

CONCESSION POLICY FOR TOWN LAKE PARK

Final Draft 7-17-90

SUMMARY

In June 1988, City Council directed the Parks and Recreation Department to develop a concession policy for Town Lake Park. A major part of that policy was adopted by Council as part of the Town Lake Park Ordinance, in January 1989. Most of the remaining recommendations in this report were developed by the Committee that considered Town Lake Park concessions in 1988. That Committee was composed of representatives of the Waterfront Planning Advisory Board, the Parks and Recreation Board, and the Design Commission. The rest of the recommendations originated with Parks and Recreation Department staff.

The report is divided into six categories:

1. **Rationale**, which describes the principles upon which this report is based.
2. **Permitting**, which describes the procedures that are already in place for considering new concessions in the Park and adds a provision for public notification and hearing for any proposed permanent concessions.
3. **Terms**, which recommends standard contract terms for concessions in the Park.
4. **Contract Provisions**, which includes additional standard contract provisions.
5. **Design Standards**, which recommends design guidelines to govern concession facilities in the Park.
6. **Items for Council Action**

RATIONALE

This report is based on the following considerations:

- * **Park concessions**, appropriately developed, are beneficial to park users and to the City.

Existing park concessions provide a variety of activities that have become traditional in Town Lake Park; among them, canoe rentals on Barton Creek, paddleboat rides on Town Lake, and snacks at Barton Springs Pool. The City benefits not only from the services provided to park users, but also from the fact that private businesses are assuming the risks of providing those services.

* The development of additional park concessions is a good way to increase the variety of activities available to park users.

The Town Lake Comprehensive Plan envisions a park in which a wider variety of activities are available throughout the park. Currently, all but one of our existing concessions is located west of I-35, and few activities other than boating are provided.

* It is essential that park concessions not degrade the environmental quality of the park, and not detract from the park users' experience of the park.

The idea of concessions is to provide park users with more ways to enjoy their parks. It is absolutely essential, therefore, that park concessions not damage the park environment, or detract from the very qualities that brings people to the park in the first place. This principle is true both in the development of individual concessions, and also in the aggregate development of concessions in the Park, to eliminate the danger of incremental overuse of the Park.

* All concessions should be compatible with the Town Lake Comprehensive Plan.

The Town Lake Comprehensive Plan has been adopted by ordinance of City Council, and incorporated into the City Code. The development of new concessions should be consistent with the Plan.

* The City should encourage the development of appropriate permanent facilities.

Most permanent concessions, for example boat rentals, are more appropriately located in permanent buildings. Most existing permanent concession facilities are haphazard structures that do not contribute to the overall ambiance of the park. The City should encourage and facilitate the development of more appropriate concession facilities.

* Service concessions are required to have a recreational programming component.

Concessions which provide recreational activities, as opposed to those which simply sell food and beverages, should include program elements such as lessons, safety instruction, utilization by non-profit/charitable groups, etc., which promote and educate the public about the benefits of the leisure services they supply.

PERMITTING

The Town Lake Park Ordinance established a procedure under which new permanent concessions may be permitted in Town Lake Park. Section 10-4-53 of the City Code reads in part:

(a) The Parks and Recreation Department shall present an annual report, in October, to a joint meeting of the Waterfront Planning

Advisory Board and the Parks and Recreation Board. This report shall also be provided to the Environmental Board. The Waterfront Planning Advisory Board, Parks and Recreation Board, and Environmental Board shall, within 30 days of the receipt of the report, make recommendations to City Council regarding appropriate concessions in Town Lake Park, the status of existing concessions, and the advisability of issuing a request for proposals (RFPs) for concessions in Town Lake Park.

The intent of this section is to provide for annual monitoring of the carrying capacity of Town Lake Park for concessions, by the Boards charged with responsibility for the Park. Such an annual monitoring is necessary to establish a carrying capacity for the Lake. The first annual report was presented to the Boards in September 1989.

Prior to the issuance of any RFP for permanent concessions, neighborhood and environmental organizations, along with other interested citizen groups, should be notified and allowed a sixty (60) day period to comment on the proposed recommendations.

Temporary concessions are defined as those requiring no permanent structures or other improvements to park land, having a contract of one year or less in length, and resulting in less than \$5000/year in revenue to the City. They are now permitted at the discretion of the Director of the Parks and Recreation Department. Facilities and locations should be approved by the Town Lake Park Coordinator. It is recommended that this process continue.

CONTRACT PROVISIONS - NON-NEGOTIABLE

Current concession contracts contain a variety of provisions. For new concessions, and for renegotiated contracts as the current concession contracts expire, more standard contract provisions would ensure more consistent operation of Town Lake Park concessions in the City's interest.

The following standard provisions are recommended for all permanent concession contracts:

1. **Non-performance penalties.** Currently the City has no enforcement provisions for contract performance, short of termination. It is recommended that a schedule of non-performance penalties with the possibility of termination be developed, to ensure contract performance more easily.
2. **Monthly payments.** Some existing contracts are set up on a quarterly, rather than monthly, payment schedule. For ease of recordkeeping, all future contracts should be on a monthly payment schedule.
3. **Reporting.** Included with their monthly payment, each concession shall provide information about that month's concession operations as specified on a reporting form to be supplied by PARD. The income tax

reports for each concession should be provided to PARD automatically each year.

4. **Hours.** Minimum hours during which the concession will be operated should be specified in the contract.

5. **Signage.** Signage should be provided by the concessionaire, listing hours of operation and prices and a Parks and Recreation Department phone number for information.

6. **Water Safety.** All water activities should cease during high water, emergency water releases, and violent weather.

7. **Compensation for loss of business.** No compensation should be given to concessionaires for loss of business caused by acts of God, high water, low water, or special events permitted by PARD.

8. **Packaging Requirements.** All concessions selling packaged goods should be required to use biodegradable packaging material where available, to prohibit the use of styrofoam and glass containers, and to provide for the recycling of all recyclable materials.

9. **Citizen Comments.** Ample opportunity should be provided for citizen comments and suggestions. At a minimum, a locked suggestion box, built to PARD specifications, shall be installed at each concession to receive citizen's comments, on a standard form to be supplied by PARD.

10. **Transfer of Ownership.** Ownership of either permanent or temporary concessions may not be transferred or leased.

11. **Dismantling Bond.** A sufficient bond shall be paid to cover the cost of dismantling the concession facilities, should the concession be abandoned.

12. **Reversion.** All permanent concession facilities revert to the ownership of the City of Austin at the end of the term of the concession contract.

CONTRACT PROVISIONS - NEGOTIABLE

Terms and lengths of permanent concession contracts in place in 1989 vary substantially, largely because the contracts were negotiated at different times. In order to insure equity for both the concessionaires and the City, standard contract terms and lengths need to be established, while still allowing the City flexibility to encourage high quality public improvements.

Standard Length It is recommended that the standard length of contracts shall be five years unless otherwise negotiated based on the permanent facilities proposed.

Standard Terms It is recommended that the standard percentage to be

paid by permanent concessionaires to the City shall be 10% minimum of gross sales less sales tax unless otherwise negotiated.

In order to encourage private investment in public facilities, it is recommended that the City have the flexibility to vary both the length and terms of the contracts, in cases where a substantial private investment in public concession facilities warrants it. This flexibility could also be used to promote concession development in less used parts of the Park and to gain additional revenues in very heavily used parts of the Park.

It is also recommended that there be the flexibility to award contracts longer than 5 years to concessionaires willing to make substantial investments in permanent facilities. This will enable those concessionaires willing to invest in public improvements to obtain the necessary financing. The maximum length of contract recommended is 5 years with three renewable five year options. All permanent concession facilities become the property of the City of Austin when the concession contract expires.

Exclusive rights to provision of a service or product on parkland is not implied or guaranteed in any concession contract. Limiting the types of adjacent concessions is considered a negotiable contract provision, to be based on the proposed amount of investment.

Temporary concessions are defined as those having contracts of less than one year in length. Temporary concessions are required to pay a minimum of 15% of their gross revenues to the City.

DESIGN STANDARDS

One of the objectives of the Town Lake Comprehensive Plan is greater consistency and higher quality in park buildings and furniture than now exists. The following recommendations are based on the Town Lake Comprehensive Plan Design Manual. All permanent structures built by concessionaires shall be reviewed by the Parks and Recreation Board and the Waterfront Planning Advisory Board. The following design standards apply only to permanent concessions in Town Lake Park.

Buildings

1. All building designs shall be sealed by a registered Architect.
2. Use of native stone, especially limestone, as a building material is recommended.
3. Use of terne colored standing seam galvanized steel roofs is recommended.
4. Use of ornamental ironwork is recommended, and if used, should be painted to PARC specifications regarding application, paint type and color.

5. Use of wood in contact with the ground should be avoided.
6. Public restrooms are recommended in all permanent concessions.
7. Concession facilities should be handicapped accessible.

Sitework

1. All park furniture, including signage, benches, gates, trash containers and fences, should be to PARD design and specifications.
2. All plant materials should be drought tolerant, and irrigation shall be supplied to all planted areas.
3. Utilities, including public telephones, should be supplied to all permanent facilities that are not subject to flooding, and should be underground.
4. Projects involving substantial site development should be sealed by a registered landscape architect.

Boats

1. Excursion boats should have an approved location for service access, and approved waste disposal systems.
2. Shoreline erosion will be a major factor in permitting excursion boats.

Review Process

1. All designs should be developed in consultation with PARD Landscape Architect, and must be approved by PARD.
2. All structures are subject to design review by the Waterfront Planning Advisory Board and the Parks and Recreation Board.
3. All improvements, including planting and utilities, must be in place within one year from the date the contract is awarded. Exceptions will be granted only if unforeseeable delays arise in the City permitting process.
4. The concessionaire is responsible for securing all necessary permits and approvals.
5. All proposed park developments must comply with the requirements of Waterfront Overlay Zone, the Town Lake Park Ordinance, and Chapter 13-2 of the Austin City Code of 1981. Marinas and watercraft must comply with Chapter 4-3 of the Austin City Code. Prospective concessions involving watercraft should consult with the Park Police Lake Patrol (477-9762/477-6904) before submitting proposals, to ascertain the suitability of the proposed vessels and landings, and the conditions of

the Lake.

6. Concessions shall be permitted on Town Lake according to the following procedure:

a. Concession proposals and staff recommendations, concerning those proposals or other recommended concessions, shall be presented to an appropriate subcommittee of the Parks and Recreation Board.

b. That subcommittee shall make recommendations on the proposals to a joint meeting of the Parks and Recreation Board and the Waterfront Planning Advisory Board.

c. At the joint meeting it will be determined which of the presented proposals shall go forward to a public hearing.

d. A public hearing before a joint meeting of the Parks and Recreation Board and the Waterfront Planning Advisory Board will be scheduled 60 days hence, with appropriate public notice. Signs will be posted at the prospective locations of the proposed concessions, including among other information the date of the public hearing.

e. After the public hearing the two Boards will decide which (if any) of the concession proposals will be recommended to City Council for inclusion in a Request for Proposals for concessions in Town Lake Park.

f. The appropriate subcommittee shall review and approve the proposed RFPs before they are submitted to City Council.

ITEMS FOR COUNCIL ACTION

1. A Town Lake Trust Fund should be established to accept all revenues from concessions, as well as other funds generated by Town Lake Park activities, such as special events. The monies from the trust fund should be used for development in Town Lake Park, and acquisition of additional parkland in the Town Lake Corridor. Any concession revenue received prior to the establishment of this trust fund shall be kept in an escrow account and deposited to the trust fund when it is established.

2. The policy of requiring all concession contracts to go through the Purchasing Department and comply with purchasing requirements should be reconsidered. Under the current procedures, concession contracts are treated as purchases, and subject to all the purchasing controls that are routinely applied to City purchases. This is the case even though concession contracts involve revenue to the City, rather than expenditures by the City. The resulting process is slow, cumbersome, and frequently, slightly absurd.

3. Park Police should be equipped to patrol Town Lake by boat, especially during peak use. In addition, Park Police patrols should be

expanded to allow them to help concessionaires provide security for and guard against vandalism to their facilities, particularly during the night and other low use periods.

CONCLUSION

The Town Lake Comprehensive Plan, which was adopted by ordinance on January 26, 1989, describes the City of Austin policy on the future development of Town Lake Park. Concessions are certainly a component of that recommended development. It is important that concessions in Town Lake Park be located and developed in a way compatible with the Town Lake Comprehensive Plan. The preceding policy is intended to provide a clear direction to existing and future concessionaires in Town Lake Park, as well as to the citizens of Austin.



MEMORANDUM

TO: Parks and Recreation Board Members

FROM: Manuel A. Mollinedo, Director
Parks and Recreation Department

DATE: July 18, 1990

SUBJECT: Rowing Committee Report - June 1990

The Austin Rowing Committee has recently produced a report which makes recommendations for the long-term planning for rowing, primarily on Town lake but also on lakes within the immediate Central Texas area. A copy of the report has been submitted to members of the Board and will also be presented to the City Manager and the City Council for their consideration.

I have reviewed the report and support the goals of the Rowing Committee in the development of rowing and their concern for safety.

Recommendation

I recommend the adoption of the report with the following changes and additions:

Page 1 Safety

To immediately improve the safety hazards caused by the sand bars at the mouths of the creeks they could be marked with hazard buoys.

Reference to City personnel removing the old dam should be deleted.

Reference to Parks and Recreation Department removing stumps and logs on a routine basis should be deleted. The department does not have the equipment or personnel to undertake this work on a routine basis.

Page 2 Navigational rules

The specific details listed in the report are in conflict with State requirements. The navigation

rules-of-the-road and the requirements for navigation lighting on watercraft after dark must comply with the Texas Water Safety Act.

Navigation markers

Navigation marker buoys should be provided where it is necessary to define the channel that should be used. Where there are specific hazards, standard hazard buoys should be used. These buoys should conform to the Standard Inland Waterway Marking Symbols. The requirement for the buoys to be lighted would be expensive and a continuing maintenance liability. The use of buoys with high intensity reflective material is suggested.

no buoy lights

Development

The Town Lake Park Ordinance defines the 'Community Park' areas of Town Lake Park as those that are suitable for the development of facilities that will attract park users from throughout the city, such as a new boathouse. Much of the north shore of Town Lake Park east of Congress Avenue is defined as a 'Neighborhood Park', and is unsuitable for the development of such citywide facilities. As the existing boathouse is located east of Congress Avenue, a new and separate boathouse in close proximity to it may cause boating conflicts on the Lake. Other areas of Town Lake Park may be suitable for a boathouse development. In particular, the Town Lake Comprehensive Plan recommends a boathouse on the south shore of Town Lake, by Kasuba Point. References to the location of a new boathouse east of Congress Avenue should therefore be deleted.

Many of the development suggestions made in the report are not in the purview of PARD; but rather are the responsibility of the University of Texas, AISD, and the Chamber of Commerce. Reference to the City of Austin implementing the report should therefore be deleted.

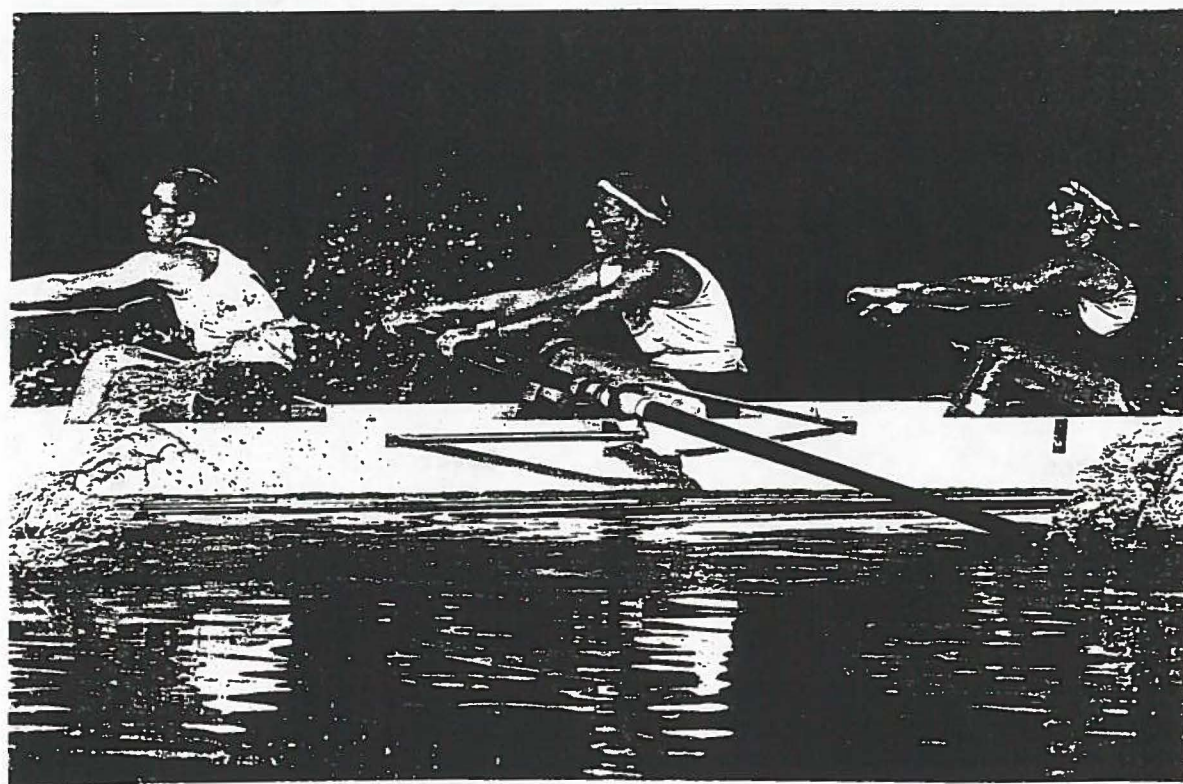
If you have any questions, please contact me.



Manuel A. Mollinedo, Director
Parks and Recreation Department

Austin's

ROWING



1990 Rowing Committee Report

ROWING COMMITTEE REPORT
to
AUSTIN PARKS AND RECREATION BOARD
AUSTIN CITY MANAGER
and
AUSTIN CITY COUNCIL

ROWING COMMITTEE MEMBERS

<u>Members</u>	<u>Affiliation</u>
Ed Baxter	Interested Citizen
Mark Castleman	Coach of Women's Crew at University of Texas
Billy Gammon	Rower
Jeff Hart	President of Austin Rowing Club
Judge Joe Hart	Rower
Anne Marie Heilman	Texas Rowing
Sally Koch	Austin Runners Club and Austin Rowing Club
Sam Rivers	Texas Rowing

June 1990

ROWING COMMITTEE REPORT

ROWING COMMITTEE GOALS AND GUIDELINES

The Rowing Committee is in place to suggest a long term plan for rowing primarily on Town Lake with the possibility of rowing on Lake Walter E. Long, as well as, surrounding Hill Country Lakes. This report could serve as a standard by which the sport will grow in Central Texas. The information in this proposal was provided by individuals who have direct contact with the art and science of rowing; concerned citizens; members of the Parks and Recreation Board; with input from the Parks and Recreation Department staff.

SAFETY

The Rowing Committee recognizes safety factors as the most important point of interest. The committee recommends the following guidelines:

Removal of Navigational Hazards

- Sand Bars
- Old Underwater Dam - Low Water Crossing
- Stumps and Logs

Sand bars created by Johnson Creek, Waller Creek, and other creeks and drainage areas into Town Lake are serious hazards to rowers and other boat users. Sources of funding are being pursued through various entities for the removal of the sand bars. One possible source of funding could be City of Austin drainage fees that can be allocated for channel clearing. Removal of these sand bars would eliminate that safety hazard and greatly enhance the enjoyment of rowing. The Rowing Committee agrees that if Austin is to become a major rowing center these hazards must go.

The removal of at least three to four feet of the old underwater dam (low water crossing) can be accomplished with City of Austin personnel by using low intensity explosives underwater. The removal of stumps and logs can be accomplished by Parks and Recreation Department personnel on a routine basis, as well as, the removal of several pipes extending above the water in the underwater dam area. The Rowing Committee strongly recommends the reinstatement of the Town Lake Shore Cleanup Crew in the 1991-1992 Parks and Recreation Department budget in order to accomplish the much needed maintenance.

Navigational Rules

- Rules for Use of Lake - Right of Way
- Navigation Light(s) on Boats Operated After Dark
- Alcohol Restriction

All boat users shall comply with the Texas Water Safety Act.

Rules for use of the lake are:

- Downstream boats ^{stay} between mid-channel and south shore
- Upstream boats between mid-channel and north shore
- Do not cross mid-channel except to change directions
- Overtaking boat must yield to boats being overtaken. should pass on mid-channel side
- Crossing boat must yield to boats headed up or down stream
- All boats operated after dark must carry navigation light(s)

Boats propelled by oars, peddles, paddles:

- White light forward or aft on center line or side, on or above deck

Boats propelled by sail:

- Under 25 feet - red and green on side
- 26 feet and over - red and green on side, white on stern

Boats propelled by motor;

- Red and green on side, white on stern

Alcohol Restriction:

All committee members agree alcohol is the most contributing factor in all water related incidents involving injuries or deaths. Alcohol use by users of other types of boats is causing problems for all lake users. The Rowing Committee recommends that alcohol be banned from Town Lake administratively by the Director of the Parks and Recreation Department.

Install Navigational Markers Where Needed

Bouys:

- Red bouys along the north shore at hazards and visual points steadily burning red lights on each.
- Green bouys along south shore at hazards and visual points steadily burning green lights on each.

why different colors

- Black and white bouys at mid-channel with white slow flashing light, where needed.

Bouys will need to be maintained according to standards outlined in the Texas Parks and Wildlife Water Safety Act (U.S. Coast Guard Inland Navigation Rules).

Signage

Contact has been made with the Texas Highway Department for placement of directional signs at spans of bridges.

Signs describing the lake, and setting out rules for use of the lake need to be prominently displayed at public access points and at all concession sites. Funds are available for a limited number of signs. Should additional signs be needed the Rowing Committee would be willing to help identify funding.

Safety Enforcement

Park Police officers presently patrol the trails along Town Lake daily, and spot patrol the lake by boat.

Long term planning includes year-round patrol of Town Lake, or at minimum a seasonal period such as April through September. This would include the addition of two (2) Park Police officers; minor equipment; the purchase of a patrol boat; and two additional ramps or launching facilities to also accommodate Austin Fire Department trucks for emergencies, plus other amenities.

DEVELOPMENT

Development Needs of Rowing In Austin

The City of Austin's Town Lake and other central Texas lakes provide an ideal arrangement of the basic requirements for developing exceptional competitive and recreational rowing. The implementation of this plan is essential for safety, as well as, developmental reasons. Austin's environmental and cultural interests will be served as community interest in rowing continues to expand. Austin is proud of the recognition that the development of this national sport is bringing to our city.

Town Lake and the surrounding lakes possess the basic requirements to provide extensive rowing opportunities.

7
Austin is the only city in the United States to have a beautiful continuous greenbelt. The north shores of Town Lake with the exception of the University of Texas Brackenridge Tract located west of Loop 1 MoPac bridge, are City-owned from Tom Miller Dam to Longhorn Dam. The south shores are not all City-owned, however, many private businesses have contributed a trail across their property to link with the City owned trails for the enjoyment of trail users.

New Facility

The Rowing Committee recognizes the immediate need for an additional boathouse/storage facility. Although any proposed facility must proceed through existing channels of approval, the committee recommends specific areas for the new facility. East of Congress Avenue, on the north shore of Town Lake, is ideal for a new rowing/recreational facility. The advantages of this area would be increased visibility and diverse community involvement through activities at the new Convention Center. Any new facility should be made available to the public, with proper training and supervision.

Since Town Lake provides the perfect tranquil, peaceful backdrop for rowing, commercial development should be carefully controlled. The areas west of Loop 1 MoPac bridge are pristine and breathtaking in their natural beauty. Visiting rowers and tourists are impressed with these natural areas in an urban setting.

The University of Texas should be encouraged to allow for development of a boathouse/facility on their property.

Promote Local Regattas

Presently the City of Austin is host to two regattas each year. Because these regattas are a source of tourism for greater Austin, the City should encourage and promote these events.

In 1991 the City of Austin will host the National Masters Regatta. We all look forward to hosting this prestigious event and hope that the navigation hazards referred to in this report can be resolved before this regatta takes place.

Encourage Texas Crew Funding

The University of Texas Crew, Austin's local collegiate rowing organization, is an important focal point in the development of rowing. With the development of Texas Crew, outside funding

will increase. Other colleges will be encouraged to send their crews to Austin, generating even greater interest in Austin as a national rowing center.

Develop High School Rowing

Long-term planning includes the introduction of a juniors/high school program. The high school program will be open to all high schools in the Austin area, increasing community involvement.

It is the Rowing Committee's vision that Austin emerge as a national rowing center in seven to ten years. If the City of Austin implements this report, the Rowing Committee strongly believes their vision can be realized.

ROWING TERMINOLOGY

<u>Shell</u> -	used to describe the long rowing hulls that are particular to rowing.
8+ (eight) -	eight man shell with coxswain.
4+ (four) -	four man shell with coxswain.
4- -	four man shell without coxswain.
<u>Scull</u> -	one of two rowers each with two "sculls".
<u>Coxswain</u> -	"steersman" - strategist for racing.
<u>Rigger</u> -	outrigging on side of the boat made adjustable for the oars.
<u>Oars</u> -	sweep: one oar per rower. scull: two oars per rower.
<u>Rate</u> -	rating of the number of strokes per minute.
<u>Power 10</u> -	ten hard strokes during a race that are used to "move" on the other crews.
<u>Piece</u> -	used to describe the length of a row (10, 5, 2 etc.)

ROWING COMMITTEE REPORT

BUDGET

PHASE I

Removal of Hazards		
Trees and Stumps	\$1,500	
Underwater Dam	\$5,000	
Sand Bars	\$100,000 *	\$106,500
Bouyage System		\$ 1,000
Signage		\$ 1,500
Two-Way Radio		\$ 150
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TOTAL PHASE I		\$109,150

PHASE II

Safety Reinforcement		
Personnel (2)	\$54,000	
Watercraft (1)	\$17,000	
TOTAL PHASE II		<hr/> \$ 73,000
TOTAL BUDGET		\$182,150

* Represents city portion of cost.

Possible funding sources outside the City:

Clear Clean Colorado
Environmental Protection Agency
Corps. of Engineers
U.S. Rowing Foundation
Corporate Donors