

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

**ORDINANCE**

**AUTHORIZING A PORTION OF THE DOWNTOWN AREA AND AREAS AROUND THE HENRY B. GONZALEZ CONVENTION CENTER TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY ON PUBLIC PROPERTY IN CONNECTION WITH THE U.S. TRAVEL ASSOCIATION'S 2023 IPW CONFERENCE, BEGINNING ON MAY 20, 2023 THROUGH MAY 24, 2023; 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.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio is hosting U.S. Travel Association IPW Annual Conference to be held May 20, 2023 through May 24, 2023 (with move-in beginning on May 16, 2023), at the Henry B. Gonzalez Convention Center ("Event") and;

**WHEREAS**, the Event is projected to have over 5,000 registrants attending with most of them coming from outside San Antonio over 800 companies exhibiting at the event, including seventeen from San Antonio; and

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

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

**WHEREAS**, the boundaries of the Clean Zone for this Event are being established to encompass the Event venues, official Event hotels, fan hotels and potential ancillary Event venues that may be necessary and include high traffic areas in the public rights of way in order to address health and safety concerns; and

**WHEREAS**, this Ordinance shall be effective only for the duration of the dates specified and shall not affect the operations of the City outside the specified dates and boundaries of this 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 and areas around the Henry B. Gonzalez Convention Center shall be designated a Clean Zone on May 20, 2023, until on May 24, 2023.

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

**SECTION 3.** The geographic boundaries of the Clean Zone consist of an area bounded by E. Martin St., N. St. Mary's and McCullough on the north; N. Frio on the west; W. Cesar E. Chavez and Florida on the south; and S. Hackberry. Specifically, the boundaries are as follows:

- a) E. Martin St., east from IH 35 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) South and east of Nolan to S. Hackberry St.;
- e) East on S. Hackberry to Florida;
- f) North and west on Florida to Labor;
- g) North on Labor to Cesar Chavez Blvd.;
- h) North and west on Cesar Chavez Blvd. to N.Frio; and
- i) North on N. Frio to W. Martin St.

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

**SECTION 4.** The Clean Zone also includes all public leased space and private property governed by the City's Privately Controlled Property Vending Program ("Program") and said Program shall govern all vending on such public leased space and private property. All vendors permitted under the Program who desire to sell Event-related merchandise during any Clean Zone period must get the prior approval of the appropriate event sponsor, U.S. Travel 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 Center City Development and 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 commercial 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 commercial activities of any kind, including sampling, or activities promoting such commercial activities, within the geographical boundaries and the dates of the Clean Zone, and from a location which is on City property or rights-of-way, must:

- a. Seek and acquire the recommendation of the appropriate Event Sponsor; and
  - b. Acquire a “Clean Zone License” which shall be:
    - i. Coordinated through the Center City Development and Operations Department; then
    - ii. Issued by the appropriate Department of the City; and
    - iii. At a cost of \$750.00 per vendor for the first approved site and \$100.00 for each additional site, plus any applicable fees for the type of commercial activity involved.
    - iv. Each Clean Zone License is particular to one of the Events and a separate Clean Zone license is required to vend at each Event; and
  - c. Obtain a background investigation from the San Antonio Police Department and provide the results to the Center City Development and 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 at the San Antonio Police Department records division located at 315 S. Santa Rosa, Monday through Friday, 8:00 a.m. to 4:00 p.m., except for City holidays.
    - iii. All applicants shall be responsible for all costs and fees associated with this criminal background investigation. All fees are non-refundable.
- (2) There shall be no “foot” or mobile vending Clean Zone Licenses issued. All approved Clean Zone vendors will be assigned to a fixed location for the duration of the Event. All locations are to be determined in the sole discretion of the Director of the Center City Development and Operations Department.

**SECTION 6.** Funds generated by this Ordinance will be deposited in.....

**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer 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 regulation.

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

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

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

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

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney

# Exhibit I

