

AN ORDINANCE 2009 - 09 - 17 - 0731D

REVISING AND INCREASING FEES FOR USE OF DOWNTOWN OPERATIONS PROGRAMS AND FACILITIES; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

* * * * *

WHEREAS, it is the policy of the City of San Antonio to assess fees to help offset the cost of operating City facilities and services; and

WHEREAS, it is now necessary to amend the City Code of the City of San Antonio to reflect these changes for the Downtown Operations programs and facilities; **NOW THEREFORE**:

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

SECTION 1. Chapter 22 of the San Antonio City Code, Downtown Operations, Article I. In General, Section 22-9 Fees for admission and use of Spanish Governor’s Palace is amended to read as follows:

- (a) Rates and policies for admission and use of the Spanish Governor’s Palace will be determined by the department director in accordance with the Budget Ordinance.
- (b) Children enrolled in elementary and middle school grades in the San Antonio Metropolitan Area, along with accompanying adult guide(s) and supervisor(s) shall be admitted free when their admission is associated with formal and regularly scheduled educational tours sponsored by their respective school(s) or by a chartered, not-for-profit organization. The department director shall ascertain whether such tours are a part of a sustained regular or annual educational program by such schools or organizations. One-time tours shall not qualify for free admission but may qualify for reduced rates as determined by the department director.

SECTION 2. Chapter 13 of the San Antonio City Code, Food and Food Handlers, Article IV. Mobile Food Establishments, Section 13-62 Permit Requirements, Subsection (d)(8) is amended to read as follows:

- (8) The director of downtown operations shall establish a fee for a special permit and Associate permit for mobile food establishments in the downtown central business district. The permit fee for vending in the downtown business district and Associate fee shall be in addition to any other applicable fees set out in this chapter.

SECTION 3. Chapter 22 of the San Antonio City Code, Downtown Operations and Parks and Recreation, Article I, In General, Section 22-15 Use fee for wedding ceremonies is amended to read as follows.

Use fees may be assessed by the director of downtown operations for individual wedding ceremonies held on properties in the downtown central business district approved by the director of downtown operations.

SECTION 4. Chapter 22 of the San Antonio City Code, Downtown Operations and Parks and Recreation, Article I, In General, Section 22-17 Park Usage fee for special events is amended to read as follows:

(a) Permit fees shall be assessed for the use of downtown parks for special events to include any commercial for-profit, commercial non-profit, non-commercial, civic, ceremonial, or other types of special event at rates to be established by the director of downtown operations.

(1) Commercial/for-profit use shall include any sales, catered events, fairs, shows etc.

(2) Commercial use by nonprofit organizations, to include any sales, catered events, fairs, shows, etc., events will only be certified as nonprofit if a minimum of fifty (50) percent of the gross proceeds of the events go directly to a federally designated 501c3 nonprofit organization.

(3) Noncommercial use shall be limited to events for which no sales are permitted or donations accepted.

(4) For special events sponsored or co-sponsored by the city, no fees for such use.

(5) For film or photo production use, two hundred dollars (\$200.00) for the first four (4) hours of use, and forty dollars (\$40.00) for each additional hour or part thereof of use in any twenty-four (24) hour period.

All reservations for special events in Alamo Plaza will be on first-come, first-serve basis. Reservations for any year will not be taken before January first of that year. When Alamo Plaza special event reservations are received for the same date and time, a lottery will be held by the department of downtown operations to confirm the reservation.

Alamo Plaza East may not be reserved for any commercial use. Amplified sound is not permitted in Alamo Plaza, except for ceremonial or civic events, with the prior written approval of the director of downtown operations. Commercial use of Alamo Plaza shall be limited to no more than two (2) events per month.

(b) A park usage fee for special events within city parks shall be charged per day per event. These fees are as follows:

(1) Small events with minimum set up requirements: \$50.00

(2) Larger events with set up or special activities

a. Attendance four hundred (400) or less: \$350.00

- b. Attendance four hundred one (401) to one thousand (1,000): \$650.00
- c. Attendance one thousand one (1,001) or more: \$1,000.00
- (3) Non-profit organization rental rate:
 - a. Attendance four hundred (400) or less: \$250.00
 - b. Attendance four hundred and one (401) to one thousand (1,000): \$500.00
 - c. Attendance one thousand and one (1,001) or more: \$800.00
- (c) Damage/cleanup fees for special events shall be as follows:
 - (1) Attendance four hundred (400) or less: \$500.00
 - (2) Attendance four hundred and one (401) to one thousand (1,000): \$800.00
 - (3) Attendance one thousand and one (1,001) or more: \$1,500.00
- (d) Damage and Clean-up deposit for Alamo Plaza shall be as follows:
 - (1) \$2,000.00 for non-profit agencies/organizations
 - (2) \$5,000.00 for commercial agencies/organizations

SECTION 5. Chapter 32 of the San Antonio City Code, Article II Market Square (Tourist Trade Center), Division 2. Farmers Market, Section 32-28 is amended to read as follows:

The following rental rate schedule for Market Square facilities and events is hereby established:

- (1) *Plaza areas.* Mariachi Plaza, one-thousand dollars (\$1000.00) per day. Other plaza areas, four hundred dollars (\$400.00) per plaza per day. Rental of any plaza area will not include usage of city-owned equipment, such as tables and chairs. Lessee will provide at their own expense any equipment necessary in conjunction with rental of the plaza areas. A garbage container fee, per event, of two hundred dollars (\$200.00) shall be paid by the lessee for using the plazas for any event.
- (2) *Closing of San Saba Street:* Daily rental, eight hundred dollars (\$800.00).
 - a. Lessee must rent the necessary barricades required for San Saba Street closure from the Market Square Activity in the department of parks and recreation.
 - b. Barricade rental: Eighty dollars (\$80.00) per event closure.
 - c. Garbage container fee, per event, of two hundred dollars (\$200.00) per event will be paid by lessee for using the plazas and/or San Saba Street for any event.
- (3) *Temporary outdoor vending in plaza areas:* All fees are payable in advance. Rental rates will apply to non-food vendors, working artisans, artists and craftsmen:
 - a. Monthly, three hundred forty-five dollars, (\$345.00).
 - b. Daily, twenty-five dollars (\$25.00).

No selling of any type of clothing apparel will be permitted in the pedestrian plaza areas. Any type of clothing accessory or accessory item will generally not be permitted to be sold unless the clothing accessory or accessory item is hand crafted as per the definition of working artisans and craftsmen, and with the prior written approval of the Market Square Manager.

Working artisans and craftsmen are defined as those persons who use raw and natural products and creatively handcraft individually every component and who demonstrate their craft on premises at all times.

There will be no non-festival related temporary food vending in the plaza areas of Market Square. Mobile or stationary raspa vendors will not be permitted in any area of Market Square complex except during special outdoor public events, and with the prior written approval of the Market Square Manager.

- (4) *Photographer and shoe shine fees:* All fees are to be collected in advance.
- a. Only non-stationary photographers will be permitted to set up on a daily basis in the plaza areas of Market Square. Daily fee of six dollars and twenty-five cents (\$6.25). Monthly rate of one hundred twenty-five dollars (\$125.00).
 - b. Shoe shine persons will be permitted to set up on a daily basis in the plaza area of Market Square. Shoe shiners will be limited to areas designated by the Director or Market Square Manager. Equipment will be limited to one chair only and no storage of equipment is provided. Daily fee of six dollars and twenty-five cents (\$6.25). Monthly rate of one hundred twenty-five dollars (\$125.00).
- (5) *Registration of working artists, craftsmen, photographers and shoe shiners:* All working artists, craftsmen, photographers and shoe shiners will be authorized for temporary outdoor vending on a first-come/merchandise basis on the Tuesday of the second week of each January.

SECTION 6. Section 22 of the San Antonio City Code, Downtown Operations, Article I. In General, Section 22-23.1, HemisFair Park catering fees is hereby deleted in its entirety.

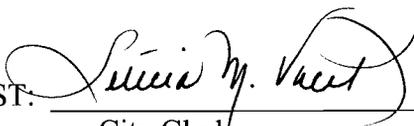
SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions,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

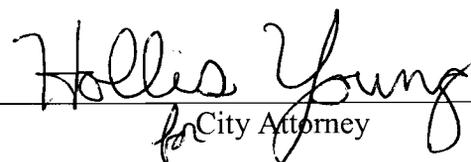
SECTION 8. This ordinance shall be effective on and after October 1, 2009.

PASSED AND APPROVED this 17th day of September, 2009.



M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Item:	7						
Date:	09/17/2009						
Time:	10:18:37 AM						
Vote Type:	Motion to Approve						
Description:	Consideration of Ordinances establishing new fees and amending or repealing existing fees within the General Fund, specifically within the Animal Care Services, City Clerk, Customer Service and 311, Downtown Operations, Fire, Health, Housing and Neighborhood Services, Library, Municipal Court, Parks and Recreation, Police, Public Works; and within the Airport Operating & Maintenance Fund, Juvenile Case Manager Fund, Parking Fund, Planning & Development Services Fund, Purchasing and Contract Services Fund, and the Solid Waste Fund; and amending the City Code to reflect such changes. [Sheryl Sculley, City Manager; Peter Zaroni, Director, Management and Budget]						
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				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		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				x

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

September 25, 2009

Subscribed and sworn to before me this 25th day of September, 2009, to certify which witness my hand and seal of office.



Helen I. Lutz, Publisher

PUBLIC NOTICE

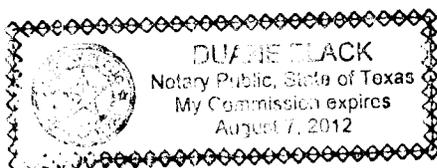
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PASSED AND APPROVED this 17th day of September, 2009.

/S/ JULIÁN CASTRO
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
9/25



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012