

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	28081	Agenda Number	11.
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Meeting Date:	10/17/2013	Department:	Parks and Recreation
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Subject

Approve an ordinance amending City Code Section 8-1-72 related to boating concessions, amending City Code Chapter 8-5 to add the definition of inflatable flotation device, and a prohibition on swimming and the use of inflatable devices along a portion of the Colorado River.

Amount and Source of Funding

Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	
For More Information:	Cora D. Wright 512-974-6736; April Shaw 512-974-6716.
Boards and Commission Action:	The Parks and Recreation Board reviewed on August 27, 2013. No Action Taken.
MBE / WBE:	
Related Items:	

Additional Backup Information

The Parks and Recreation Department (PARD) recommends amending the City Code to prohibit inflatable floatation devices on the Colorado River between Longhorn Dam and Hwy 183/Montopolis Bridge to ensure the safety of the citizens of Austin and the protection of the ecosystem of the Colorado River.

Jurisdiction: The Lower Colorado River Authority (LCRA) and Texas Parks and Wildlife have regulatory authority over the uses and activities on the waters within the City of Austin. Despite the overlapping jurisdiction, the City Council has the authority to enact ordinances that regulate uses and activities on public waters within the City's limits.

Safety: PARD's concerns focus on the risk to public safety due to the river's unpredictable volume and fluctuating water levels in this segment of the Colorado River triggered by Highland Lake dam operations and the non-advance notice of water releases by the LCRA. This coupled with the environmental impact of unregulated recreational activity

upon the river, Roy G. Guerrero Colorado River Park and the Colorado River Wildlife Sanctuary, creates not only serious safety issues, but environmental concerns.

In January 1989, the Austin City Council adopted the Town Lake Park Master Plan as part of a sweeping set of ordinances regulating recreational activity on the Lake and the Colorado River. In the 1989 ordinance, the following language was added to Code: "...boats rented must be able to handle swiftly flowing water and fluctuating water levels" and "Boating concessions in this area are restricted to recreational rowing concessions." (It is interesting to note that in 1987, a flood event created a stream flow of 38,300 cubic feet per second and river height of 23.86 feet at the Montopolis Bridge. This is the third highest flow rate recorded from 1960 to present). The Code's clear intent is to protect public safety by dictating the type of vessels considered safe for a concession.

Dictated vessels would be able to steer and guide through the increased rate of flow, stronger current and changing depth and width of the river. The U.S. Coast Guard does not define inner tubes as vessels: "The term 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water...Unmodified inner tubes have not been determined to be 'vessels' to date" (U.S. Coast Guard, Recreational Boating Statistics, 2011).

The Colorado River channel with a six foot elevation increase could greatly decrease the ability of a person on a floatation device with no method of propulsion to reach shore. Sand bars and areas with brush and trees would go underwater and potentially become a hazard by the trapping or snaring of a floatation device.

Environment: The Colorado River Corridor within city limits is a fragile and diverse ecosystem which has significant land protected from future development in the form of the Colorado River Wildlife Sanctuary and the Roy G. Guerrero Colorado River Park. Unregulated and unauthorized access to the shore will have a detrimental effect upon the nesting of birds and the health of the flora and fauna in the riparian area. Existing beach areas are now experiencing illegal swimming and gathering of wood for illegal pit fires. Access directly from the water invites social trails which contribute to habitat fragmentation and loss of native plant diversity. Litter, which consists of mostly plastic bags, cans, glass bottles and Styrofoam trash, is an additional impact on the wetland ecosystem.

Planning: The City's Roy G. Guerrero Colorado River Park Master Plan calls for limited access to the river and recommends that the majority of the shoreline remain undisturbed and protected. Other community plans including the Govalle Johnson Terrace neighborhood plan, which focused on the Colorado River Corridor, expressed clearly the need to balance protection of the river's natural resources with recreation and economic development of the corridor.

Concessions: The process for any concession development is found in PARD's Concession Policy that includes an internal review, public input and a competitive solicitation. The Colorado River corridor holds potential for a concession, but any concession would need to ensure public safety, mitigate environmental impacts, provide operational amenities – parking, restrooms, and utilities – and provide a financial benefit to the City. The Department is not recommending any concession placement on PARD property at this time.

Whereas in 1989, the writers of Section 8-1-72 and Council did not consider nor foresee the use of non-navigable floatation devices below the Longhorn Dam. Therefore, it is recommended that the current ordinance in the City Code section 8-1-72 be amended and clarify the restrictions of the code to ensure the public's safety and access on this stretch of the Colorado River.