

AN ORDINANCE 2010-04-15-0326

**AMENDING CHAPTER 21 OF THE CITY CODE OF
SAN ANTONIO, TEXAS TO PROHIBIT SITTING OR
LYING DOWN IN THE RIGHT-OF-WAY IN PUBLIC
PLACES; AND PROVIDING FOR A CRIMINAL
FINE IN AN AMOUNT NOT TO EXCEED \$500.00
FOR VIOLATION OF THIS ORDINANCE.**

WHEREAS, the City Council finds that the City of San Antonio has a compelling interest in:

- (1) encouraging and preserving a vital, pedestrian-friendly urban core;
- (2) promoting tourism and business in the central business district;
- (3) preserving the quality of urban life and in protecting its citizens from intimidating behavior; and
- (4) encouraging businesses and neighborhoods in the central city where walking is a realistic alternative to vehicles; and

WHEREAS, the City Council finds that in areas with high pedestrian traffic and a high incidence of petty crime related to public disorder, individuals sitting or lying in the pedestrian right-of-way:

- (1) contribute to a sense of fear, intimidation, and disorder;
- (2) are disruptive to residents, businesses, and customers;
- (3) discourage, block, or inhibit the free passage of pedestrians; and
- (4) contribute to the loss of access to and enjoyment of public places.

NOW THEREFORE:

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

SECTION 1. Chapter 21 of the City Code of San Antonio, Texas, Section 26 is hereby repealed in its entirety, and replaced with the following:

Section 26. Sitting or Lying Down in the Right-of-Way.

- (A) This section applies in the central business district of the city which is defined as the area within the boundaries set out beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Durango Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.
- (B) A person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section, the person continues to sit or lie down in the right-of-way between the roadway and the abutting property line or structure, or on an object placed in that area, in a manner that would:
- (1) hinder the unobstructed passage of a person;
 - (2) require a person to take evasive action to avoid physical contact;
 - (3) block the passage of a person entering or leaving a building; or
 - (4) require a person entering or leaving a building to take evasive action to avoid physical contact.
- (C) This section does not apply to a person who:
- (1) sits or lies down because of a medical emergency;
 - (2) as the result of a disability, uses a wheelchair or similar device to move about;

- (3) operates or patronizes a commercial establishment that conducts business on the sidewalk in compliance with the ordinances of the City;
- (4) participates in or views a parade, festival, performance, rally, demonstration, or similar event;
- (5) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner; or
- (6) sits within a bus stop zone while waiting for public or private transportation.

(D) A culpable mental state is not required, and need not be proven, for an offense under Section 21-26.

SECTION 2. Any person who engages in any activity specified in Section (B) above, may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00.

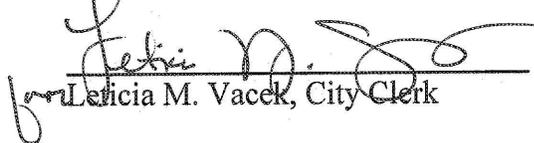
SECTION 3. The City Clerk of the City of San Antonio is hereby directed to publish notice of this ordinance as required by Section 17 of the City Charter of the City of San Antonio. The publication shall consist of the full text of this ordinance, or a substantive condensed statement of the nature and purpose of this ordinance, and the penalty for violation of its provisions.

SECTION 4. This ordinance shall take effect five days after the date of publication as provided above.

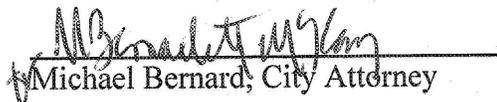
PASSED AND APPROVED on this the 15th day of April, 2010.

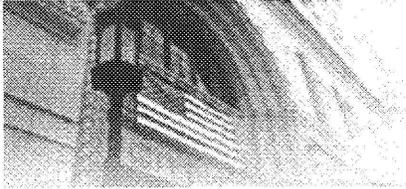

M A Y O R
Julián Castro

ATTEST:

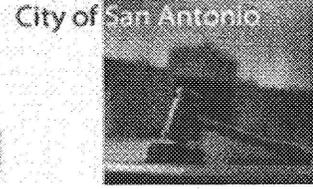

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 19A

Name:	5, 6A, 6B, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19A, 19B, 19C, 21, 22, 23, 24, 25						
Date:	04/15/2010						
Time:	09:50:23 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 21 of the San Antonio City Code expanding the boundaries to prohibit sitting or lying down in the right-of-way in public places.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Leticia Cantu	District 4		x				
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				



**Quality of Life Ordinances, Budget
and Contract Amendments
April 15, 2010
Presented by Peter Zanoni, Assistant City
Manager**

Purpose

These ordinances authorize the following:

- A. Amendment to Chapter 21 of San Antonio City Code expanding boundaries to prohibit sitting or lying down in right-of-way in public places;
- B. Amendment to Chapter 4, alcoholic beverages, of San Antonio City Code to adjust geographic boundaries to prohibit possession of an open container of any alcoholic beverage or public consumption of alcoholic beverages in central business district of City of San Antonio and defining intended area;

Purpose, Cont.

- C. Amendment to Chapter 4, alcoholic beverages, of San Antonio City Code to prohibit open containers and public consumption of alcoholic beverages within 1,000 feet of Haven for Hope campus as permitted by State Law; and



- D. Authorizing budget, contract amendments, and an interlocal agreement for operations and security of the Prospects Courtyard

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Quality of Life Ordinances

- Quality of Life ordinances passed on February 3, 2005 to address problems associated with concentration of homeless in downtown area

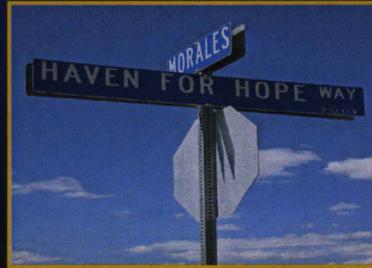


- Ordinances include:
 - Sitting/lying in public right-of-way
 - Camping in public
 - Aggressive panhandling
 - Urinating and/or defecating in public
- Limited enforcement of these ordinances due to lack of alternatives for unsheltered homeless

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Homeless Strategic Plan Interdepartmental Working Group

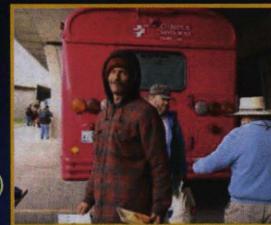
- Created to develop a strategic plan:
 - Ensure successful transition of homeless individuals to Campus
 - On-going support for campus activities
 - Review Quality of Life ordinances
- Working group includes Haven for Hope and the following City Departments:
 - City Attorney's Office
 - Community Initiatives (DCI)
 - Downtown Operations
 - Metro Health
 - Municipal Court
 - San Antonio Police



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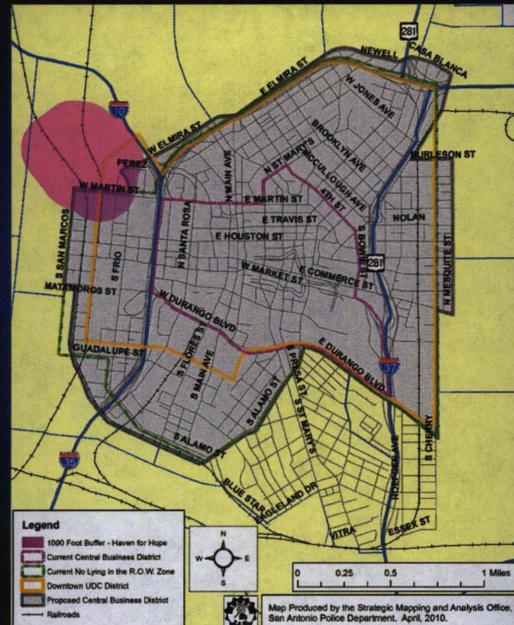
Quality of Life Ordinance Amendments

- Amend ordinance to expand area prohibiting sitting or lying in the public right-of-way:
 - San Antonio Metropolitan Ministries (SAMM) shelter area
 - Martin Street entrance for Haven for Hope campus
- Amend ordinance to expand area prohibiting possession of an open alcoholic beverages container and public consumption of alcoholic beverages
- Adopt an ordinance to prevent open containers and public consumption of alcoholic beverages within 1,000 feet of Haven for Hope as allowed by State law



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San Antonio Central Business District



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Prospects Courtyard (PCY) Contract and Budget Amendments

- Organized outdoor safe sleeping and day center area will engage chronic homeless individuals into transformation system
- Proposed budget and contract amendments will provide operations and security for PCY



- \$443,742 from FY 2010 DCI General Fund budget allocated for PCY operations
- An additional \$337,258 is needed to provide full services from May 2010 through Sept 2010

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Prospects Courtyard Contract and Budget Amendments

- Additional one-time funding for May – Sept, 2010 is proposed through reprogramming from Emergency Shelter Grant (ESG) and Dwyer Revenue Fund
- Interlocal agreement with Center for Health Care Services (CHCS) for operations of the PCY in the amount of \$438,000
- Contract amendment with Haven for Hope of Bexar County for PCY security in the amount of \$343,000

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Prospects Courtyard ESG Reprogramming

- The City received \$640,466 in Emergency Shelter Grant (ESG) funding for October 1, 2009 to September 30, 2010
- Portion of funds used to operate Dwyer Shelter, which will close after the opening of PCY
- Redirect \$222,000 ESG funds that is used to operate and provide services at Dwyer Shelter
- These services will now be provided at Prospects Courtyard
- The proposed reprogramming is in accordance with the requirements of the grant and was advertised on March 30 through April 13

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Prospects Courtyard (PCY) FY 2010 Funding Plan

PCY Budget May – Sept, 2010	\$1,087,000
Total COSA PCY Funding Requested	
	\$781,000
<i>Source of Funding</i>	
FY 2010 Adopted PCY GF Budget Allocation	\$443,742
Proposed additional funding-ESG Funds Reprogramming	\$222,000
Proposed additional funding-Dwyer Revenue Trust	\$115,258
<i>Expenditures</i>	
CHCS PCY Operations Interlocal Agreement	\$438,000
Haven for Hope PYC Security Contract	\$343,000
FY 2011 PCY Funding Requested from COSA	
	\$1,800,000

Agenda Item # 19

**Staff
Recommends
Approval of this
Ordinance**

