



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Juan Ortiz, Director Homeland Security and Emergency Management *JO*  
Chief Rhoda Mae Kerr, Austin Fire Department *RMK*

Kimberly A. McNeeley, CPRP, Acting Director *KM*  
Austin Parks and Recreation Department

**DATE:** February 14, 2018

**SUBJECT:** Ordinance Amendment

---

On Thursday, February 15, 2018, City Council is being asked to approve an amendment to City Code Chapter 8-5, Article 2, Section 8-5-21 to give the Director of Parks and Recreation authority to ban commercial or recreational use of Bull Creek or Barton Creek during flood or anticipation of flood conditions, and changing posting requirements for waterway bans. The purpose of this memo is to provide context associated with the consideration.

Currently, Chapter 8-5 Article 2, Section 8-5-22 - RESTRICTED AREAS specifies that a person may not enter or be on the lake, river, creek or other area that is the subject of a ban issued in accordance with this article. The Parks and Recreation Department Director, as a matter of standard health and safety practice, issues closure of Barton Creek and Bull Creek green belts/trails when flooding presents an imminent danger or has occurred. However, current City Code Chapter 8-5, Article 2, Section 8-5-21 code gives the Austin Fire Chief authority to ban waterway usage. This split authority creates unnecessary public notification confusion and inefficiencies in issuance of closures as a matter of public safety.

The change in the ordinance gives the Parks and Recreation Director authority to simultaneously close access to specified waterways via specific greenbelts/trails and associated waterways. The change in closure authority is simply a designation of responsibility; it in no way alters the established criteria for closure. In the event of an imminent flood event, the Parks and Recreation Director will work closely with the Fire Chief and Homeland Security and Emergency Management representatives to make a closure decision in the best interest of public safety.

The ordinance amendment also updates the notification of waterway bans to remove the non-immediate notification processes (like publishing in the newspaper). Immediate notification channels include website notification, radio and television notifications and posting at City Hall; all of which are unchanged from the original ordinance.

The Austin Fire Department, Homeland Security and Emergency Management, and the Parks and Recreation Department worked with the City Law Department to create the suggested the amendment.

Kimberly McNeeley is available to answer any questions and can be reached at 512-974-6722.

cc: Spencer Cronk, City Manager  
Sara Hensley, Interim Assistant City Manager  
Rey Arellano, Assistant City Manager