



Thursday, February 01, 2007

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**Public Hearings and Possible Actions**  
**RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 62**

**Subject:** Conduct a public hearing and approve an ordinance adopting local standards of care for the Parks and Recreation Department's children's recreation program

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup  
Material**

(click to open)

- ☐ **Parks Board Minutes**
- ☐ **Ordinance**

**For More Information:** Farhad Madani, Assistant Director; 974-6714

**Boards and Commission Action:** Approved by the Parks and Recreation Board.

**Prior Council Action:** Passed and approved by Council February 2006. Standards are subject to yearly review to comply with state regulations.

This ordinance re-establishes local standards of Care for Parks and Recreation Department Programs for Children. Minor modifications were reviewed and approved by the Parks and Recreation Board on December 19, 2006.

The State of Texas Department of Protective and Regulatory Services administers state regulations and general licensing procedures for all child-care facilities. An exemption from licensing is available to the City in operating elementary age recreation programs if the City Council annually adopts standards of care by ordinance after a public hearing. The ordinance must include at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

This ordinance complies with this regulation. Adoption of the ordinance will result in appropriate standards of care applied to the City's recreation programs.



Parks and Recreation Department  
Tuesday, December 19, 2006

Meeting

A regularly scheduled meeting of the Parks and Recreation Department Parks Board was held on Tuesday, December 19, 2006 at the Board and Commissions Conference Room, 301 W. 2<sup>nd</sup> St. Room 1101.

Board Members Present; Board Chair Linda Guerrero, Vice-Chair Jeb Boyt, Secretary Parhamarian Mark Vane, Jeff Francell, Hector Ortiz, Clint Small, Danette Chimenti and Stephan Shang

Board Members Absent: Marilyn Bostick

Staff Members Present: Warren Struss, Stuart Strong, Randy Scott, Ricardo Soliz, Farhad Madani and Tino Garcia.

A. Meeting Called to Order

The Meeting was called to order by Board Chair Guerrero at 6 05 p.m.

B. Approval of Minutes

Board Member Chimenti moved to approve the minutes, seconded by Board Member Small. Motion passed.

C Citizen Communication

Carol Gibbs, President of the South Lamar Neighborhood Association, expressed concern regarding the Parkland Dedication Fee in the Land Development Code.

James Von Wolske, President of the Lakeshore Drive Neighborhood Association, discussed a proposal requesting the Park Police to participate in a Navigation Light Safety Study. He suggested that the Parks Board initiate dialog for the safety test.

D. Discussion and Action Items

1. The Parks and Recreation Department is seeking input through a public hearing on food concession at Deep Eddy Pool.

Jay Stone, Financial Manager, informed the Board about the possibility of opening a new concession at the Deep Eddy Bath House. Discussion is ongoing regarding the type of amenities the concession will have. Blake Tollett, Friends of Deep Eddy Pool, discussed

the concession area in general and requested expediting the Request for Proposal (RFP) so as to be ready for the bath house reopening. With no further discussion, Board Member Boyt moved to close the Public Hearing. Motion passed.

2. The Parks and Recreation Department is seeking input through a public hearing on food concession at Krieg Softball Complex and Havens Ball Fields.

Jay Stone, Financial Manager, said the current concession at Krieg has not been very successful over the last few years and therefore is initiating another bid. Discussion on the type of amenities was held along with questions regarding the Softball fund. Board Member Ortiz moved to close the public hearing. Motion passed

3. Make a recommendation to the City Council regarding the Standards of Care for Children's Recreation Programs.

Robert Armistead, Division Manager Programs, addressed the Board and reminded them that the City Council adopts the Standards of Care each year. He talked about the proposed changes highlighting the ratio of activity leaders to the amount of children to supervise. There was some discussion on other proposed changes, specifically whether they addressed some other concerns. Mr. Armistead responded that the changes did address the concerns. With no further discussion, Board Member Ortiz moved to approve the changes, seconded by Board Member Francell Motion passed 7-0.

4 Make a recommendation to the Director regarding the Sand Beach Reserve design concept and the extension of the Pfluger Bridge on Parkland.

The Board was presented with two projects regarding the Sand Beach Park. The first was the proposed changes to the area to allow the extension of the Pfluger Bridge and the second was the design concept of Sand Beach Park.

Jana McCann, Roma Design Group, talked about the proposed extension of the Pfluger Bridge. She provided a view of the master plan which detailed 1) the concept of the bridge to the earthen mound and 2) a visual of the bridge looking towards the south (from Gables). She also provided two cross-section views of the bridge, and examples of other similar bridges. She indicated that, as a result of meetings with the Land and Facilities sub-committee, the design group has reduced the width of the earthen mound by about 40 feet.

Sarah Mundy, Kevin Sloan Studios, talked to the Board regarding the redesign of the park. She provided a detailed map of the park and talked about the concept of the design. She said that this new design represents more open space in the center but still allows for multiple views. Board Member Boyt indicated that the Land and Facilities subcommittee had approved the recommendation on a vote of 3-0. Board Member Vane had questions about the loss of open space from previous maps they had seen. After considerable discussion regarding the loss of open space, Board Member Boyt moved to approve the recommendation, seconded by Board Member Francell Discussion followed with Board

Member Chimenti requesting a break in the motion. As a result, Board Member Boyt amended the motion this time to recommend the approval of the extension of the Pfluger Bridge only, seconded by Board Member Chimenti. Motion carried 6-0 in favor of the motion. It was suggested that a design of the park be brought to the Board in January 07.

5. Make recommendation to the Director regarding the Austin Sunshine Camp Master Plan, phase I

Jason Quale, (sp) Chair of the Capital Campaign, talked to the Board about Phase I which rebuilds the current arts and crafts building. He provided the Board with an overview of the history of the Sunshine Camp. The mission is to help at-risk kids. Over 1200 applications are received each year and approximately 800 kids are selected to participate. Activities include arts and crafts, swimming and canoeing. Their Sunshine Leadership Program is designed to be a tutoring and mentoring program for high school students. They also have a Scholarship Program that is currently funding 14 students through college. They are requesting that the Board approve a recommendation to the Director to proceed with a building permit that is tied to the site plan. The request can only come from the City of Austin, PARD. The request for the Phase 1 project is only for the rebuilding of the arts and crafts building. Board Member Chimenti moved to approve the recommendation, seconded by Board Member Boyt. Motion passed. 6-0

6. Make recommendation to the Director on the revisions to the existing Parkland Dedication Ordinance.

Ricardo Soliz, Division Manager, Planning Design and Construction, reported on the revisions to the ordinance. He provided information on the legal justification for Parkland impact fees which are regarded as mitigation for the impact of the additional burden on the park system. The presentation included: 1) the formula for calculations; 2) how the ordinance works; 3) how the fees can and can not be used; 4) how the fees are administered; 5) current challenges and staff recommendations. The proposed staff recommendations are:

- Continue to collect land and fees at the subdivision stage for single family developments and Land for multi-family developments
- Start requiring fees for multi-family developments at the site plan stage.
- Propose a simple feed for \$650 per unit.
- Any development that meets the Affordable Housing goals, can qualify for a 50% reduction in parkland fees.
- The parkland fees should be reviewed and updated as necessary with the annual budget process.

The Board suggested that the presentation be presented to other boards and commissions as well. Board Member Francell moved to approve the revisions of the proposal and to bring it back to the Board when it has been further refined. Seconded by Board Member Chimenti. Motion passed 5-0

7. Make a recommendation to the Director regarding the construction of a two-slip boat dock and bulkheading at 4 Humbolt Lane. Board Member Small moved to approve the

construction of the two-slip boat dock not to exceed 15 feet into the water or 48 feet parallel to the shoreline, seconded by Board Member Ortiz. Motion passed 8-0.

8. Make a recommendation to the Director regarding the construction of a two-slip boat dock and bulkheading at 62 Pascal. Board Member Small moved to approve the construction of the two-slip boat dock not to exceed 15 feet into the water or 48 feet parallel to the shoreline, seconded by Board Member Ortiz. Motion passed 8-0.

#### E. Other Business

##### 9. Star Riverside Project - Curtis Steger, Project Representative

Mr. Steger reported that C Faulkner Engineering is requesting the Parks Board to support a variance request for the construction of an extension to the Town Lake Hike and Bike Trail system in the Critical Water Quality Zone (CWQZ) along Town Lake. He provided a map that details the location of the proposed trail improvements to the site. The trail is divided into two different experiences. The trail along Town Lake will be composed of crushed granite and will be 12 feet wide. The trail along the western side of the development will be 8 feet wide and will consist of concrete. A formal presentation will be provided to the Land and Facilities subcommittee in January and the item will subsequently return to the full Board in January..

##### 10 Austin Music Hall –

Alice Glasco reported that the Austin Music Hall (AMH) is currently processing a site development permit to expand and update its facilities. The building lies in the Downtown Creeks Overlay District and the West Area of the North Shore Central sub-district of the Waterfront Overlay District. A portion of the building lies in the primary setback and is 36 75 ft. from the centerline of Shoal Creek. The proposed improvements will place a portion of the egress stairs 31 75 ft. from the center of the creek. This is an increase of the encroachment by 5 ft. Therefore, AMH is requesting a primary setback variance from Section 25-2-748 in order to construct the emergency egress and slightly extend the back of the building.

#### F. Director's Report

Director Struss reported that the Trail of Lights attendance was up this year compared to previous years and reminded all that the Parks Board Retreat is schedule to be held January 6, 2006.

#### G. Items from Board Members

Reports from the subcommittee chairs.

#### H. Adjourn

With no further business, the meeting was adjourned at 8:53 p m.

**ORDINANCE NO.**

**AN ORDINANCE ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY PARKS AND RECREATION DEPARTMENT'S CHILDREN'S RECREATION PROGRAMS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1. AUTHORITY.**

The Council adopts these local standards of care for the Parks and Recreation Department children's recreational programs under Texas Human Resources Code Section 42.041(b)(14) (*Required License and Accreditation*) and its home rule authority.

**PART 2. DEFINITIONS.**

In this ordinance:

- (1) **ACTIVITY LEADER** means a person responsible for the direct care or supervision of participants. The term excludes a person whose primary duties include administration, clerical support, food preparation, or facility maintenance.
- (2) **DEPARTMENT** means the Parks and Recreation Department.
- (3) **DIRECTOR** means the director of the Parks and Recreation Department.
- (4) **FACILITY** means a building or improvement operated or used by the department in conducting a recreational program.
- (5) **PARTICIPANT** means a child under the age of 18 who is enrolled in a recreational program.
- (6) **RECREATIONAL PROGRAM** means a children's program or activity offered and supervised by the department that requires a child to enroll or register to participate.
- (7) **STAFF** means a person who is employed by the department to work in a recreational program.
- (8) **VOLUNTEER** means a person assisting without remuneration in the care or supervision of participants.

1       **PART 3. PROGRAM ADMINISTRATION.**

2           (A) The department shall operate recreational programs in compliance with this  
3           ordinance and the department's rules adopted under this ordinance.

4           (B) The director shall administer the programs.

5       **PART 4. PROGRAM RULES; MONITORING.**

6           (A) The director shall adopt rules relating to the operation of the programs. A rule  
7           adopted under this ordinance may be more restrictive than the minimum  
8           standards adopted by this ordinance.

9           (B) The director shall monitor the programs to ensure compliance with the  
10          standards adopted in this ordinance and the rules.

11       **PART 5. REQUIRED SUPERVISION FOR NON-AQUATIC RECREATIONAL**  
12       **PROGRAMS.**

13          (A) Except as provided in Subsection (B) and Part 6 (*Required Supervision for*  
14          *Aquatic Recreational Programs*), the department shall provide activity leaders  
15          during a recreational program at a minimum as follows:

16           (1) one activity leader for each eight children five years old or younger;

17           (2) one activity leader for each 10 children between the ages of six and nine  
18           years old; and

19           (3) one activity leader for each 12 children between the ages of 10 and 15  
20           years old.

21          (B) The department shall provide activity leaders during a recreational program for  
22          children with a disability at a minimum as follows:

23           (1) one activity leader for each four children 12 years old or younger; and

24           (2) one activity leader for each eight children between the ages of 13 and 18  
25           years old.

26       **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL**  
27       **PROGRAMS.**

28          (A) Except as provided in Subsection (C), the department shall provide activity  
29          leaders during a recreational program that includes swimming in a swimming  
30          pool at a minimum as follows:

- (1) one activity leader for each two children four years old or younger;
- (2) one activity leader for each eight children between the ages of five and seven years old; and
- (3) one activity leader for each 12 children ~~[between the ages of]~~ eight ~~[and 12]~~ years old or older.

(B) Except as provided in Subsection (C), the department shall provide activity leaders during a recreational program that includes swimming in a wading pool at a minimum as follows:

- (1) one activity leader for each two children two years old or younger;
- (2) one activity leader for each five children between the ages of three and five years old; and
- (3) one activity leader for each 12 children ~~[four]~~ six years old or older.

(C) The department shall provide activity leaders during a recreational program for children with a disability that includes recreational swimming in a swimming pool or a wading pool at a minimum as follows:

- (1) one activity leader for each child four years old or younger; and
- (2) one activity leader for each eight children five years old or older.

(D) The department may not conduct a recreational program at a swimming pool or wading pool outside a City park unless the use of the pool has been approved by the director ~~[is supervised by one certified lifeguard for each 30 swimmers]~~.

## **PART 7. REQUIREMENTS FOR ACTIVITY LEADERS.**

(A) The department shall provide a minimum of one activity leader for each class or group enrolled in a recreational program.

(B) An activity leader must be at least:

- (1) 18 years old; or
- (2) 15 years old if supervised by another activity leader who is at least 18 years old.

(C) An activity leader must obtain the following certification from a nationally recognized organization:



- (1) basic water rescue [~~community water safety~~], if supervising a recreational program that includes swimming;
- (2) [~~community~~] cardiac pulmonary resuscitation or equivalent; and
- (3) [~~community~~] first aid.

#### **PART 8. STAFF AND VOLUNTEER TRAINING REQUIREMENTS.**

- (A) The director shall establish training requirements for all staff and volunteers who provide direct care or supervision to participants.
- (B) At least one staff member at each facility must have current training in cardio pulmonary resuscitation for children.
- (C) Each staff member who supervises children in swimming or other water activities in more than two feet of water must be able to swim and shall be trained in water safety. A person who is not counted in the minimum staff-to-participant ratio is not required to meet these requirements.

#### **PART 9. PERSONNEL RESTRICTION.**

- (A) A person may not be employed or serve as a volunteer in a recreational program if:
  - (1) the person would be permanently barred from being present at a child care operation while children are in care under the Texas Administrative Code Title 40, Part 19, Chapter 745 (*Licensing*); or
  - (2) the director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety or health of participants.
- (B) The director may obtain a criminal history record of any employee or volunteer working or applying to work in a recreational program.

#### **PART 10. FACILITY OPERATION; PHYSICAL ENVIRONMENT.**

- (A) The department may not operate a recreational program at a facility unless the facility meets the following requirements:
  - (1) The facility and equipment used in the program do not present fire, health, or safety hazards and are kept free of refuse and debris.
  - (2) The facility is inspected annually for safety by the department.

- 1 (3) The facility is kept free of insects, rodents, and stray animals.
- 2 (4) The facility has clearly marked emergency exits.
- 3 (5) The facility has a disaster and evacuation procedure posted in a visible
- 4 location.
- 5 (6) The facility is used and maintained in accordance with the fire
- 6 prevention requirements of Chapter 25-12 (*Technical Codes*) and the fire
- 7 chief's directives, including not fewer than four fire drills each year.
- 8 (7) First aid and infection control kit are kept at the facility, including
- 9 sufficient additional kits to be taken to other locations at which
- 10 participants engage in a program activity.
- 11 (8) First aid guidelines are on file and visibly posted at the facility,
- 12 including:
- 13 (a) cardio pulmonary resuscitation and rescue breathing sequence
- 14 guidelines;
- 15 (b) first aid review; and
- 16 (c) medical emergency procedures.
- 17 (9) The facility has a sufficient number of restrooms that are equipped for
- 18 independent use by children and that are designed to permit staff
- 19 supervision if necessary.

20 (B) The department shall maintain a campground or primitive facility used for a

21 recreation program in compliance with the requirements of Subsection (A) to

22 the extent possible.

23 (C) The department shall maintain equipment used in the programs in good

24 condition. Department staff shall remove a defective tool, machinery,

25 appliance, or other equipment and report the defective item to a supervisor.

26 Unauthorized staff may not repair defective equipment.

## 27 **PART 11. PHYSICAL HEALTH STANDARDS.**

28 (A) A staff member shall supervise a child who is ill or injured until a parent or

29 other authorized adult removes the child from the facility.

- 1 (B) Staff shall keep a child whose illness or medical condition that would  
2 compromise the health or safety of the other participants separate from the  
3 other participants until the child is removed from the facility.
- 4 (C) Staff may not admit or readmit a child whose illness or medical condition  
5 prevents the child from comfortably participating in program activities or  
6 places other participants at risk to the facility for the duration of the illness or  
7 condition.
- 8 (D) In the case of an acute illness or injury to a child, staff shall call for an  
9 emergency vehicle to transport the child to an authorized medical facility.

10 **PART 12. MEDICATION STANDARDS.**

- 11 (A) A staff member may not administer medication to a participant without a  
12 parental medication authorization. Staff may not administer medication that is  
13 not in its original container or past the expiration date on the container.
- 14 (B) A staff member may not administer an injection or an amount of medication  
15 that is inconsistent with the prescribed dosage. A staff member may administer  
16 an epinephrine auto-injector device if he or she has completed training  
17 approved by the department.
- 18 (C) A staff member may not accept more than a one-week supply of medication  
19 for a participant and the member shall return the unused medication to the  
20 parent on the last program day of the week.
- 21 (D) Staff must keep medication in a secured location that is not accessible by  
22 participants.
- 23 (E) A staff member shall maintain a medication log that includes the name of the  
24 child to whom the medication is administered, the time the medication is  
25 dispensed, and the name of the person dispensing the medication.

26 **PART 13. DISTRIBUTION OF STANDARDS.**

- 27 (A) The department shall post and make available copies of the standards adopted  
28 in this ordinance or by rules adopted under this ordinance.
- 29 (B) The department shall inform the parents of each participant that the  
30 recreational programs are not licensed by the state. The programs may not be  
31 advertised as child-care facilities.

32 **PART 14. RECOMMENDATION FOR AMENDMENT OR RE-ADOPTION.**

1 Not later than February 1 of each year the director shall recommend to the Council  
2 the amendment or re-adoption of the local standards adopted under this ordinance.

3 **PART 15. APPLICABILITY.**

4 This ordinance supersedes Chapter 8-2 (*Swimming Pool Use*) of the Code to the  
5 extent of conflict.

6 **PART 16. EXPIRATION.**

7 This ordinance expires one year after its effective date.

8 **PART 17.** This ordinance takes effect on \_\_\_\_\_

9  
10 **PASSED AND APPROVED**

11  
12 \_\_\_\_\_, 2006

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Will Wynn  
Mayor

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15  
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17  
18  
19 **APPROVED:** \_\_\_\_\_  
20 David Allan Smith  
21 City Attorney

22 **ATTEST:** \_\_\_\_\_  
23 Shirley A. Gentry  
24 City Clerk