SW/vv
12/03/15
Item #18

AN ORDINANCE 2015-12-03-1021

PROHIBITING THE POSSESSION AND CONSUMPTION OF ALCOHOL FROM TEN CITY PARKS LOCATED WITHIN COUNCIL DISTRICT 5, AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOL AT NORTHERN HILLS GOLF COURSE AND NORTHEAST GOLF CENTER, AND AMENDING SECTION 22-1 OF THE CITY CODE TO REFLECT THOSE CHANGES.

* * * * *

WHEREAS, Section 22-1 of the City Code establishes restrictions on the sale and use of alcoholic beverages in public parks; and

WHEREAS, in 2002, City Council approved an Ordinance which established a restriction on alcohol in all City parks, except for those specifically exempted and listed in the Ordinance; and

WHEREAS, as a result, the alcohol prohibition makes it unlawful for any person to sell, possess, consume, or distribute alcoholic beverages in any City park except for a list of exempted park locations; and

WHEREAS, the majority of parks exempted from the alcohol restriction, fall within one of three categories: 1) park designed or traditionally utilized for large group functions; 2) park serves as a destination for tourists or convention groups; and 3) park is under lease or license that allows alcohol to be served; and

WHEREAS, under the current Ordinance, alcohol is permitted at 53 parks and facilities, listed on Attachment I, out of a total of 245 locations; and

WHEREAS, through City Council action, parks may be added or deleted from the list of exempted parks as necessary; and

WHEREAS, the Director of the Parks and Recreation Department may authorize a special permit to allow the possession and consumption of alcohol within restricted parks for special events; and

WHEREAS, on May 26, 2015, Councilwoman Shirley Gonzales asked staff to consider prohibiting alcohol in the following parks located in Council District 5: Amistad, Father Albert Benavides, Calderon Boys and Girls Club, Cassiano, Elmendorf Lake, Kelly Area, Morrill, Roosevelt and Juan Vidaurri Parks; and

WHEREAS, staff also recommends removing Escobar Field located in District 5 from the list of exemptions as it is located adjacent to the listed parks; and

WHEREAS, additionally, the City recently acquired the Northern Hills Golf Course which is currently operated by the Municipal Golf Association - San Antonio (MGA-SA) and the North East Golf Center is currently operated by and leased to the Northeast Golf Center, LLC; and

WHEREAS, it is recommended to further amend the City Code in order to permit alcohol sales, possession, consumption and distribution at these facilities as is consistent with other municipal golf facilities; and

WHEREAS, the Governance Committee was briefed on the recommended amendments on August 19, 2015, and forwarded this item to the Parks and Recreation Board and to the Neighborhoods and Livability Committee for consideration; and

WHEREAS, the recommended ten parks located in Council District 5, to be removed from the exemption list, do not fall within any of the three previously listed categories; and it is also recommended that the two golf courses be added as they are leased facilities and not operated by the City; and

WHEREAS, the item was briefed to the Parks and Recreation Board at its August 24, 2015, meeting and subsequently presented to the Neighborhoods and Livability Committee on November 16, 2015, who endorsed the item to move forward to the full City Council for consideration; **NOW THEREFORE:**

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

SECTION 1. Chapter 22 of the City Code of the City of San Antonio is hereby amended as follows:

Section 22-1(b) is amended by deleting the following parks from the list of parks exempt from the alcohol ban in Section 22-1(a):

Amistad;
Benavides, Father Albert;
Calderon Boys and Girls Club;
Cassiano;
Elmendorf Lake;
Kelly Area Park;
Morrill;
Roosevelt;
Vidaurri, Juan;
Escobar Field

SECTION 2. Section 22-1(b) is amended by adding the following parks to the list of parks exempt from the alcohol ban: Northern Hills Golf Course and Northeast Golf Center.

SECTION 3. All other provisions of Chapter 22 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SW/vv
12/03/15
Item #18

SECTION 4. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 3rd day of December, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**18**
Date:	12/03/2015
Time:	09:34:35 AM
Vote Type:	Motion to Approve
Description:	An Ordinance prohibiting the possession and consumption of alcohol from ten City parks located within Council District 5, authorizing the possession and consumption of alcohol at Northern Hills Golf Course and Northeast Golf Center, and amending Section 22-1 of the City Code to reflect those changes. [María D. Villagómez, Assistant City Manager; Xavier D. Urrutia, Director, Parks and Recreation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x			x	
Ray Lopez	District 6		x				
Cris Medina	District 7		x				x
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Sec. 22-1. - Restrictions on sale and use of alcoholic beverages in parks.

(a) Except as provided in subsection (b), it shall be unlawful for any person to sell, possess, consume or distribute alcoholic beverages in any city park.

(b) The following parks or park facilities are exempted from the restriction in subsection (a):

(1) Sunken Garden Theater in Brackenridge Park;

(2) Koehler Area in Brackenridge Park;

(3) S.A. Zoo in Brackenridge Park;

(4) Witte Museum in Brackenridge Park;

(5) HemisFair Park;

(6) Tower of the Americas;

(7) King William Park;

(8) La Villita;

(9) Market Square;

(10) RiverWalk;

(11) Koger Stokes Softball Complex in San Pedro Park;

(12) McFarlin Tennis Center in San Pedro Park;

(13) Spanish Governor's Palace;

(14) Reserved;

(15) Coliseum Oaks Park;

(16) Martin Luther King Plaza;

(17) Dorie Miller;

(18) Sunrise;

(19) Willow Springs Golf Course;

(20) Harlandale;

(21) Kingsborough;

(22) Mission Del Lago Golf Course;

(23) Mission Parkway;

(24) Pytel;

(25) Riverside Golf Course;

(26) Southside Lions-Area, east of Pecan Valley Drive only;

(27) Stinson;

(28) Mateo Camargo picnic facility;

(29) Amistad;

(30) Benavides, Father Albert;

(31) Calderon Boys' and Girls Club;

(32) Cassiano;

(33) Elmendorf Lake;

(34) Escobar Field;

(35) Reserved;

(36) Kelly Area Park;

(37) Kennedy Park Softball Complex;

(38) Morrill;

(39) Reserved;

(40) Roosevelt;

(41) Vidaurri, Juan;

(42) Rosedale Mass picnic facility;

(43) Graff Pavilion in O. P. Schnabel Park;

(44) Reserved;

(45) Cedar Creek Golf Course;

(46) Eisenhower Mass picnic facility;

(47) Gunn Sports Park in McAllister Park;

(48) Olmos Basin Park;

(49) Olmos Basin Golf Course;

(50) San Antonio Botanical Center;

(51) San Pedro Driving Range and Par 3;

(52) Alva Jo Fischer Softball Complex in Lady Bird Johnson Park;

(53) Belmeade Park;

(54) Lions Field Center;

(55) San Antonio Little Theater in San Pedro Park;

(56) Main Plaza, but only in accordance with the rules and regulations promulgated by Main Plaza Conservancy as reviewed and approved by the city manager.

(57) Brackenridge Park Golf Course.

(c) The director of parks and recreation or his designated representative is authorized to issue a special permit to allow the possession and consumption of alcohol within restricted parks for specific events. The director shall have authority to establish guidelines for the issuance of such permits imposing whatever conditions he deems appropriate.