



# Austin Parks and Recreation Department Annual Concession Report 2009-10



**2010**  
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## I. Introduction

City of Austin Ordinance No. 031009-11 requires that an annual report concerning the status of concessions on the Trail at Lady Bird Lake, including the Zilker Park area, be prepared by the Parks and Recreation Department (PARC) and presented to the Parks and Recreation Board and the Environmental Board in October of each year. The report shall describe the current concessions on the Trail at Lady Bird Lake, including operations, sales and revenues for the prior fiscal year, along with any issues or problems that may have arisen. In addition to current concessions, any information regarding new concessions on the Trail at Lady Bird Lake shall be presented as well. The Parks and Recreation Board and the Environmental Board shall then make recommendations to the City Council within 30 days of receipt of the report regarding appropriate concessions on the Trail at Lady Bird Lake, the status of existing concessions and the advisability of issuing Request for Proposals (RFP) for any new concessions.

## II. Current Concessions

There are currently seven concessions on the Trail at Lady Bird Lake which are or have been eligible for contracts of a year or more and have permanent facilities. The seven concessions include four boat-related concessions, a train concession, a pitch and putt golf course, and a food and beverage concession. The four public boat related concessions along with private boat concessions provide approximately 398 boats for rent on Lady Bird Lake.

As shown in the table below, gross sales for these concessions in 2009-2010 were \$3,036,694; and Revenues to the City decreased by 2% in 2009-2010, as \$356,549 in commission payments was remitted by Lady Bird Lake concessionaires.

*Current Concessions Table*

Concession	Commission Paid	2008-2009 Gross Sales	2009-2010 Gross Sales	2008-2009 Revenue to the City	2009-10 Revenue to the City
<b>Barton Springs Food &amp; Beverage</b>	\$90,000 annually (\$7,500 per month) plus 8% of gross annual sales up to \$265,000 and 28.5% of gross annual sales exceeding \$265,000	\$ 475,845	\$ 384,539	\$ 161,992	\$ 156,694
<b>Butler Pitch &amp; Putt</b>	\$14,400 annually (\$1,200/mo.) 1% of gross annual sales up to \$80,000 and 1.5 % of gross annual sales exceeding \$80,000.	\$ 251,762	\$ 272,607	\$ 15,898	\$ 17,583
<b>Lone Star River Boat</b>	\$1,250/month; 8% of net revenue over \$187,500	\$ 352,004	\$ 385,919	\$ 20,395	\$ 23,370
<b>Rowing Dock</b>	\$8,000 annually 1% of gross annual sales and 8% of net annual sales exceeding \$80,000.	\$ 436,300	\$ 465,988	\$ 32,448	\$ 19,824

Concession	Commission Paid	2008-2009 Gross Sales	2009-2010 Gross Sales	2008-2009 Revenue to the City	2009-10 Revenue to the City
<b>Texas Rowing</b>	\$12,000 annually (\$1,000/mo.) 1% of gross annual sales and 8% of net annual sales exceeding \$80,000 minus \$4,000.	\$ 802,883	\$ 839,402	\$ 65,638	\$ 72,103
<b>Zilker Canoe Rental</b>	Minimum of \$18,000 annually and 10% of any amount of \$180,000 gross revenues.	\$ 278,653	\$ 258,871	\$ 25,742	\$ 23,914
<b>Zilker Zephyr Railroad</b>	11% of gross sales	\$ 424,621	\$ 429,370	\$ 43,149	\$ 43,061
<b>Total</b>		<b>\$ 3,022,068</b>	<b>\$3,036,694</b>	<b>\$ 365,262</b>	<b>\$ 356,549</b>

### Major Updates

**Status of the Management and Operation of the Boathouse at Waller Creek on Lady Bird Lake:** The City's Purchasing Department issued RFP Solicitation No. CB30017 for the operation of the proposed Lady Bird Johnson Boathouse on Waller Beach at Town Lake. The department received two (2) responses; Texas Rowing Center and Austin Rowing Club. The evaluation committee met on July 7, August 4, September 1, September 9, and September 15, 2010 to evaluate the proposals and interview both firms. The evaluation committee has submitted a recommendation and City staff is working to submit this recommendation to the appropriate boards and committees prior to submittal to City Council, currently scheduled for December 16, 2010.

### **III. Other Concession Activity**

#### Concession Policy

Although no revisions were made to the concession policy in 2009-10, Parks and Recreation Department staff is in the process of amending the current concession policy. The policy of concessions on City parkland was last revised on October 21, 1997. The concession policy should be revisited every 2-3 years or as the need arises to allow the document to be an effective tool to regulate and control the City of Austin Parkland. A copy of the City Council Approved concession policy (approved March 12, 1998) is included as attachment A.

Parks and Recreation Department Staff is in the process of amending the current concession policy to specify permit requirements and fees for commercial activity on dedicated park land related to fitness, personal training and water sports groups. PARD is working with community leaders to develop a permitting process that reflects the needs of the community and a permit fee that is reasonable and promotes fitness to the greater Austin community. PARD staff anticipates having a recommendation to the Austin City Council by January, 2011 with implementation beginning February 2011. Specific information on this program can be found at [www.ci.austin.tx.us/parks/commercialuse.htm](http://www.ci.austin.tx.us/parks/commercialuse.htm).

**Other Permanent Concessions**

- a. Clay/Kizer Golf Course (Food & Beverage)
- b. Hancock Municipal Golf Course (Golf Course)
- c. Morris Williams Golf Course (Food & Beverage)
- d. Lions Municipal Golf Course (Food & Beverage)
- e. Lions Municipal Golf Course (Pro Shop Management)
- f. Sea Tow (Boat Towing Service)
- g. Tejas Golf (Golf Driving Range)
- h. Vending Machines at PARD Sites (Food & Beverage)

**IV. Concession Status**

The following section of this report will discuss the location, contract term, general activities, reviews, sales, revenues, and commissions for the 2009-10 fiscal year of each permanent Lady Bird Lake concession.

**A. Barton Springs Food and Beverage**

<b>Concessionaire</b>	<b>Location</b>
Mr. Willie Rodriguez	Zilker Park – near Barton Springs Pool
10617 River Plantation Dr	<b>Commission Paid to City</b>
Austin, Texas 78747	\$90,000 annually (\$7,500 per month) plus 8% of gross annual sales up to \$265,000 and 28.5% of gross annual sales exceeding \$265,000
(512) 478-8286	
<b>Hours of Operation</b>	<b>Sign Posted</b>
9:30 a.m. – 6:30 p.m., Monday – Friday	Yes – menu
9:30 a.m. – Dusk, Saturday and Sunday	

**General Activities**

Barton Springs Food and Beverage is the City’s oldest concession. Mr. Willie Rodriguez of Rodriguez Concession, Inc. has been managing the concession since May 1, 1950. A five-year contract with two five-year extension options was executed on August 13, 2004.

Tables 1 & 2 illustrate the monthly sales and revenue to the City for Barton Springs Food and Beverage for the past four fiscal years. Gross sales for fiscal year 2009-10 were \$384,539. Revenues to the City were \$156,694, a 3% decrease from 2008-09.

**Table 1: Barton Springs Food and Beverage Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 17,512.01	\$ 23,539.36	\$ 27,265.86	\$ 15,020.60
<i>November</i>	\$ 18,802.95	\$ 15,234.70	\$ 20,941.53	\$ 20,125.49
<i>December</i>	\$ 7,958.70	\$ 11,428.46	\$ 12,249.51	\$ 9,118.42
<i>January</i>	\$ 11,345.00	\$ 15,103.90	\$ 20,281.41	\$ 10,508.84
<i>February</i>	\$ 21,330.00	\$ 27,678.15	\$ 23,773.54	\$ 13,634.83
<i>March</i>	\$ 30,419.59	\$ 42,235.72	\$ 51,541.06	\$ 41,218.61
<i>April</i>	\$ 27,530.67	\$ 37,861.53	\$ 39,162.32	\$ 31,667.02
<i>May</i>	\$ 33,772.33	\$ 56,599.73	\$ 51,374.83	\$ 44,331.50
<i>June</i>	\$ 39,941.67	\$ 70,115.96	\$ 79,929.98	\$ 56,871.16
<i>July</i>	\$ 30,669.09	\$ 76,868.27	\$ 74,095.86	\$ 65,059.13
<i>August</i>	\$ 45,145.87	\$ 51,919.85	\$ 50,498.03	\$ 54,943.08
<i>September</i>	\$ 27,585.43	\$ 40,991.16	\$ 24,730.60	\$ 22,040.18
<b>Total</b>	\$312,013.31	\$ 469,576.79	\$ 475,844.53	\$ 384,538.86

**Table 2: Barton Springs Food and Beverage Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev. 09-10
<i>October</i>	\$ 7,500.00	\$ 3,500.00	\$ 7,500.00	\$ 7,500.00
<i>November</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>December</i>	\$ 7,500.00	\$ 11,500.00	\$ 7,500.00	\$ 7,500.00
<i>January</i>	\$ 38,112.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>February</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 74,194.00
<i>March</i>	\$ 7,500.00	\$ 36,883.00	\$ 79,492.00	\$ 7,500.00
<i>April</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>May</i>	\$ 2,573.88	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>June</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>July</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>August</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<i>September</i>	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
<b>Total</b>	\$ 115,685.88	\$ 119,383.00	\$ 161,992.00	\$ 156,694.00

**B. Butler Pitch and Putt**

<b>Concessionaire</b>	<b>Location</b>
Lee Kinser	201 Lee Barton Drive
1411 Crabb Rd	(512) 477-9025
Austin, Texas 78704	<b>Commission Paid to City</b>
(512) 844-1848	\$14,400 annually (\$1,200/mo.) 1% of gross annual sales up to \$80,000 and 1.5% of gross annual sales exceeding \$80,000.
<b>Hours of Operation</b>	<b>Sign Posted</b>
8:30 AM until dark, seven days a week	Yes

**General Activities**

Butler Pitch and Putt offers a par-three short irons golf course to participants of all ages. Mr. Winston Kinser and his brother designed the course in 1949. Opened in 1950, Butler Pitch and Putt is one of the City's oldest concessions. Mr. Kinser's son, Al, now maintains and operates the course. Under the contract the concessionaire pays a flat rate of \$1,200 per month and 1% of gross sales up to \$80,000 and 1.5% of gross sales over \$80,000.

Kinser Ranch LLC: Lee and Albert Kinser were awarded a five year contract that began on August 13, 2004, with the option of two five year extension periods.

Tables 3 & 4 illustrate the monthly sales and revenue to the City for Butler Pitch and Putt for the past four fiscal years. Gross sales for fiscal year 2009-2010 were \$272,607 an 8% increase from 2008-2009. Revenues to the City were \$17,583, an 11% increase from 2008-09.

**Table 3: Butler Park Pitch and Putt Green Fees and Merchandise Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 8,202.23	\$ 13,421.85	\$ 15,564.99	\$ 17,703.55
<i>November</i>	\$ 7,012.30	\$ 9,562.13	\$ 13,324.26	\$ 19,741.11
<i>December</i>	\$ 5,684.90	\$ 9,826.21	\$ 11,779.79	\$ 11,313.62
<i>January</i>	\$ 5,759.75	\$ 8,494.61	\$ 13,370.64	\$ 14,741.90
<i>February</i>	\$ 6,609.33	\$ 11,813.92	\$ 15,813.81	\$ 13,639.37
<i>March</i>	\$ 12,690.69	\$ 17,195.74	\$ 21,515.54	\$ 26,473.03
<i>April</i>	\$ 19,027.07	\$ 19,354.25	\$ 24,313.57	\$ 29,683.00
<i>May</i>	\$ 20,062.66	\$ 22,746.81	\$ 29,767.90	\$ 34,865.79
<i>June</i>	\$ 19,826.44	\$ 25,016.89	\$ 26,963.28	\$ 24,993.55
<i>July</i>	\$ 18,399.38	\$ 28,136.57	\$ 30,819.40	\$ 29,163.27
<i>August</i>	\$ 17,054.94	\$ 19,301.96	\$ 29,763.84	\$ 28,914.42
<i>September</i>	\$ 12,634.26	\$ 18,736.41	\$ 18,765.09	\$ 21,374.18
<b>Total</b>	\$ 152,963.95	\$ 203,607.35	\$ 251,762.11	\$ 272,606.79

**Table 4: Butler Park Pitch and Putt Revenue to the City**

	Rev 06-07	Rev. 07-08	Rev 08-09	Rev. 09-10
<i>October</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>November</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>December</i>	\$ 1,100.00	\$ 2,861.19	\$ 1,100.00	\$ 1,200.00
<i>January</i>	\$ 1,100.00	\$ 1,100.00	\$ 3,597.95	\$ 1,200.00
<i>February</i>	\$ 2,581.57	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>March</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>April</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 4,382.69
<i>May</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>June</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>July</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00
<i>August</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00	\$ 1,200.00
<i>September</i>	\$ 1,100.00	\$ 1,100.00	\$ 1,200.00	\$ 1,200.00
<b>Total</b>	\$ 14,681.57	\$ 14,961.19	\$ 15,897.95	\$ 17,582.69

**C. Lone Star Riverboat**

<b>Concessionaire</b>	<b>Location</b>
Mr. Michael K. Pearce	101 South First
P.O. Box 5874	(512) 327-1388
Austin, Texas 78763	
<b>Hours of Operation</b>	<b>Commission Paid to City</b>
<i>Summer Hours (March - October):</i>	\$1,250/month; 8% of net sales over \$187,500
Public rides: Saturday – Sunday at 3:00 p.m.	
Private charters: on a reservation basis	
Bat Watching – All Week – Sunset 5:30 – 9:00 p.m.	
<i>Fall Through Spring Hours (Sept. – May)</i>	<b>Sign Posted</b>
Private charters: on a reservation basis	Yes

**General Activities**

The Lone Star Riverboat is an old-fashioned style stern paddle wheel riverboat that has been providing rides on Lady Bird Lake since 1979. Narrated tours of the lake that last 1½ hours, are available to the public Tuesday through Sunday at 5:30 p.m. A “Moonlight Cruise”, which is not narrated, is offered on Friday nights at 10:30 p.m. Public rides are offered on Saturday and Sunday at 3:00 p.m. during off months. Prices for public rides are as follows: \$9.00 for adults, \$7.00 for seniors and \$6.00 for children under twelve. Private charters occur on a reservation basis only and constitute approximately 75% of the concession’s annual gross receipts. Catering is available on charters. The City has begun the process of exercising paragraph 5.1.1 whereby the Contractor will hold over the contract under the terms and conditions of the agreement for a period of 120 days to re-solicit the contract.

Michael Pearce was awarded a five-year contract that began in January 2001, with one five-year extension option that was exercised with an effective date of January 1, 2006 and expires December 31, 2010. Under the terms of the contract, Mr. Pearce remits monthly payments of \$1,250. In addition, at the end of each

calendar year, Mr. Pearce remits the City eight percent of any net revenue over \$187,500. Net revenue for 2010 was \$385,919.

Tables 5 & 6 illustrate the monthly sales and revenue to the City for Lone Star Riverboat for the past four fiscal years. Gross sales for 2009-10 were \$385,919 a 10% increase in sales from 2008-2009. Revenues to the City totaled \$23,370, a 15% increase.

**Table 5: Lone Star Riverboat Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 32,038.27	\$ 43,360.19	\$ 36,396.18	\$ 32,327.83
<i>November</i>	\$ 6,454.80	\$ 12,755.60	\$ 16,145.13	\$ 13,085.60
<i>December</i>	\$ 5,810.94	\$ 5,630.00	\$ 15,173.56	\$ 10,947.97
<i>January</i>	\$ 1,052.70	\$ 567.60	\$ 2,629.60	\$ 4,433.30
<i>February</i>	\$ 3,310.67	\$ 8,349.87	\$ 6,115.23	\$ 8,114.85
<i>March</i>	\$ 21,936.98	\$ 14,931.85	\$ 13,979.03	\$ 29,724.31
<i>April</i>	\$ 35,613.18	\$ 46,243.81	\$ 28,954.95	\$ 40,279.65
<i>May</i>	\$ 38,574.37	\$ 60,787.03	\$ 53,380.54	\$ 48,427.03
<i>June</i>	\$ 35,814.61	\$ 31,553.11	\$ 52,093.32	\$ 52,416.52
<i>July</i>	\$ 13,469.43	\$ 22,013.10	\$ 56,114.36	\$ 61,979.29
<i>August</i>	\$ 36,553.17	\$ 16,015.80	\$ 43,353.40	\$ 46,114.82
<i>September</i>	\$ 24,721.06	\$ 29,982.54	\$ 27,668.60	\$ 38,067.44
<b>Total</b>	\$ 255,350.18	\$ 292,190.50	\$ 352,003.90	\$ 385,918.61

**Table 6: Lone Star Riverboat Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev 09-10
<i>October</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>November</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>December</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>January</i>	\$ 1,250.00	\$ 5,232.33	\$ 6,645.42	\$ 9,619.90
<i>February</i>	\$ 3,330.97	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>March</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>April</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>May</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>June</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>July</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>August</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<i>September</i>	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
<b>Total</b>	\$ 17,080.97	\$ 18,982.33	\$ 20,395.42	\$ 23,369.90

**D. Texas Rowing**

<b>Concessionaire</b>	<b>Location</b>
Matt and Kristin Knifton	On the Hike and Bike Trail across from Austin High School
	<b>Commission Paid to City</b>
1541 West Cesar Chavez Austin, Texas 78703 (512) 467-7799	\$12,000 annually (\$1,000/mo.) 1% of gross annual sales, and 8% of net annual sales exceeding \$80,000 minus \$4,000.
<b>Hours of Operation</b>	<b>Sign Posted</b>
6:00 a.m. – Dark every day of the year except Thanksgiving (6:00 a.m. – 1:00 p.m.) Christmas Day (9:00 a.m. – 11:00 a.m.)	Yes

**General Activities**

Texas Rowing offers rowing lessons, coaching and equipment rentals on Lady Bird Lake. In 1999, Matt and Kristin Knifton partnered with Anne Marie Heilman, owner of L’Aviron, to form Texas Rowing. In May 2005, Texas Rowing signed a five-year contract extension with the City of Austin. Two five-year extension options remain on the contract.

Based on the terms of the contract, the concessionaire remits a monthly payment of \$1,000 to the City. In addition, the contractor will pay the City one percent of the club’s yearly net revenue, and eight percent of the net revenue above \$80,000 per year in four equal payments. In April 2004, the Knifton’s bought out Ms. Heilman and they are now sole owners of the business.

Tables 7 & 8 illustrate the monthly sales to the City for Texas Rowing for the past four fiscal years. The gross sales for 2009-2010 were \$839,402. The revenues paid to the City were \$72,103, a 10% increase.

**Table 7: Texas Rowing Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 43,259.48	\$ 52,468.36	\$ 46,066.48	\$ 37,781.05
<i>November</i>	\$ 31,051.19	\$ 31,563.28	\$ 33,747.34	\$ 43,790.26
<i>December</i>	\$ 39,473.39	\$ 40,748.14	\$ 42,294.06	\$ 47,173.92
<i>January</i>	\$ 37,456.13	\$ 40,356.12	\$ 45,130.42	\$ 45,093.26
<i>February</i>	\$ 33,137.37	\$ 42,072.06	\$ 33,756.77	\$ 36,718.21
<i>March</i>	\$ 41,405.99	\$ 52,427.32	\$ 59,881.87	\$ 70,909.50
<i>April</i>	\$ 54,531.71	\$ 61,746.04	\$ 59,371.38	\$ 65,577.28
<i>May</i>	\$ 75,638.01	\$ 86,187.24	\$ 101,656.02	\$107,453.83
<i>June</i>	\$ 68,546.70	\$ 92,644.99	\$ 114,475.21	\$117,865.37
<i>July</i>	\$ 49,575.72	\$ 95,374.67	\$ 101,828.90	\$101,382.80
<i>August</i>	\$ 68,461.15	\$ 95,576.15	\$ 107,510.37	\$110,181.53
<i>September</i>	\$ 60,087.70	\$ 65,695.58	\$ 57,164.58	\$ 55,474.82
<b>Total</b>	\$ 602,624.54	\$756,859.95	802,883.40	\$839,401.83

**Table 8: Texas Rowing Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev 09-10
<i>October</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>November</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>December</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>January</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>February</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>March</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>April</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>May</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 16,025.74
<i>June</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 16,025.74
<i>July</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 16,025.74
<i>August</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 16,025.74
<i>September</i>	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
<i>Lump Sum</i>	\$ 39,590.00	\$ 44,581.43	\$ 53,637.56	
<b>Total</b>	\$ 51,590.00	\$ 56,581.43	\$ 65,637.56	\$ 72,102.96

**E. Rowing Dock**

<b>Concessionaire</b>	<b>Location</b>
Susan Goldberg	On Stratford Drive just west of the Austin Nature and Science Center
(512) 459-0999	<b>Commission Paid to City</b>
P.O. Box 685162 Austin, Texas 78768	\$8,000 annually. 1% of gross annual sales and 8% of net annual sales exceeding \$80,000.
<b>Hours of Operation</b>	<b>Sign Posted</b>
6:00 a.m. to 6:00 p.m.	Yes

**General Activities**

Rowing Dock, Parks and Recreation Department’s newest concession, opened for business in December 1999. They offer a variety of services which promote the sport of rowing including rentals, private lessons, classes and membership. Rowing Dock features a variety of boats from pontoons to sleek racing shells to accommodate the individual goals of all rowers.

May 1, 2002, Rowing Dock signed a five-year contract with the City with the option of two five-year extension periods. In early 2003, Rachel Yates bought out her partner, Paolo Missinni to become the sole proprietor of Rowing Dock. In 2010, Susan Goldberg acquired Rowing Dock. The first option was exercised for the term May 1, 2007 through April 30, 2012. Under the terms of the contract, Rowing Dock will pay \$8,000 annually to the City. In addition, the contractor will pay the City one percent of gross sales and eight percent of net annual sales exceeding \$80,000.

Tables 9 &10 illustrate Rowing Dock’s monthly sales and revenues paid to the City of Austin for the past four years. In FY 2009-2010, gross sales totaled \$465,988, a 7% increase from 2008-2009 figures. Revenues paid to the City totaled \$19,824, a 39% decrease.

**Table 9: Rowing Dock Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 18,092.00	\$ 26,413.00	\$ 28,069.90	\$ 12,286.00
<i>November</i>	\$ 14,057.00	\$ 14,616.00	\$ 13,830.00	\$ 12,621.00
<i>December</i>	\$ 7,665.00	\$ 9,943.00	\$ 9,352.90	\$ 8,366.00
<i>January</i>	\$ 7,140.00	\$ 11,643.90	\$ 14,388.00	\$ 5,716.00
<i>February</i>	\$ 13,007.50	\$ 22,105.40	\$ 16,818.00	\$ 14,746.00
<i>March</i>	\$ 28,518.50	\$ 34,888.40	\$ 38,806.23	\$ 41,664.00
<i>April</i>	\$ 26,970.00	\$ 43,949.00	\$ 38,427.50	\$ 45,844.00
<i>May</i>	\$ 45,558.00	\$ 60,518.00	\$ 62,782.70	\$ 65,452.00
<i>June</i>	\$ 42,266.00	\$ 42,149.00	\$ 65,785.80	\$ 66,837.00
<i>July</i>	\$ 8,860.80	\$ 58,997.00	\$ 66,551.00	\$ 84,775.14
<i>August</i>	\$ 35,209.00	\$ 43,489.40	\$ 54,896.20	\$ 78,109.00
<i>September</i>	\$ 24,275.00	\$ 33,571.00	\$ 26,592.00	\$ 29,572.00
<b>Total</b>	\$ 271,618.80	\$ 402,283.10	\$ 436,300.23	\$ 465,988.14

**Table 10: Rowing Dock Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev 09-10
<i>October</i>	\$ 1,443.50	\$ 1,983.70	\$ 2,113.00	\$ 922.70
<i>November</i>	\$ 1,050.40	\$ 1,097.70	\$ 1,039.00	\$ 841.70
<i>December</i>	\$ 580.90	\$ 744.30	\$ 703.90	\$ 634.80
<i>January</i>	\$ 535.60	\$ 888.20	\$ 1,074.90	\$ 425.20
<i>February</i>	\$ 988.60	\$ 1,678.80	\$ 827.90	\$ 1,124.80
<i>March</i>	\$ 2,160.40	\$ 2,640.10	\$ 3,004.20	\$ 3,121.50
<i>April</i>	\$ 2,051.30	\$ 3,344.00	\$ 2,905.10	\$ 667.00
<i>May</i>	\$ 3,462.90	\$ 4,576.00	\$ 4,740.20	\$ 9,418.40
<i>June</i>	\$ 3,181.70	\$ 3,166.00	\$ 4,964.90	\$ 667.00
<i>July</i>	\$ 684.90	\$ 4,415.00	\$ 4,995.00	\$ 667.00
<i>August</i>	\$ 2,639.10	\$ 3,241.10	\$ 4,099.10	\$ 667.00
<i>September</i>	\$ 1,815.40	\$ 2,519.00	\$ 1,981.20	\$ 667.00
<b>Total</b>	\$ 20,594.70	\$ 30,293.90	\$ 32,448.40	\$ 19,824.10*

\* Lump Sum Not Received as of Report Date

**F. Zilker Canoe Rentals**

<b>Concessionaire</b>	<b>Location</b>
Mr. Howard Barnett	West side of Barton Creek immediately below Barton Springs Pool
	<b>Commission Paid to City</b>
2201 Barton Springs Rd Austin, Texas 78746	Minimum of \$18,000 annually and 10% of any amount of \$180,000 gross revenues.
<b>Hours of Operation</b>	<b>Sign Posted</b>
March – Labor Day: Weekdays: 11:00 a.m. – Dusk Weekdays and Holidays: 9:00 a.m. – Dusk After Labor Day: 11:00 a.m. – Dusk, weekends only	Yes

**General Activities**

Zilker Canoe Rentals is the City’s oldest boating concession. Mr. Howard Barnett started the concession in 1969 and throughout the years has not only provided the City with consistent revenues, but has also provided many boating experiences to groups from various organizations free of charge. Some of these organizations include: the Austin Sunshine Camp, the Texas School for the Blind and Visually Impaired, and the Texas School for the Deaf. By allowing the use of the canoes during non-peak hours to groups such as these, Mr. Barnett has afforded experiences to many people who would otherwise never have an opportunity to canoe. Life jackets are supplied to all renters and required for children under 12 years old.

Howard Barnett was awarded a five-year contract that began in March 2006, with two five-year extension options. Under the terms of the contract, Mr. Howard remits \$18,000 annually and 10% of gross sales over \$180,000.

Tables 11 & 12 illustrate the monthly sales and revenue to the City for Zilker Canoe Rentals for the past four fiscal years. Gross sales in 2009-2010 were \$258,871 a 7% decrease from 2008-2009 figures, and revenues to the City totaled \$23,914 a 7% decrease.

**Table 11: Zilker Canoe Rental Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 10,271.00	\$ 13,007.25	\$ 14,772.25	\$ 7,742.00
<i>November</i>	\$ 9,452.75	\$ 6,661.00	\$ 9,305.00	\$ 8,537.50
<i>December</i>	\$ 1,493.50	\$ 2,876.00	\$ 5,110.00	\$ 910.00
<i>January</i>	\$ 2,503.50	\$ 3,171.00	\$ 9,315.00	\$ 3,795.00
<i>February</i>	\$ 6,047.75	\$ 9,651.50	\$ 7,295.50	\$ 6,185.00
<i>March</i>	\$ 19,351.50	\$ 25,595.50	\$ 32,540.00	\$ 28,410.00
<i>April</i>	\$ 20,525.25	\$ 25,030.00	\$ 25,201.50	\$ 27,590.50
<i>May</i>	\$ 25,687.50	\$ 35,485.00	\$ 39,467.00	\$ 43,040.50
<i>June</i>	\$ 22,268.00	\$ 34,265.00	\$ 42,700.00	\$ 39,395.00
<i>July</i>	\$ 4,260.00	\$ 41,076.75	\$ 41,719.50	\$ 41,500.00
<i>August</i>	\$ 19,600.00	\$ 32,089.00	\$ 35,051.00	\$ 36,110.00
<i>September</i>	\$ 14,081.00	\$ 19,487.50	\$ 16,176.50	\$ 15,655.00
<b>Total</b>	\$ 155,541.75	\$ 248,395.50	\$ 278,653.25	\$258,870.50

**Table 12: Zilker Canoe Rental Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev 09-10
<i>October</i>	\$ -	\$ -	\$ 1,364.65	\$ 715.20
<i>November</i>	\$ 181.80	\$ -	\$ 859.58	\$ 788.68
<i>December</i>	\$ 137.97	\$ 50.00	\$ 472.06	\$ 84.07
<i>January</i>	\$ 231.27	\$ -	\$ 860.51	\$ 350.58
<i>February</i>	\$ 558.68	\$ -	\$ 673.95	\$ 571.36
<i>March</i>	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<i>April</i>	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
<i>May</i>	\$ 5,000.00	\$ 8,000.00	\$ 5,000.00	\$ 5,000.00
<i>June</i>	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 3,000.00
<i>July</i>	\$ -	\$ -	\$ -	\$ -
<i>August</i>	\$ -	\$ -	\$ 2,016.54	\$ 1,958.00
<i>September</i>	\$ -	\$ 1,679.33	\$ 1,494.97	\$ 1,446.19
<b>Total</b>	\$ 19,109.72	\$ 19,729.33	\$ 25,742.26	\$ 23,914.08

**G. Zilker Zephyr Railroad**

<b>Concessionaire</b>	<b>Location</b>
Mr. Willie Rodriguez – Texas Special, Inc.	Zilker Park Train Station located next to playscape
10617 River Plantation Dr	<b>Commission Paid to the City</b>
Austin, Texas 78747	11% of gross sales
(512) 478-8286	
<b>Hours of Operation</b>	<b>Sign Posted</b>
10:00 a.m. – 5:00 p.m. Monday – Friday	Yes
10:00 a.m. – 7:00 p.m. Saturday and Sunday	

**General Activities**

On November 16, 1996, the City Council awarded a ten-year contract to Texas Special, Inc. to operate the Zilker Zephyr with two five-year extension options. The first option was exercised for the term October 1, 2006 through September 30, 2011. Texas Special, Inc. partnered with Rodriguez Concessions, Inc (of Barton Springs Food and Beverage). In mid-2000 Rodriguez Concessions bought out Texas Special and is currently responsible for the operation of the Zilker Zephyr. The current contract requires Texas Special to pay 11% of gross sales to the City.

Tables 13 & 14 illustrate the monthly sales and revenue to the City for Zilker Zephyr (formerly Zilker Eagle) Railroad for the past four fiscal years. Gross sales for 2009-2010 were \$429,370 a 1% increase from 2008-2009 figures and revenues to the City totaled \$43,061, a 0.2% decrease from the previous year figures.

**Table 13: Zilker Zephyr Railroad Ticket and Souvenir Sales**

	Sales 06-07	Sales 07-08	Sales 08-09	Sales 09-10
<i>October</i>	\$ 23,910.75	\$ 34,663.60	\$ 36,849.75	\$ 24,575.00
<i>November</i>	\$ 32,579.75	\$ 26,387.50	\$ 33,780.45	\$ 39,958.50
<i>December</i>	\$ 18,857.25	\$ 24,724.00	\$ 22,479.75	\$ 25,464.01
<i>January</i>	\$ 16,678.00	\$ 23,941.01	\$ 28,148.75	\$ 22,431.94
<i>February</i>	\$ 25,890.00	\$ 29,711.50	\$ 31,068.75	\$ 25,415.02
<i>March</i>	\$ 39,528.00	\$ 49,615.48	\$ 50,291.00	\$ 47,445.00
<i>April</i>	\$ 35,654.50	\$ 39,848.50	\$ 41,718.00	\$ 43,640.12
<i>May</i>	\$ 34,627.50	\$ 42,114.03	\$ 43,817.00	\$ 48,402.00
<i>June</i>	\$ 33,978.29	\$ 37,592.57	\$ 36,283.47	\$ 39,700.00
<i>July</i>	\$ 33,529.50	\$ 43,498.02	\$ 36,991.00	\$ 44,965.06
<i>August</i>	\$ 32,841.75	\$ 35,809.10	\$ 32,742.00	\$ 34,276.00
<i>September</i>	\$ 23,458.25	\$ 36,673.50	\$ 30,451.30	\$ 33,097.00
<b>Total</b>	\$ 351,533.54	\$ 424,578.81	\$ 424,621.22	\$ 429,369.65

**Table 14: Zilker Zephyr Railroad Ticket and Souvenir Revenue to the City**

	Rev. 06-07	Rev. 07-08	Rev. 08-09	Rev 09-10
<i>October</i>	\$ 2,429.73	\$ 3,522.40	\$ 3,744.55	\$ 2,497.23
<i>November</i>	\$ 3,310.65	\$ 2,681.41	\$ 3,432.66	\$ 4,060.47
<i>December</i>	\$ 1,916.22	\$ 2,512.37	\$ 2,284.32	\$ 2,587.57
<i>January</i>	\$ 1,694.77	\$ 2,432.81	\$ 2,860.39	\$ 1,709.60
<i>February</i>	\$ 2,630.86	\$ 3,019.19	\$ 3,157.11	\$ 2,582.59
<i>March</i>	\$ 4,016.71	\$ 5,041.76	\$ 5,110.41	\$ 4,821.21
<i>April</i>	\$ 3,623.09	\$ 4,049.27	\$ 4,239.25	\$ 4,434.57
<i>May</i>	\$ 3,518.73	\$ 4,279.48	\$ 4,452.54	\$ 4,918.45
<i>June</i>	\$ 3,452.76	\$ 3,820.02	\$ 3,687.01	\$ 4,034.18
<i>July</i>	\$ 3,407.16	\$ 4,420.13	\$ 3,758.91	\$ 4,569.20
<i>August</i>	\$ 3,337.27	\$ 3,638.80	\$ 3,327.14	\$ 3,483.02
<i>September</i>	\$ 2,383.85	\$ 3,726.64	\$ 3,094.36	\$ 3,363.21
<b>Total</b>	\$ 35,721.80	\$ 43,144.28	\$ 43,148.65	\$ 43,061.30

## Attachment: A

Parks and Recreation Department Staff is in the process of amending the current concession policy based on anticipated implementation of Private Use Policy

### PARKS AND RECREATION DEPARTMENT POLICY/PROCEDURE

Title: Policy for Concessions on City Parkland Effective Date: March 13, 1998

Council Approval: March 12, 1998 Revised Date: October 21, 1997

Purpose: To establish a policy for concessions on all City parkland.

Reference:

Policy: The Parks and Recreation Department (PARC) has developed this policy regarding the limited private commercial use within the City's park system in the form of concessions, including permanent and temporary concessions. These policies are intended to maintain the aesthetic and environmental quality of the City's park system and to ensure a financial return to the City of Austin from such uses or to provide a public good to the citizens of Austin.

All proposals for concessions on Lady Bird Lake will be reviewed in compliance with Chapter 11-3 of the City code. The definition of a concession is as follows: "Any privately operated business on parkland serving park users, authorized by the City in accordance with applicable ordinance requirements. Types of businesses operated as concessions may include without limitation, food and beverage stands, boat rentals, excursion boats, boating lessons, bicycle rentals, and pushcarts." Concessions also include businesses which provide souvenirs and other goods and services to park users and which generally pay a portion of their revenue to the City or provide a public good to the citizens of Austin.

There are three categories of concessions: 1) new permanent concessions, 2) existing permanent concessions, whose contracts have expired, and 3) unsolicited temporary concessions. The following policies will address the development of permanent concessions on parkland and establish guidelines for temporary concessions.

## New Permanent Concession Development<sup>1</sup>

In order to comply in a timely manner with the Lady Bird Lake Ordinance the following time line will be followed annually:

April 1 – June 30	Staff will accept input for new concession ideas through various methods e.g., surveys of boards, commissions, advisory groups and park users; public notice; and requests for written suggestions from the general public.
By July 31	Staff will submit a report to the Parks and Recreation Board and the Environmental Boards, describing all proposals received for new concessions ideas.
By August 31	A subcommittee made up of City staff, representatives of the Parks and Recreation Board and the Environmental Board will review concepts and make recommendations to each Board.
By September 30	The Environmental Board and the Parks and Recreation Board will recommend which of the concession concepts (if any) should go forward to a public hearing. Potential locations of all the concessions must be determined prior to the setting of the public hearing. No less than 21 days prior to the public hearing, signs will be posted at the prospective locations of the concession(s). Notices will be sent to all interested parties including the media.
By October 31	Staff will present the annual concession report <sup>2</sup> . This report will provide a synopsis of this process and will include the Environmental Board, Parks and Recreation Board and staff recommendations.
By November 30	The Parks and Recreation Board and the Environmental Board will forward to the City Council their response to the annual report.
By January 31	Staff will issue RFPs for new concessions approved by Council.

RFPs for new permanent concessions will require payments based on a flat fee schedule or on a percentage basis of gross sales less sales tax. The method of payment for each concession will be determined on a case by case basis by the Parks and Recreation Director. The flat fee or percentage of sales methods will be determined based on an analysis of the location and type of concession and will be calculated by City staff. The contracts will require an annual review of the concession to determine incremental increases to the fees after the second year of the contract. Additionally, for the flat fee, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

<sup>1</sup> A permanent concession is defined as a concession, which has or is eligible for a contract of a year or more and generally has a permanent structure.

<sup>2</sup> As required by Lady Bird Lake Ordinance No. 890126.

An evaluation team will review RFP responses and make recommendations to Council. (As allowed by chapter 11-3 of the City code, the evaluation team will include staff and may include one representative from each of the following organizations: Parks and Recreation Board, Environmental Board, and Design Commission.) Recommendations for award of contracts as a result of this process will be forwarded to the Parks and Recreation Board for review and recommendation prior to the City Council action. Following Council approval, a contract will be negotiated and executed.

#### Permanent Concession Policy for Existing Contracts About to Expire

Staff will gather public input concerning items that should be addressed in a new contract, for an existing concession 90 days prior to contract's expiring.

RFPs will be issued for new contract periods for existing concessions. An evaluation team will review the proposals and make recommendations to the Parks and Recreation Board. The evaluation team will include staff and may include one representative from the Parks and Recreation Board, Environmental Board, and Design Commission. Requests for Council Action (RCAs) will be submitted to Council for contract award.

RFPs for existing concessions will require payments based on a flat fee schedule or on a percentage basis (as they stand now) for the term of the contract. The method of payment for concessions will be determined on a case by case basis, by the Parks and Recreation Director. The flat fee or percentage of sales payment will be based on an analysis of the location and type of concession and on a five-year history of that particular concession. City staff will calculate this fee. For the flat fee method, the contracts will require an annual review of the concession to determine incremental increases to the flat fee after the first year of the contract. Additionally, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

#### Temporary - Seasonal Concession Policy

A temporary or seasonal concession is defined as a concession which does not require a building or other type of permanent structure from which to operate and has a contract term limited to one year or less. Fees for temporary or seasonal contracts will be established by the City Council in the annual budget. Any temporary concession granted a temporary/seasonal permit two times within a 12 month period will be considered in the annual process for new permanent concessions. The Director of Parks and Recreation is authorized to negotiate and enter into temporary or seasonal concession contracts based on predetermined criteria to include impact, location, service level, revenues to the City, and any other criteria which may be in the best interest of the City and the use of its parkland.

### Single Day – Temporary Permits

A single day temporary permit is defined as a concession set up outside of a special event taking place in a City Park. This concessionaire would have the opportunity to purchase a one-day permit for \$50.00 at the site of the event or cease and remove the operation of the concession from the area immediately.

### Performing Artists in the Parks

Performing artists are allowed to entertain in the parks provided they register with and are approved by the Director of the City of Austin Parks and Recreation Department. Performing artists are categorized under the single day – temporary permit fee structure. The fee for performing artists will be \$10.00 a day and may be purchased in 2-week increments. When applying, the performing artist must provide specific days of operation, so this can be reflected on the permit.

Individuals may perform as artists or entertainers in any City park as long as they meet the following conditions. They:

- A. May not block sidewalks or in any way impede pedestrian or vehicular traffic circulation.
- B. May not be within 100 feet of an existing concession's main operating location.
- C. May set up at special events only with written permission of event organizer.
- D. May not use Amplified sound.
- E. Juggling of potentially hazardous materials or items such as knives or fire is prohibited.
- F. Any money exchanged must be on a "tips" or donation basis only, with the amount to be determined by the donor.
- G. Entertainers must carry the permit issued by the Parks and Recreation Department allowing them to perform in the park. This permit is to be available on request by any park employee charged with patrolling or supervising park use or by any citizen.
- H. May not impede or interfere with the use of park facilities or scheduled activities.

Failure to produce the permit issued from the Parks and Recreation Department can result in immediate expulsion from the park.

Report(s) Required: This policy is to be reviewed by the Parks Board every three years from the date of original approval with changes to be approved by Council. The Director of Parks and Recreation is authorized to develop guidelines and make changes thereto for the implementation of this policy.