

RESOLUTION NO.

WHEREAS, the City of Austin has authority to regulate a variety of commercial and other uses, activities, and development on, around, and affecting Lake Austin and its components and features for the public health, safety, general order and welfare, environmental and natural resource conservation and sustainability, and for other good and justified cause;

WHEREAS, on May 24, 2012, the Austin City Council created a Lake Austin Task Force (LATF) to address the impact that commercial, residential, and recreational activity has had on Lake Austin;

WHEREAS, the LATF finalized its recommendations on June 3, 2013;

WHEREAS, development and recreation pressures along the shores of the lake have been steadily increasing and are anticipated to continue to increase;

WHEREAS, the increasing size and number of motorized watercraft on Lake Austin compounded by new recreational activities may be contributing to an increasing health and safety hazard for swimmers and operators of smaller, non-motorized watercraft;

WHEREAS, according to Section 8-5-46(B)(1) of the City Code, a person may swim within 50 feet of the shoreline, increasing the likelihood of watercraft-swimmer conflicts;

WHEREAS, establishing a no-wake zone within 50 feet of the entire shoreline of Lake Austin was a consensus recommendation of the LATF;

WHEREAS, Texas Parks and Wildlife (TPW) Code, Section 31.092 allows a city to designate or otherwise restrict certain areas for bathing, fishing, or swimming and to make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety;

WHEREAS, Title 31 of the Texas Administrative Code, Section 55.303 provides that governing boards may establish regulated areas under procedures and rules set out in TPW Code, Section 31.092;

WHEREAS, TPW Code, Section 55.303(1) provides that regulated areas be designated and posted as "Slow, No Wake" areas and that "the governing board post and maintain regulated areas with buoys or pilings consistent with the uniform state waterway buoy marking system authorized by these rules;"

WHEREAS, the Lower Colorado River Authority imposes a no-wake zone rule within 50 feet of the entirety of the shoreline of the Highland Lakes without placing buoys or pilings;

WHEREAS, to comply with this section of the TPW Code along the entirety of the 42 miles of Lake Austin shoreline, should buoys be spaced at 100-yard intervals, approximately 756 buoys would be required with a total estimated purchase cost of \$378,000, plus installation and maintenance;

WHEREAS, protecting public health and safety is a foremost concern of the City as is fiscal responsibility, and it is the City's position that public health and safety can be protected by strategic placement of buoys and pilings, thus reducing the financial impact to taxpayers;

WHEREAS, to protect the health and human safety of the citizens of Austin who enjoy recreational activities on Lake Austin, the City Council desires to have the authority to designate the area within 50 feet of the shoreline of Lake Austin as a "Slow, No Wake" zone, with the option to place buoys or pilings consistent with the uniform state waterway buoy marking system as the City deems necessary to protect public health and safety.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to petition the Texas Parks and Wildlife Department for an amendment to Title 31 of the Texas Administrative Code, Section 55.303, which requires that governing boards post and maintain

buoys in areas designated as no-wake zones, specifically waiving these requirements on Lake Austin and allowing the City the authority to place buoys, pilings, and other notices as the City deems necessary to protect public health and safety.

BE IT FURTHER RESOLVED:

Upon approval of a waiver of this requirement by the Texas Parks and Wildlife Department the City Manager will immediately initiate action to implement the “Slow, No Wake” zone within 50 feet of the shoreline of Lake Austin.

ADOPTED: _____, 2014

ATTEST: _____

Jannette S. Goodall
City Clerk