

CONSENT AGENDA
ITEM NO. 43

**CITY OF SAN ANTONIO
ALAMODOME DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Michael Abington, Director

SUBJECT: Clean Zone Ordinance for 2005 MasterCard Alamo Bowl

DATE: November 17, 2005

SUMMARY AND RECOMMENDATIONS

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 on December 28, 2005, in connection with the 2005 MasterCard Alamo Bowl and designates the geographical boundaries for the Clean Zone from 12:01 A.M. until 12:00 Midnight on this date. This ordinance also provides for the establishment of a special "Clean Zone License" permit that allows the sale of San Antonio Bowl Association authorized goods and services and criminal penalties to be imposed for violations of this ordinance, with a fine not to exceed \$2,000.00.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The City of San Antonio, in conjunction with the San Antonio Bowl Association and the Big 10 and Big 12 Conferences, is hosting the 13th annual MasterCard Alamo Bowl on Wednesday, December 28, 2005, in the Alamodome. The football game is expected to attract tens of thousands of visitors to the San Antonio area and is projected to generate significant economic impact.

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 keeping a first-class, non-commercial atmosphere for the public's enjoyment of the Final Four and its related activities, and showcase of the host city.

Since the first Clean Zone ordinance in 1997 the City has approved Clean Zone ordinances for the 1999 Dr. Pepper Big 12 Championship Game, the 1999 Sylvania Alamo Bowl, 2002 NCAA Division I Women's Final Four Basketball Tournament, 2003 NCAA Division I Men's South Regional Basketball Tournament, and 2004 NCAA Division I Men's Final Four Basketball Tournament.

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 national exposure generated by the event.

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 first have a recommendation from the San Antonio Bowl Association and obtain a "Clean Zone License".

The licenses are coordinated by the City's Parks & Recreation Department and issued by the appropriate department (i.e. Parks & Recreation, Health, Development Services) at a cost of \$350.00, plus applicable permit fees for the specific commercial activities involved (i.e. food, merchandise, signage). 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. 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 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 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:

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

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. A map showing the geographic boundaries of the Clean Zone is attached.

POLICY ANALYSIS

This action is consistent with that taken for previous NCAA, Big 12 and Alamo Bowl events.

Without a Clean Zone ordinance the San Antonio Bowl Association, Big 10 and Big 12 Conferences could lose thousands of dollars in revenue to those selling illegal, unlicensed merchandise, reducing the overall financial success of this event.

This ordinance does not effect City operations outside the specified period of time and geographic boundaries. Permitting for utility work within the Clean Zone public right-of-way during the specified period of time will be limited to emergency situations only.

FISCAL IMPACT

The City will receive revenues of \$350.00 per Clean Zone license issued, plus any applicable permit fees associated with specific commercial activities.

Enforcement assistance, if requested by the San Antonio Bowl Association, Big 10 and/or Big 12 Conferences, 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 San Antonio Bowl Association, Big 10 and/or Big 12 Conferences.

No additional costs are anticipated as a result of this action and there is no General Fund impact.

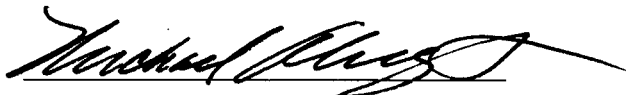
COORDINATION

This action has been coordinated with the City Attorney's Office, Parks and Recreation, Development Services, Health, Finance, Convention Facilities, Public Works, San Antonio Police Department, and Convention and Visitors Bureau.

The San Antonio Bowl Association has reviewed and concurred with this action. In addition, staff in conjunction with the San Antonio Bowl Association will ensure that appropriate notification of this action is made to the Downtown Advisory Board, Downtown Alliance, Centro San Antonio, San Antonio Conservation Society, San Antonio Tourism Council, Rediscover Downtown SA, Downtown Residents Association, Market Square Association, Cattleman Square Association, Crocket Street Redevelopment, Houston Street Project, Sunset Station, Paseo del Rio Association and any other similar downtown entities.

SUPPLEMENTARY COMMENTS

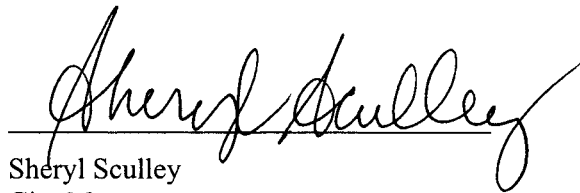
A Discretionary Contracts Disclosure form is not required.



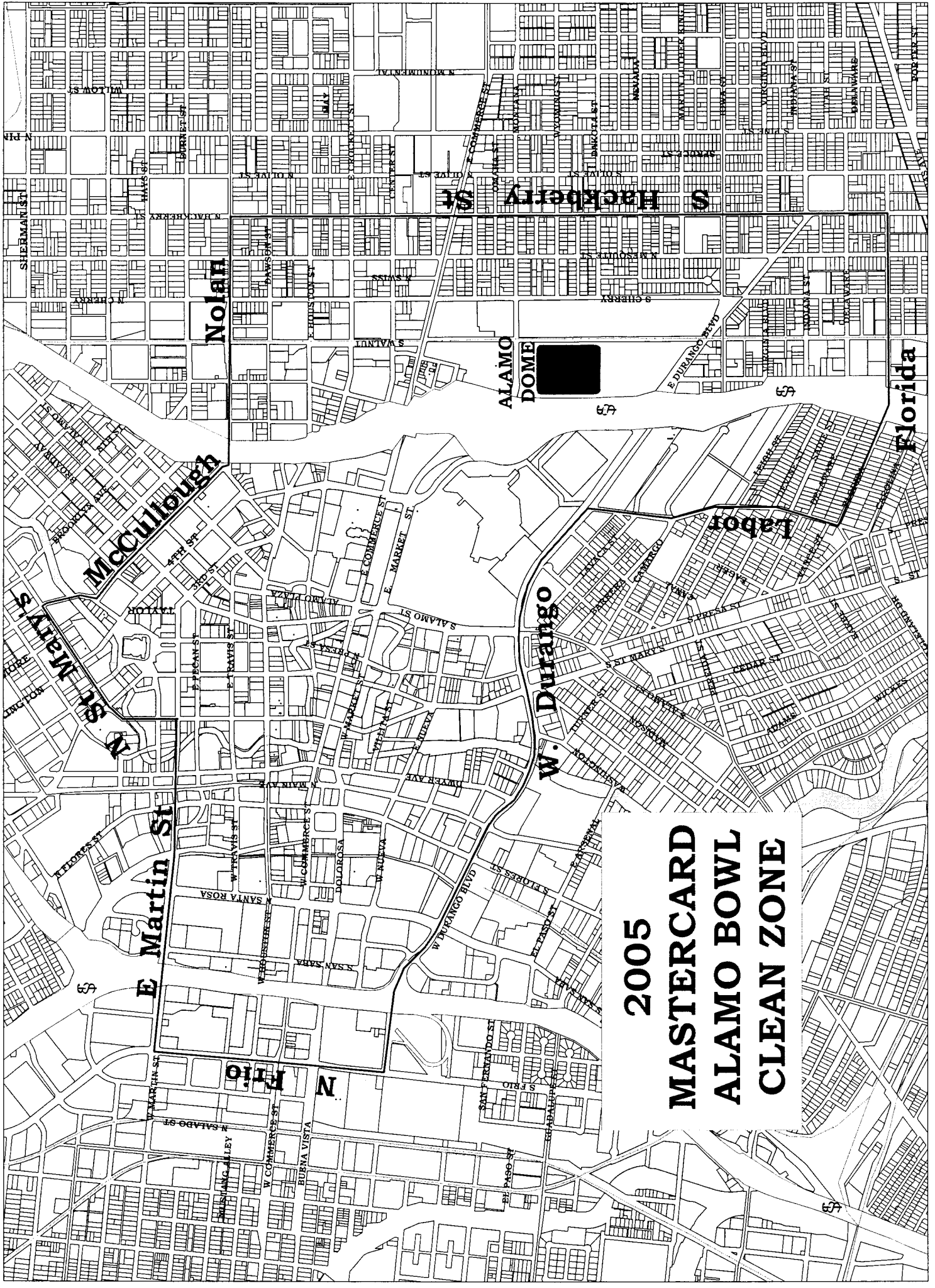
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**2005
MASTERCARD
ALAMO BOWL
CLEAN ZONE**