MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Michael McDonald, Deputy City Manager

**DATE:** April 9, 2014

**SUBJECT:** Lake Austin Resolution – No Wake Zone Ordinance

Council passed resolution number 20130829-078 on August 29, 2013, regarding a number of issues related to Lake Austin. One of the items in the resolution directed the City Manager to prepare an ordinance that establishes a no wake zone within 50 feet of the shoreline of Lake Austin.

The Law Department has researched the City's authority regarding a no wake zone ordinance that would address problems other than public safety. They have determined that state law does not grant the City the authority to adopt such a no wake zone ordinance.

The no wake zone ordinance that is referenced in the resolution would be related to environmental protection, not public safety. The Texas Parks and Wildlife Code only allows a city to designate restricted areas of a lake that it deems necessary for public safety. State law also provides that the basic authority for the enactment of boating regulations is reserved to the state.

If you have questions about this issue, please let me know.

cc: Marc A. Ott, City Manager

**RESOLUTION NO. 20130829-078**

**WHEREAS**, Lake Austin is one of the most valuable community assets of the City of Austin and a significant source of pride and attraction, providing drinking water for the City of Austin and other Municipal Utility Districts and superior recreation and boating opportunities for its citizens and visitors; and

**WHEREAS,** the 1984 Lake Austin Ordinance acknowledged the vulnerability of the lake and stressed the importance of protecting it and its environment to promote Austin's economic well-being, and warned that if the Lake Austin Watershed was not developed in a sensitive and innovative manner, the recreational benefits will be irreparably damaged; and

**WHEREAS,** on May 24, 2012, the City Council created the Lake Austin Task Force by Ordinance 20120524-083, to address growing public concern about the health and function of the lake; and

**WHEREAS,** on May 17, 2011, the City Council received a memo from the Parks and Recreation Department acknowledging the disrepair of the Walsh Boat Landing Parking Lot and laying out a plan to construct a safe, accessible, and manageable parking facility on the property using parking revenue, but this parking facility was not built; and

**WHEREAS,** the Lake Austin Task Force worked through the ensuing year and adopted 100% consensus recommendations; and

**WHEREAS,** while the bulk of the recommendations will require long term, coordinated planning, funding, and implementation activities, other recommendations are urgent due to potential public health and safety

concerns or application deadlines, and others can be implemented as an initial step; **NOW THEREFORE,**

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

The City Manager is directed to prepare an ordinance that establishes a no wake zone within 50 feet of the shoreline of Lake Austin and to present the ordinance for Council consideration by November 7, 2013.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to evaluate charging various launch and user fees at public boat ramps and related facilities or amenities, including vehicle parking fees for the Walsh landing area through one of the City's existing parking programs; to draft potential amendments to the proposed FY13/14 Budget to authorize or update appropriate fees related to such locations and activities; and to present initial recommendations to the Comprehensive Planning and Transportation Committee by October 7, 2013 and with recommendations to the Council by November 7, 2013.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a process to ensure administration and enforcement of the existing water quality protections in City Code Chapter 6-5, which concern marine toilets, holding tanks, and marinas, and to provide a briefing to the Public Health and Human Services Committee by December 3, 2013.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a process to ensure enforcement of the existing Land Development Code dock identification or registration tag requirements of Section 25-2-1173 as further discussed in Section 1-13-4 of the Environmental Criteria Manual which require posting of the street address of the property on which a dock is located and provide a report to Council by December 12, 2013; and

**BE IT FURTHER RESOLVED:**

The City Council initiates and the City Manager is directed to process code amendments designed to administer requirements and ensure ongoing compliance with regulations relating to the placement, replacement, and maintenance of identification or registration tags and address information on docks, and to provide a draft ordinance to Council for consideration by January 1, 2014.

**BE IT FURTHER RESOLVED:**

The City Council initiates and the City Manager is directed to process code amendments to improve processes related to shoreline and dock development, redevelopment, and restoration to be more efficient, effective, and environmentally accountable and to return the ordinance to Council for consideration by February 28, 2014.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to outline, by November 15, 2013, a recommended approach to achieve coordinated lake management such as

through utilization of a Lake Management Division as recommended by the Lake Austin Task Force, to ensure a long range and sustainable means to address the many additional concerns raised and issues identified made by the Lake Austin Task Force.

**ADOPTED:** August 29 , 2013 **ATTEST:** _____ For
Jannette S. Goodall
City Clerk