each vendor is required to pay a fee of one hundred dollars (\$100.00) for each additional approved vendor's site.

6.3 Singing or performing groups qualify for a group permit provided that such groups always stay together as a unit while exercising their vending rights under the permit.

6.3.1 The permit fee for a group is seven hundred and fifty dollars (\$750.00) per group (up to five (5) people) for the first approved site. An additional permit fee of one hundred dollars (\$100.00) shall be paid for each additional approved vending location.

6.4 All permit fees are subject to change with City Council approval.

7.0 RULES AND REGULATIONS:

7.1 Each permit issued shall be for a specific vending site.

7.2 Allowed vending will only include products that are an ancillary use to and compatible to the main business of the property.

7.3 Prohibited Vending:

7.3.1 Sexually explicit and/or drug related paraphernalia

7.3.2 No Obscene Material

7.3.3 Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements

7.3.4 Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications

7.3.5 Tickets for events

7.3.6 Other services or products not approved by the City prior to issuance of the Program Permit

- 7.4 Vendors must cover items from public view while transporting said items to and from the vending site.
- 7.5 All transactions, including display, sales, queuing, seating, etc. and any interactions with customers or potential customers, shall occur completely within the public leased space or private property.
- 7.6 NO VENDING IS PERMITTED IN, ON, OR TO THE PUBLIC RIGHT OF WAY/PATHWAY/SIDEWALK OF THE SAN ANTONIO RIVER WALK AREA OR DOWNTOWN BUSINESS DISTRICT, OR IN SUCH A MANNER AS TO IMPEDE PEDESTRIAN TRAFFIC ALONG THE RIGHT OF WAY/PATHWAY/SIDEWALK.
- 7.7 Vendors shall be allowed to utilize appropriate and approved methods of display for items they are vending, such as a carrying case, basket, or bucket. Any River Walk vendor desiring to utilize a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679(b).
- 7.8 City shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Vending Permit.
- 7.9 Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.
- 7.10 Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the City Vending Permit by the City.
- 7.11 The San Antonio Police Department and Park Police shall have a service level agreement with the Downtown Operations Department regarding the enforcement of these permits.
- 7.12 Any violation of these policies and procedures may result in issuance of a criminal citation or an administrative statement of violation issued by the Director or her designee.

- 7.12.1 The issuance of three citations to a vendor shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. Administrative revocation of the Permit may be appealed to the City Manager's Designee.
- 7.12.2 An administrative statement of violation issued by the Director or her designee will be treated the same as a criminal citation for purposes of Administrative revocation of the permit.
- 7.13 Orders of deferred adjudication and/or conviction for violations of the regulations governing vending shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. The vendor shall not have a right to appeal to the City Manager or The City Manager's designee a revocation based on an order of deferred adjudication and/or conviction for violations of the regulations governing vending.

CONTACT INFORMATION:

All information related to this program may be obtained from:

City of San Antonio
Downtown Operations Department
202 E. Nueva
San Antonio, Texas 78205
(210) 207-3677



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 23
 Council Meeting Date: 10/9/2008
 RFCA Tracking No: R-3678

DEPARTMENT: Convention Sports and Entertainment Facilities

DEPARTMENT HEAD: Jim Mery

COUNCIL DISTRICT(S) IMPACTED:
 City Wide

SUBJECT:
 Establishment of a Clean Zone Period for the 2008 Valero Alamo Bowl

SUMMARY:

This ordinance authorizes a portion of the downtown area to be designated as a Clean Zone in order to regulate certain commercial activity within public property or rights-of-way, as well as privately-controlled property, and designates the geographical boundaries for the following dates and times:

| | | |
|-------------------|-------|--|
| Event | | 2008 Valero Alamo Bowl |
| Date(s) | | Monday, December 29, 2008 |
| Clean Zone Period | Start | 12:01 A.M., Friday, December 26, 2008 |
| | End | 12:00 Midnight, Tuesday, December 30, 2008 |

This ordinance also provides for the establishment of a special “Clean Zone License” permit that allows for the sale of promoter/sponsor-authorized goods and services during Clean Zone periods and criminal penalties to be imposed for violations of this ordinance, with a fine not to exceed \$2,000.00.

BACKGROUND INFORMATION:

The City of San Antonio, in conjunction with the following promoter/sponsor, is hosting this event, which is expected to attract tens of thousands of visitors to the San Antonio area and to generate significant economic impact.

| EVENT | PROMOTER/SPONSOR |
|------------------------|------------------------------|
| 2008 Valero Alamo Bowl | San Antonio Bowl Association |

In 1997, the City of San Antonio, in conjunction with the University of Texas at San Antonio (UTSA) and the San Antonio Local Organizing Committee (SALOC), implemented the first Clean Zone to host the 1998 NCAA Division I Men’s Final Four Basketball Tournament.

The Clean Zone ordinance was first recommended by the NCAA based on their experience in ensuring an unparalleled, non-commercial atmosphere and showcasing of the host city for the public’s enjoyment of the Final Four and its related activities.

Since the first Clean Zone in 1998 the City has approved Clean Zone ordinances for the following events:

- 1999 & 2007 Big 12 Championship Football Games
- 1999, 2005, 2006 & 2007 Alamo Bowls
- 2002 NCAA Division I Women's Final Four Basketball Tournament
- 2003 & 2007 NCAA Division I Men's South Regional Basketball Tournaments
- 2004 & 2008 NCAA Division I Men's Final Four Basketball Tournament
- 2005 NCAA Division I Women's Volleyball Championship
- 2006 & 2007 UIL Conference 5A Football Championship Games

The promoter/sponsor of the event coordinates the licenses in conjunction with the City's Downtown Operations Department. Licenses are issued by the Downtown Operations Department for the vending of novelty items at a cost of \$750.00 per vendor for the first approved site. Each vendor is required to pay a fee of \$100.00 for each additional approved site, plus any applicable fees for the specific commercial activities involved. The licenses are for a fixed location for the specified period of time. No "foot" or mobile vending Clean Zone licenses will be issued during the specified period of time.

The licensee must comply with all provisions of the City Code, state and federal laws, including, but not limited to, City Health and Safety Code, and all applicable state and local health and safety laws and regulations. This includes Chapter 13 of the City Code regulating Mobile Food Establishments. A vendor who engages in commercial activities governed by this ordinance without obtaining a Clean Zone license is subject to impoundment of all tangible property related to the unauthorized commercial activity, and is subject to prosecution for a Class C misdemeanor and a subsequent fine not to exceed \$2,000.00.

Those vendors authorized, licensed, contracted, permitted or certified prior to this Clean Zone ordinance to conduct business within the geographic boundaries of the Clean Zone can continue their activities during the specified time period without obtaining a Clean Zone license. However, any of those wishing to engage in commercial activities governed by this ordinance must obtain a Clean Zone license. This ordinance does not authorize the sale or distribution of illegal, non-licensed or unauthorized merchandise, regardless of whether a Clean Zone license is obtained.

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

1. Martin St. east from N. Frio St. to N. St. Mary's St.;
2. North and east on N. St. Mary's St. to McCullough Ave.;
3. South and east on McCullough Ave. to Nolan St.;
4. East on Nolan St. to N. Hackberry St.;
5. South on Hackberry St. to Florida St.;
6. West and north on Florida St. to Labor St.;
7. North on Labor St. to E. Durango Blvd.;
8. North and west on Durango Blvd. to S. Frio St., and;
9. North on Frio St. to W. Martin St.

The Clean Zone includes the area described and all public property and right-of-way that is adjacent to, or abuts, the boundary streets described. It also includes all exterior public leased space and private property governed by the City's Privately Controlled Property Vending Program. A map, showing the geographic boundaries of the Clean Zone, is attached.

In addition to the Clean Zone, the City passed Ord. No. 2006-11-02-1256, on November 2, 2006, which created a Privately Controlled Property Vending Program (attached) for the River Walk and street level areas of the downtown business district. Among the highlights of this program, which complements the Clean Zone, are:

1. A vendor must apply to vend on exterior leased public property or on private property;
2. Each vendor application must submit a list of product and/or services that he/she proposes to vend, including manufacturing information. This list must include pictures of the proposed products, proposed method and/or manner of display, and representations of proposed containers/carts.
3. Vended products and/or services must be an ancillary use to and compatible to the main business of the property;
4. No third-party advertising will be allowed in any method or manner of display;
5. Any request for a cart requires the approval of the Historic and Design Review Commission;
6. Prohibited vending includes: sexually-explicit and/or drug-related paraphernalia; obscene material; real estate transactions and vacation packages, such as timeshares, rentals and vacation clubs; marketing and advertising activities, such as soliciting for memberships and credit card applications; tickets for events, and; all other services or products not approved by the City prior to the issuance of a program permit.
7. No vending is permitted in or on the public right-of-way (ROW), pathway, or sidewalk of the River Walk area or downtown business district, or in a way that impedes pedestrian traffic along these areas.

Approved vendors under the Privately Controlled Property Vending or Mobile Food Vending Programs within the Downtown Business District do not have to obtain a Clean Zone license as well.

The Clean Zone and the newly created Privately Controlled Property Vending Program requires vendor applicants to submit to a criminal background check, which could take up to 45 days to complete, applicants for permits are encouraged to apply at least 6-8 weeks prior to anticipated operations or the start of the Clean Zone period for a certain event; or risk not receiving their permit in a timely manner. For the event this Clean Zone action governs, the recommended application deadlines for a permit under the Clean Zone are as follows:

| Event | Clean Zone Start Date | Recommended Permit Application Deadline |
|------------------------|------------------------------|--|
| 2008 Valero Alamo Bowl | Friday, December 26, 2008 | Friday, October 31, 2008 |

ISSUE:

The Clean Zone is intended to: 1) restrict the influx of street peddlers in the downtown area; 2) restrict peddler operations that have public health, safety and welfare, as well as illicit conditions; 3) protect the rights-of-way; 4) regulate the sale of peddled items via a permit; 5) reduce the amount of unlicensed merchandise; and 6) showcase the city appropriately via the exposure generated by these events.

A Clean Zone stipulates that in order to sell certain services or goods (i.e. food, drinks, flowers,

plants, tickets, merchandise, souvenirs) or engage in certain other commercial activities (i.e. sampling, projection of images, banners, signs, inflatables) within the Clean Zone during the specified time period one must have a recommendation from the promoter/sponsor and obtain a "Clean Zone License", Privately Controlled Property Vending Program permit, or Mobile Food Vending permit. This includes any forms of ambush, or guerilla, marketing that can be regulated within the Clean Zone. Ambush marketing includes any actions of companies, individuals or organizations to associate themselves with a sponsored event, or gain attention to themselves for whatever reason, using various mechanisms including, but not limited to: the use of inflatables, pennants, wind signs, projection signs, animated signs, "sandwich board" signs, flags, tents, banners, temporary signs, or other promotional devices; the temporary sale or complimentary distribution of food, beverage, literature or merchandise, and; temporary unauthorized entertainment.

ALTERNATIVES:

Without the establishment of the Clean Zone the downtown area would potentially be vulnerable to the influx of many temporary vendors. In some instances these vendors can create issues within the right-of-way and their operations could be of detriment to the public's health, safety and/or welfare in addition to attempting to sell unlicensed merchandise.

The times, dates, durations and boundaries of the Clean Zone periods are based on information garnered from these or similar events held in the past. These periods and boundaries can be increased or decreased.

FISCAL IMPACT:

The City receives revenue of \$750.00 in permit fees for each Clean Zone license issued per vendor per location, plus \$100.00 for each additional site, in addition to any permit fees associated with specific commercial activities. The City receives \$750.00 in permit fees per Privately Controlled Property Vending Program permit issued, plus \$100.00 for each additional site. In addition, all applicants for either a Clean Zone license or a Privately Controlled Property Vending Program permit must pay to have a criminal background check conducted by the San Antonio Police Department and/or appropriate state and/or local agencies as prescribed by the City.

Minimal revenue is expected from this action as the primary purpose is to control commercial activities, protect the public's enjoyment and safety, and showcase the City in the best possible manner for significant events hosted by the City.

Enforcement assistance, if requested by the promoters/sponsors 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 promoters/sponsors.

No additional costs are anticipated as a result of this action.

RECOMMENDATION:

Staff recommends approval of the establishment of a Clean Zone during the stipulated period.

A Clean Zone regulates certain commercial activity within public property or rights-of-way to ensure an unparalleled, non-commercial atmosphere and showcasing of the city for the public's

enjoyment of a major event and its related activities.

ATTACHMENT(S):

| File Description | File Name |
|---|---|
| Privately-Controlled Property Vending Program | Privately-Controlled Property Vending Program.pdf |
| Clean Zone Map | Original Clean Zone Generic Master Map.pdf |
| City Code - Chapter 13, Article IV - Mobile Food Establishments | City Code Ch 13 Art IV Mobile Food Establishments.pdf |
| Voting Results | |
| Ordinance/Supplemental Documents | 200810090916.pdf |

DEPARTMENT HEAD AUTHORIZATIONS:

Jim Mery Director (Interim) Convention Sports and Entertainment Facilities

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager

Affidavit of Publication

STATE OF TEXAS

COUNTY OF BEXAR

S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Lynette Nelson, who being by me duly sworn, says on oath that she is a representative of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2008-10-09-0916 here to attached has been published in every issue of said newspaper on the following days, to wit:

10/15/2008.

Lynette Nelson

Sworn to and subscribed before me this 30th day of October, 2008 .

Olivia D. Chaverria

Notary Public in and for Bexar County, Texas.

PUBLIC NOTICE

AN ORDINANCE 2008-10-09-0916

Authorizing a portion of the downtown area to be designated as a Clean Zone in order to regulate certain commercial activity within public property or rights-of-way on December 26, 2008 through December 30, 2008 in connection with 2008 Valero Alamo Bowl; designating the geographical boundaries for the Clean Zone; 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.

PASSED AND APPROVED this 9th day of October, 2008.

/S/ PHIL HARDBERGER
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
10/15

