



MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City Manager 

DATE: January 31, 2020

SUBJECT: No-Wake Zones on Lake Austin; Resolution 20130829-078

The purpose of this memorandum is to provide an update on [Resolution No. 20130829-078](#), which directed the City Manager to, among other elements, prepare an ordinance establishing a no-wake zone within 50 feet of the shoreline of Lake Austin. The Resolution outlined a number of directives that required long-term planning and coordinated efforts from multiple departments. The no-wake zone provision is the final pending recommendation for completion.

Background

The Lake Austin Task Force issued a [report](#) in 2013 that included the recommendation for the creation of no-wake zones along the shores of Lake Austin. The Lake Austin Task Force recommended this action to calm traffic and increase safety on Lake Austin. In spring 2014, the Law Department researched the City's authority in implementing a no-wake zone ordinance that would address public health, public safety, welfare, environmental and natural resource conservation and sustainability. After extensive research, it was determined that state law did not grant the City the authority to adopt a no-wake zone ordinance unless the no-wake zones were necessary for public safety. Moreover, any no-wake zone must adhere to the Texas Parks and Wildlife Department's rules requiring the placement of buoys or pilings. It was determined that placement of buoys along the entirety of Lake Austin could be cost prohibitive and potentially create other safety issues.

Council approved [Resolution No. 20141106-065](#) on November 6, 2014, which directed the City Manager to petition the Texas Parks and Wildlife Department (TPWD) for an amendment to the Texas Administrative Code. Title 31 Section 55.303 requires that governing boards (e.g., the City of Austin) establishing no-wake zones post and maintain buoys or pilings to mark the zones. Per the resolution, the City Manager petitioned TPWD to waive those requirements on Lake Austin and allow the City to place buoys, pilings, and other notices as the City deemed necessary. TPWD rejected the City's requested amendment to its Rules. TPWD, however, also confirmed that its Rules did not require specific distances between buoys or pilings to mark no-wake zones.

Throughout this process, staff provided updates to Mayor and Council on the following dates, regarding efforts underway and progress on actions outlined in Resolution No. 20130829-78: [November 4, 2013](#), [December 19, 2013](#), [April 9, 2014](#), [May 12, 2014](#), and [July 19, 2018](#).

Next Steps

After considerable study, public outreach, and internal collaboration, the City Manager recommends creating two new no-wake zones in specific areas, rather than along the entirety of the Lake Austin shoreline. The creation of no-wake zones along the entire shoreline of Lake Austin, as originally recommended by the Lake Austin Taskforce, would create numerous practical problems and, for enforcement purposes, would require the purchase and maintenance of a significant number of buoys. The more focused no-wake zones would calm traffic in areas that are particularly busy and where there is a greater likelihood for conflicts between boaters, and between boaters and other users of the lake.

On February 6, 2020, the City Council is scheduled to consider a proposed ordinance that will create the two no-wake navigation control zones proposed by the City Manager. The no-wake zones will be located in the area around the Pennybacker Bridge and in the area immediately up-river of the Tom Miller Dam, near the Oyster Landing Marina and the Walsh Boat Landing. Both no-wake zones are displayed on the attached map.

The no-wake zones will be marked by water safety buoys that are owned by the City. The Lower Colorado River Authority will be paid \$3,230 from the Parks and Recreation FY 2019-2020 Operating Budget for costs associated with installation of the buoys. In the future, the City will be responsible for the costs of ongoing maintenance of the buoys. The Austin Police Department's Lake Patrol will enforce the no-wake navigation control zones. Persons that do not comply with the regulations indicated by the navigation buoys marking the no-wake navigation control zones can be charged with a Class C misdemeanor, punishable by a fine not to exceed \$500.

Approval of the ordinance would improve safety on Lake Austin. City staff will conduct public outreach before the summer boating season to ensure that the public is well-informed of these changes.

Should you have questions related to this item, please contact Assistant City Attorney Chris Coppola, at 512-974-2161 or Assistant Chief Joseph Chacon at 512-974-5030.

Cc: Spencer Cronk, City Manager
CMO Executive Team
Anne Morgan, City Attorney
Chief Brian Manley, Austin Police Department
Kimberly McNeeley, Parks and Recreation Department Director
Jorge Morales, Watershed Protection Department Director

Attachment: Map

