

RESOLUTION NO.

WHEREAS, Barton Springs is known locally and nationally as an iconic water recreation area and is one of Austin's most recognized and enjoyed attractions; and

WHEREAS, people often swim and play in the Spillway east of Barton Springs Pool and in Barton Creek between Barton Springs Pool and Lady Bird Lake; and

WHEREAS, dogs often swim and play off-leash in the Spillway east of Barton Springs Pool and in Barton Creek between Barton Springs Pool and Lady Bird Lake; and

WHEREAS, City Code section 8-5-49 prohibits swimming in Barton Creek between Barton Springs and Town Lake (Lady Bird Lake); and

WHEREAS, dogs are currently permitted to play and swim in the Spillway and in Barton Creek between Barton Springs and Lady Bird Lake only if they are on-leash; and

WHEREAS, the City's enforcement of the swimming ban and on-leash requirements has been inconsistent and sporadic; and

WHEREAS, the Parks and Recreation Department (PARC) has received complaints from the public of inappropriate and unsafe behavior in the Spillway and in Barton Creek between Barton Springs and Lady Bird Lake; and

WHEREAS, PARC has also received complaints from the public about citations being handed out for swimming and off-leash dogs in the

Spillway and in Barton Creek between Barton Springs and Lady Bird Lake;
and

WHEREAS, there may be safety and liability concerns, including water quality, irregular water flow, hazardous debris at the bottom of the creek, limited visibility in the water, and a lack of lifeguards on duty that present significant danger to swimming and playing in the Spillway and in Barton Creek between Barton Springs and Lady Bird Lake; and

WHEREAS, PARD conducted a water quality study and an observational study to determine whether it is safe to allow swimming in the Spillway and in Barton Creek between Barton Springs and Lady Bird Lake;
and

WHEREAS, the results of the water quality study indicated that there are not unsafe levels of harmful bacteria in the Spillway and in Barton Creek between Barton Springs and Lady Bird Lake; and

WHEREAS, PARD and the Austin Police Department have decided not to enforce the current ordinance that bans swimming in the Spillway and Creek, while continuing to enforce regulations that require all dogs to be on-leash and that ban smoking and alcohol consumption in the area; and

WHEREAS, the Parks and Recreation Board has previously evaluated whether to recommend amending the code to allow for swimming and the use of inflatable floating devices on the Colorado River between the Longhorn Dam and Highway 183; and

WHEREAS, the City has an interest in providing safe, free water recreation areas to the public to help counter high summer temperatures in Austin; **NOW, THEREFORE**,

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

The City Manager is directed to seek recommendations from the Parks and Recreation Board and the Animal Advisory Commission regarding potential code amendments or other measures necessary to allow swimming and to create an off-leash dog area in the Barton Springs Spillway and in Barton Creek between Barton Springs and Lady Bird Lake.

The City Manager shall report these recommendations back to Council by December 11, 2014.

ADOPTED: _____, 2014

ATTEST: _____

Jannette S. Goodall
City Clerk