

## ORDINANCE NO. 2084

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2, ARTICLE V, DIVISION 4, SECTION 2-136 OF THE CODE OF ORDINANCES REGARDING FEES FOR VARIOUS CITY SERVICES TO ADD FEES FOR USE OF THE TIRZ NO. 4 PLAZA FOR SPECIAL EVENTS AND GENERAL RENTALS; AMENDING CHAPTER 3, ARTICLE VIII, SECTIONS 3-140 AND 3-142 OF THE CODE OF ORDINANCES TO ESTABLISH PROVISIONS REGARDING SMOKING IN THE TIRZ NO. 4 PLAZA; AMENDING CHAPTER 5, SECTION 5-1 OF THE CODE OF ORDINANCES TO REVISE THE DEFINITION OF PARK; AMENDING CHAPTER 5, ARTICLE XIII OF THE CODE OF ORDINANCES TO ADD RESERVED SECTIONS 5-514 TO 5-520; AND AMENDING CHAPTER 5 OF THE CODE OF ORDINANCE BY CREATING A NEW ARTICLE XIV REGARDING THE TIRZ NO. 4 PLAZA.**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That Chapter 2, Article V, Division 4, Section 2-136 (Fees for various city services) of the Code of Ordinances is amended by adding new subparagraph (7) n., to read as follows:

n. TIRZ No. 4 Plaza fees:

1. Plaza Usage Fee:

\$100 per hour for Special Events and General Rentals that have no admission charge and are open to the public.

\$200 per hour for Special Events and General Rentals that have an admission charge and/or are not open to the public.

2. Refundable Cleanup Deposit:

For Special Events or General Rentals deposit rates will be:

<u>Attendance</u>	<u>Setup</u>	<u>Deposit Rate</u>
0-100 people	No more than Tables and Chairs	\$0
0-500 people		\$500
500 – 6,400 people		\$1,000

The applicable deposit is due no later than seven (7) business days before the usage date, which may be used to clean up, or repair damage caused to, the plaza during a Special Event or General Rental if the renter fails to clean up or repair any damage to the plaza. Any partial deposit refunds shall be returned within thirty (30) business days following the completion of the clean-up or damage repair. The full deposit shall be

returned within thirty (30) business days following the Special Event or General Rental if the renter has cleaned up the plaza as required and no damages are incurred.

3. Activities conducted during Blackout Periods are exempt from Usage Fees.

**Section 2.** That Chapter 3, Article VIII, Section 3-140 (Prohibition of smoking) of the Code of Ordinances is amended by amending subsection (5) and adding new subsection (6), to read as follows:

....  
(5) Town Square Plaza; and  
(6) TIRZ No. 4 Plaza.

**Section 3.** That Chapter 3, Article VIII, Section 3-142, subsection (b) (Areas exempt from regulation) of the Code of Ordinances is amended by adding subsection (c), to read as follows:

....  
(c) Smoking is allowed in the TIRZ No. 4 Plaza during Blackout Periods, a Special Event, or a General Rental, as defined in Section 5-526 of this code, if the city council has adopted a resolution allowing smoking during the event or activity.

**Section 4.** That Chapter 5, Section 5-1 (Definitions) of the Code of Ordinances is amended by revising the definition of “Park” to read as follows:

*Park* means land designated for public recreation and owned or leased by the city but does not include Sugar Land Town Square, the TIRZ No. 4 Plaza, or the Festival Site.

**Section 5.** That Chapter 5, Article XIII (Special Events) of the Code of Ordinances is amended to add reserved sections 5-514 to 5-520.

**Section 6.** That Chapter 5 of the Code of Ordinances is amended by adding Article XIV to read as follows:

## **ARTICLE XIV. TIRZ No. 4 Plaza**

### **DIVISION 1. – IN GENERAL**

#### **Sec. 5-521. - Purpose.**

This article is enacted to ensure that the public space within the TIRZ No. 4 Plaza provides a safe, healthy, and aesthetically pleasing environment for general public use, special events and entertainment.

#### **Sec. 5-522. - Definitions.**

In this article:

*Public space* means any sidewalk or improved area located in the TIRZ No. 4 Plaza and is intended or designed for pedestrian use.

*TIRZ No. 4 Plaza* or *plaza* means the real property consisting of approximately 2.552 acres of land and described as Reserve "B" in the City of Sugar Land 38 Acre Tract Plat recorded in the Real Property Records of Fort Bend County, under Clerk's File No. 20170083.

#### **Sec. 5-523. - Scooters, skateboards and skates.**

It is unlawful for any person to knowingly ride on a scooter, skateboard, or skates on any public space unless otherwise allowed under a Special Events Permit or General Rental reservation.

#### **Sec. 5-524. - Camping.**

It is unlawful for any person to camp on any public space, except as authorized in conjunction with a Special Events Permit. For purposes of this provision, "camping" means to make use of a public space for living accommodations. There is a rebuttable presumption that a person is using a public space for living accommodations in violation of this section if the person uses a public space for:

- (a) The storage of clothing, food, beverages, or other personal belongings;
- (b) Sleeping or lying in or on a cot, blanket, sleeping bag, or similar sleeping equipment; or
- (c) Using a tent or other items to make an enclosure for the person's shelter.

### **DIVISION 2. - PLAZA REGULATIONS**

#### **Sec. 5-525. - Purpose.**

The plaza is a public space that is intended to be used for various purposes, including a gathering place for citizens, a place to hold public and private festivals, activities, events and celebrations, and a place to provide access to entertainment venues. This article is enacted to allocate the space in the plaza among potential competing users to ensure that there will be sufficient access to the plaza for police, fire, and medical personnel in emergency situations, to provide for the orderly flow of pedestrian traffic in the plaza, to protect and preserve property dedicated for public use, and to protect the public health, safety, and welfare of persons using the plaza.

#### **Sec. 5-526. - Definitions.**

In this division:

*Blackout Periods* means those periods of time during which the tenant of the Smart Financial Centre at Sugar Land has exclusive use of the plaza as provided in its lease agreement with the City.

*City Produced Event* means a Special Event in which the City is a participant in organizing, planning, or implementing.

*City Services* means additional services (fire, police, EMS, traffic, etc.) required to protect the health, safety, and welfare of the public and arising as a direct result of a General Rental or Special Event.

*Commercial Purposes* means an activity intended to promote, or that results in, a commercial transaction, other than a Solicitation.

*Confirmed Plaza Reservation* means the Plaza Administrator has given the applicant definite confirmation for the date of interest and the applicant has adhered to any and all reservation requirements set by the Plaza Administrator.

*General Rental* means the utilization of the plaza for the purpose of hosting an event which does not impact public property by exceeding the plaza's capacity or requiring additional City Services. By definition, General Rentals are not Special Events.

*Plaza Administrator* means the person designated by the City Manager to administer and supervise operations, use, and maintenance of the plaza as provided in this division.

*Renter* means the person in charge of the General Rental or Special Event and who is responsible for all reservations, application submittals, and fee payments.

*Solicitation* means to:

- (a) Request a donation of money or other thing of value from another person by the spoken, written, or printed word, or by other means of communication, for a commercial purpose, and includes providing a nominal or token gift in return for the donation; or
- (b) Sell or attempt to sell any item to another person for money or other thing of value, for commercial purposes.

*Special Event* means a unique activity, occurring for a limited or fixed duration, and having an impact to public property that impedes, obstructs, impairs, interferes or disrupts normal or usual use of City property, facilities, or right-of-way. Special Event includes activities originating outside of the City limits and entering into the City resulting in an impact to public property exceeding the established capacity of such property. The term does not include the rental of the plaza unless that rental impacts a public property by exceeding its stated capacity or requiring additional City Services.

*Special Event Administrator* means the person or department designated by the City Manager to administer the Special Events Ordinance.

*Special Events Permit* or *Permit* means the City's written authorization to hold a Special Event, granted under the City's Special Event Ordinance.

*Special Events Ordinance* means Ordinance No. 2065, adopted by the City on December 20, 2016, including any amendments.

*Street Performer* means a person who engages in acting, singing, playing musical instruments, pantomime, mime, magic, dancing, artistry, or similar presentation.

#### **Sec. 5-527. - Plaza Boards.**

The city council may by written policy establish or appoint one or more boards to perform duties regarding the planning, programming, funding, and presentation of entertainment, events, or activities in the plaza.

#### **Sec. 5-528. – Plaza Administrator.**

- (a) *Designation of Plaza Administrator.* The city manager may designate a city employee or contract with an association, contractor, or another person to serve as the Plaza Administrator.
- (b) *Authority and duties.* The Plaza Administrator has general management and operational duties relating to the use of the plaza. The Plaza Administrator will exercise the following specific duties:
  - (1) *Propose rules for city manager adoption.* The Plaza Administrator will propose rules for city manager adoption as required by this article and as the Plaza Administrator deems appropriate or necessary to regulate the operation and use of the plaza consistent with the City's ordinances.
  - (2) *Reserving and scheduling.* The Plaza Administrator will propose and administer rules adopted for reserving and scheduling the dates and times for using all or part of the plaza for Special Events, City Produced Events, General Rentals, and other planned activities in the plaza regulated under this division, including the reservation and scheduling of Blackout Periods. Outside of the Blackout Periods, the rules shall provide for City Produced Events and Special Events that are open to the public without charge to be given preference over Special Events and General Rentals for which there is a charge and that are not open to the public.
  - (3) *Fees and deposits.* The Plaza Administrator may collect fees and deposits for the utilization of the Plaza for Special Events and General Rentals.

- (4) *Structures and displays.* The Plaza Administrator will propose and administer rules adopted for the placement of tables, chairs, booths, easels, or any other movable structures or items that are supported in whole or in part by the pavement or other permanent improvements located in the plaza.
  - (5) *Commercial vendors.* The Plaza Administrator will propose and administer the rules adopted regulating the use of the plaza for Commercial Purposes.
  - (6) *Solicitation.* The Plaza Administrator will propose and administer rules adopted regulating Solicitation when necessary to provide for the free flow of pedestrian traffic, provide access by emergency personnel or vehicles, or provide for the public health, safety and welfare of users of the plaza.
  - (7) *Street Performers.* The Plaza Administrator will propose and administer rules adopted to regulate Street Performers in the plaza if necessary.
  - (8) *Closing the plaza.* The Plaza Administrator may temporarily close or limit access to all or part of the plaza based on weather, repairs, construction, safety concerns, malfunctions, maintenance or similar natural or manmade conditions that could endanger plaza users by posting written notice of the closing at the location of the closing.
  - (9) *Right of Entry.* The Plaza Administrator may enter into and inspect any portion of any building, structure, or enclosure that is placed or used within the Plaza at any time.
  - (10) *Sound amplification equipment and hours.* The Plaza Administrator will propose and administer rules adopted regarding the use of sound amplification equipment in the plaza. At all times sound amplification for any and all types of uses will be limited to specific hours and noise levels as stipulated in the Special Events Ordinance.
  - (11) *Additional rules and administrative actions.* The Plaza Administrator may propose any other rules deemed necessary for the proper management of the plaza and take any administrative action as necessary to manage and maintain the plaza if the administrative action does not conflict with this article, any rules adopted under this article, city ordinances, or federal or state laws.
- (c) *Restrictions on Plaza Administrator.* In exercising the powers and duties granted to the Plaza Administrator under this division, the Plaza Administrator may not impose any condition or take any administrative action, including the issuance or denial of a Confirmed Plaza Reservation:
- (1) That takes into account the message, speech or viewpoint of a Renter, person, or group using or wishing to use the plaza for the exercise of constitutionally protected speech. However, the Plaza Administrator may impose conditions on activities, including the time, manner, and place that protected speech may be expressed, if the conditions are:
    - (a) content neutral
    - (b) narrowly tailored to serve a significant governmental interest;

and (c) leave open ample alternative channels of communication for the information sought to be disseminated. (Example: The Plaza Administrator cannot prohibit messages that may be "unpopular", but may restrict all "speakers" to part of the plaza that will not significantly impede pedestrian traffic).

- (2) That the Plaza Administrator determines, based on the advice of legal counsel, would violate the establishment clause of the United States Constitution or the comparable provision of the Texas Constitution.
- (3) That favors the exercise of activity for purely Commercial Purposes over the exercise of constitutionally protected free speech that is not for purely Commercial Purposes. (Example: Plaza Administrator allows a company to temporarily set up a table in the plaza to sell cell phones, but refuses to allow a person to temporarily set up a table to distribute or sell religious materials).

#### **Sec. 5-529. - Special Events in the Plaza.**

- (a) *Confirmed Plaza Reservation required.* It is unlawful to host a Special Event in the Plaza without first receiving a Confirmed Plaza Reservation.
- (b) *Special Events Permit required.* Pursuant to the Special Events Ordinance, it is unlawful for any person to knowingly conduct a Special Event, other than a City Produced Event, in the plaza without first receiving a permit.
- (c) *Application process.* A person seeking a Special Events Permit for a Special Event in the plaza must follow the process outlined in the Special Events Ordinance.
- (d) *Special Events Permit decision.* The Special Event Administrator will make a decision on the Special Events Permit application as outlined in the Special Events Ordinance.
- (e) *Conditions.* The Plaza Administrator may request that the Special Event Administrator impose reasonable conditions on a Special Event permit to ensure compliance with the Special Events Ordinance, this article, and the safety of attendees and the public.
- (f) *Sale of alcoholic beverages.* The Plaza Administrator may authorize the sale of alcoholic beverages at a permitted Special Event if the Special Event Administrator is satisfied that the necessary security and other services arranged for the Special Event are sufficient to protect the public and comply with state law and city ordinances.
- (g) *Notice of denial of special events permit.* The Special Event Administrator will make decisions regarding Special Events Permit denials as outlined in the Special Events Ordinance.
- (h) *Other permit actions.* Any other procedures relating to any permit not specifically provided for under this article will be as provided for in the uniform procedures of the Code of Ordinances applicable to other city permits.

**Sec. 5-530. – General Rentals.**

- (a) *Confirmed Plaza Reservation required.* It is unlawful for any person to knowingly conduct a General Rental in the plaza without first obtaining a Confirmed Plaza Reservation from the Plaza Administrator.
- (b) *Reservation process.* A person seeking a reservation for a General Rental in the plaza must file a reservation request with the Plaza Administrator on the form provided for that purpose. The form must be signed by the Renter and must include the following information:
  - (1) A description of the General Rental and the number and types of activities planned;
  - (2) The date and time of the General Rental;
  - (3) The number and types of vendors that will be present;
  - (4) The number of people expected to attend;
  - (5) Whether a sound system will be used, and if so, the period of time and maximum volume at which it will be operated;
  - (6) Whether a stage will be erected in the plaza;
  - (7) The arrangements that will be made for restroom facilities, and other services or facilities to support the General Rental;
  - (8) Whether there will be a charge for admission to the General Rental and the basis upon which persons may or may not be admitted to the General Rental if other than a charge;
  - (9) Adequate proof of insurance; and
  - (10) Any other information the Plaza Administrator determines will be necessary to evaluate the form and determine whether it meets the requirements of this article or whether it is classified as a Special Event and must then comply with the Special Events Ordinance.
- (c) *Fees and deposits.* The Plaza Administrator may collect fees and deposits for the utilization of the plaza for General Rentals.
- (d) *Insurance and Indemnification Requirements for General Rentals.*
  - (1) At the time a reservation request is submitted, the Renter must furnish the Plaza Administrator with a certificate of insurance complying with the standards established by the City's Risk Manager. At a minimum, insurance must include property, bodily



injury, and municipal liability coverage. The City of Sugar Land must be named as an additional insured on the insurance declaration. The City retains the right to lower, waive, or increase the public liability insurance limits based on the type of event, equipment, machinery, location, number of people involved and other pertinent factor or risks associated with the General Rental. A prospective Renter has the right to show cause why the insurance requirement should be reduced or waived, and to present such request in writing to the Plaza Administrator. Upon receipt of the reservation request, the Plaza Administrator and Risk Manager will review the request and respond to the applicant within ten business days from the date the request was received. If a mutually agreeable insurance limit cannot be agreed upon, the reservation request will be considered denied.

(2) *Indemnification.* The Renter and any other persons on whose behalf the reservation request is made must agree in writing that they will indemnify and hold harmless the City and its employees, vendors, and contractors, against liability for any and all claims, judgments, and associated legal expenses and costs and for claims and litigation arising out of the General Rental including, but not limited to, those for damage to property or injury to or death of persons. The agreement shall be in the form approved by the City attorney.

(e) *Receipt of reservation confirmation.* The Plaza Administrator will confirm reservation requests as promptly as possible after the Renter has provided all the information required by the form and in a manner required, but in no case later than ten business days after the date a complete form is submitted. The Plaza Administrator reserves the right to deny the issuance of a reservation confirmation if the Plaza Administrator finds that one or more of the following exists:

- (1) The form submitted is not sufficient or complete, provides false information, does not comply with this division or a rule adopted thereunder, or was not submitted with any required documents, fees or deposits;
- (2) The Renter has failed to arrange or provide for adequate parking, trash cleanup, or other arrangements to ensure that the General Rental will be safe, secure and healthful for the participants thereof;
- (3) The Plaza Administrator previously received a fully completed form for a Special Event, General Rental, a request for a City Produced Event, or other event for the same date for which a reservation request has been or will be granted, and there is insufficient plaza space to accommodate both events;
- (4) The Renter has requested a reservation during a Blackout Period;
- (5) The Renter has held a prior Special Event or General Rental for which the Renter failed to comply with a requirement, failed to pay any required fees, charges, or deposits, failed to comply with all the conditions of the reservation or special event, failed to pay for or remedy damage incurred to public property, created a dangerous condition or

- situation, failed to comply with reasonable requests of the Plaza Administrator or Special Event Administrator, or otherwise violated the purpose or intent of this article;
- (6) The General Rental will not comply with this article, rules adopted hereunder, state or federal laws or regulations, or a reasonable condition imposed by the Plaza Administrator for issuance of a reservation confirmation;
  - (7) There is insufficient space within the plaza to accommodate the General Rental. (Example: A corporate event that could be expected to attract more people than the plaza could safely accommodate);
  - (8) The proposed use would present an unreasonable danger to the health or safety of the Renter, General Rental attendees, or other users of the plaza. (Example: A Renter wants to hold go-cart races in the plaza); or
  - (9) The proposed use would damage the plaza.
- (f) *Conditions.* The Plaza Administrator may impose reasonable conditions on a General Rental to ensure compliance with this article and the safety of attendees and the public. The reservation confirmation issued must contain in writing all the conditions and requirements that apply to the General Rental.
- (g) *Notice of denial or revocation of reservation.* If the Plaza Administrator refuses to issue a reservation confirmation for a General Rental or revokes a reservation for a General Rental after it is issued, the Plaza Administrator will give written notice of the denial to the Renter or notice of revocation to Renter as soon as is reasonably possible after the decision is made to deny or revoke the reservation. The notice will specify the reasons for the denial or revocation and what steps must be taken, if applicable, to receive a reservation confirmation or reinstate the revoked reservation.
- (h) *Other reservation actions.* Any other procedures relating to any reservations not specifically provided for under this article will be as provided for in the uniform procedures of the Code of Ordinances applicable to other city permits.

#### **Sec. 5-531. - Plaza regulations.**

- (a) *Violation of rules.* It is unlawful for any person to knowingly violate any written rule adopted by the city manager under this division.
- (b) *Sound amplification equipment.* It is unlawful for any person to make use of an electronically amplified voice or sound equipment, device, or instrument in the plaza except during a City Produced Event, during a Blackout Period, or in conjunction with a permit for a Special Event or reservation for a General Rental in compliance with the Special Events Ordinance, this article, and any rules adopted thereunder.

- (c) *Operation of motor vehicles.* It is unlawful for any person to knowingly drive or operate a motor vehicle in the plaza unless it is a city vehicle, emergency vehicle, repair or maintenance vehicle, or other vehicle authorized by the Plaza Administrator or through a Special Event Permit.
- (d) *Food and beverage vendors.* It is unlawful for any person to sell food or beverages in the plaza except during a City Produced Event, during a Blackout Period, as allowed under a Special Events permit or General Rental reservation, or as allowed by rules adopted pursuant to this article.
- (e) *Unattended displays.* It is unlawful for any person to place or maintain an unattended display in the plaza. For purposes of this provision, an unattended display means any item, including a picture, statue, symbol, or similar item, that is intended to serve or be seen as a visual depiction or expression of an idea where the person responsible for the placement or maintenance of the display is not in attendance or in close proximity to the item displayed. The Plaza Administrator may remove any display that violates this provision. The prohibition of this paragraph does not apply to an unattended display that is required by or placed by the city or other governmental entity for a governmental purpose.
- (f) *Consumption of Alcoholic Beverages.* It is unlawful to consume or possess an alcoholic beverage in an open container on the plaza, except as allowed during a permitted Special Event or as allowed during a Blackout Period for which there is a TABC permit or license. There is a rebuttable presumption that a person in possession of an alcoholic beverage in an open container intends to consume the beverage. It is a defense to prosecution under this section that the person consumed or possessed the alcoholic beverage in an open container at a time allowing the sale or consumption of alcoholic beverages under a Special Event permit or at a time allowed by a TABC permit or license.

**Section 7.** That any person found guilty of violating this ordinance will be fined not less than \$200.00 and no more than \$500.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

**Section 8.** That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on May 02, 2017.

ADOPTED on second consideration on May 16, 2017.

/s/  
Joe R. Zimmerman, Mayor

ATTEST:



Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

DAnn Shea Smith



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>05-16-17</b>	<b>AGENDA REQUEST NO:</b>	<b>V-A</b>
<b>INITIATED BY:</b>	<b>TERESA PREZA TOURISM AND DESTINATION SERVICES ADMINISTRATOR</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>PRESENTED BY:</b>	<b>TERESA PREZA TOURISM AND DESTINATION SERVICES ADMINISTRATOR</b>	<b>DIRECTOR:</b>	<b>N/A</b>
		<b>ADDITIONAL APPROVAL:</b>	<b>PHIL WAGNER, ASSISTANT DIRECTOR OF ECONOMIC DEVELOPMENT</b> <i>ptw</i>
<b>SUBJECT / PROCEEDING:</b>	<b>TIRZ NO. 4 PLAZA ORDINANCE SECOND READING OF ORDINANCE NO. 2084</b>		
<b>EXHIBITS:</b>	<b>ORDINANCE NO. 2084</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>SHEA SMITH, <i>DSS</i> ASSISTANT CITY ATTORNEY</b>	<b>EXECUTIVE DIRECTOR:</b>	<b>JENNIFER MAY</b> <i>jm</i>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
		<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	

ADDITIONAL FUNDING: \$ N/A

### RECOMMENDED ACTION

Consideration of and action on the second reading of Ordinance No. 2084, ensuring the protection, preservation, and accessibility of the Plaza adjacent to the Smart Financial Centre, also known as TIRZ No. 4 Plaza.

### EXECUTIVE SUMMARY

The TIRZ No. 4 Plaza is a public space that is intended to be used for various purposes, including a gathering place for citizens, a place to hold public and private events, and a forecourt to the Smart Financial Centre at Sugar Land. The TIRZ No. 4 Plaza Ordinance is proposed to establish general regulations governing the Plaza that will protect the property and preserve the health, safety, and welfare of those using the facility. Additionally, the Ordinance will identify various ways in which the Plaza can be reserved, establish Plaza rental fees and fines, and create the roles and responsibilities of the Plaza Administrator.

The proposed Ordinance No. 2084 sets the foundation that will allow for the multiple variations of utilization and activities that will be conducted in the Plaza both now and in future years. The ordinance aims to ensure the creation of a successful management strategy for the Plaza that seamlessly incorporates itself amongst the City's existing ordinances, policies, and agreements including but not limited to the Special Events Ordinance No. 2065, and the Performing Arts Center Lease Agreement. Additionally, due to its decade-long success, staff used the documents governing the management of Sugar Land Town Square to guide the creation of the proposed Plaza Ordinance.

The Plaza Ordinance will empower the City to make and enforce rules, regulations, and operational processes for the successful management of the Plaza.

The City Council held a workshop on the proposed TIRZ No. 4 Plaza Ordinance on April 18. As part of that discussion, staff provided detail on several the key elements of the Ordinance, including key definitions, the role of the Plaza Administrator, the process for renting the Plaza for either a Special Event or General Rental, and penalties. Below is a summary highlighting key provisions of the ordinance:

- **Key Definitions:** The ordinance includes several key definitions such as:
  - *TIRZ No. 4 Plaza or Plaza:* *Approximately 2.5-acre City-owned Destination Venue, located adjacent to the Smart Financial Centre.*
  - *Plaza Administrator:* *The person designated to administer and supervise operations, use, and maintenance of the Plaza, which may be a third party like a management district in the future.*
  - *Special Event:* *Means a unique activity, occurring for a limited or fixed duration, and having an impact to public property that disrupts normal use of the right-of-way. Rentals of the Plaza are Special Events if they impact public property or require additional City services.*
  - *General Rental:* *The utilization of the Plaza for the purpose of hosting an event which does not impact public right-of-way or requiring additional City Services.*
  - *Blackout Periods:* *Those periods of time during which the tenant of the Smart Financial Centre at Sugar Land has exclusive use of the Plaza as provided in the Lease Agreement with the City.*
- **Plaza Administrator's Role:** The Plaza Administrator is to propose rules for City Manager adoption that outline the scheduling and reservation process, the management of structures and displays, commercial vendors, solicitors and street performers. In addition, the Plaza Administrator can close the Plaza as needed, as well as implement the sound amplification limitations that are outlined in the Special Events Ordinance.

- **Special Event Activations On the Plaza:** For those types of activities that impact the public right-of-way or activate a City Service (traffic, fire, etc.), the Plaza ordinance directs the potential user to follow the steps outlined in the Special Event Ordinance (i.e. securing a Special Event permit, paying for City Services, etc.) in addition to obtaining a Confirmed Plaza Reservation.
- **General Rental Activation On the Plaza:** For those types of activities that do not impact the public right-of-way or activate a City Service, the Plaza Ordinance instructs the potential user to obtain a Confirmed Plaza Reservation by submitting a reservation form where the City asks information such as a description of the proposed activity, time and proposed date, number of expected attendees, etc.
- **Skateboarding & Motor Vehicles:** The Ordinance makes it unlawful to ride a scooter, skateboard or staves or drive or operate a motor vehicle in the Plaza unless otherwise allowed under a Special Events Permit or General Rental reservation.
- **Sound Equipment and Amplification:** The Plaza Administrator can administer rules regarding sound amplification equipment and limitation. However, these rules cannot exceed the limits set forth in the Special Events Ordinance, which are Sun – Thurs: 7 a.m. to 10 p.m. and Fri – Sat: 7 a.m. to 11 p.m., never exceeding 85 dB(C) at the adjacent residential property line.
- **Consumption of Alcohol:** The ordinance makes it unlawful to consume alcohol on the Plaza unless as allowed during a permitted Special Event.
- **Smoking on the Plaza:** The ordinance also amends the Smoking Ordinance by making it unlawful to smoke in the Plaza unless Council has adopted a resolution to allow for smoking during an event.
- **Fees and Deposit:** As written in the ordinance, to utilize the Plaza for a Special Event or General Rental, the following fees and refundable deposit rates are proposed:
  - *Rental Fee: \$100 per hour for Special Events and General Rentals that are free and are open to the public. \$200 per hour for Special Events and General Rentals that have an admission charge and/or are not open to the public*
  - *Deposit Fees:*

<i>Attendance</i>	<i>Setup</i>	<i>Deposit Rate</i>
<i>0-100</i>	<i>No more than Tables and Chairs</i>	<i>\$0</i>
<i>0-500</i>		<i>\$500</i>
<i>500 – 6,400</i>		<i>\$1,000</i>

- **Other Ordinance Provisions** include insurance requirements and a stipulation regarding fines ranging from \$200 to \$500 per offence.

Staff plans to communicate the activation of Ordinance No. 2084 by publishing it or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage; writing an article in Sugar Land Today; sending a press release to the media, and posting a phone number on appropriate signage in the Plaza for potential users to call and seek additional information.

Staff recommends consideration and approval of the second reading of the TIRZ No. 4 Plaza Ordinance No. 2084, establishing the framework and guidelines for managing the TIRZ No. 4 Plaza. If approved, the Ordinance will be brought to the City Council on May 16 for final approval.

## EXHIBITS