



## MEMORANDUM

**TO:** Mark Vane, Chair, Parks and Recreation Board-Land, Facilities and Programs Committee; and Committee Members

**FROM:** Pat Fuller, Division Manager, Nature Based Programs  
Austin Parks and Recreation Department

**DATE:** February 12, 2016

**SUBJECT:** Briefing Response to Land and Facilities Committee Parks and Recreation Board

- 1. Side-by-side comparison of each park that includes the current "allowance of alcohol" and the change, if any, with the proposed ordinance change.**

In applying the proposed 100 foot buffer zone to the current 109 parks listed as "no permit required", there would be no total exclusion to any listed park.

- 2. Summary of permit process:**

The Parks and Recreation Department Office of Special Events manages the permitting process. Information pertaining to the requirements of the permit application process, and the application form are found on the web site (<http://www.austintexas.gov/page/special-events-policies-procedures>). Also available is a link to the Department's "Alcohol Consumption Policy". (Policy and application attached)

Once the application is completed, it must be submitted to the Special Events Office where it will be reviewed by the Special Events Manager prior to being sent to the Director's office for final review and approval.

- 3. List of parks to prove the ordinance change will not negatively impact current rental or event use.**

See attached list

- 4. Language that allows the director to designate a park to allow alcohol without a permit assuming this allowance does not conflict with the ordinance.**

According to City Code 8-3-2 (DESIGNATION OF PROHIBITION ON ALCOHOL), "The director may designate all or part of a park, playground, or nature preserve as an area in which the sale, possession, or consumption of alcohol is prohibited." According to City Legal, the Director may add, or delete, as business needs dictate.

According to Assistant City Attorney Maria Sanchez, the Director may not administratively change the requirement for a "Permit Required" park that is so designated by city code.

**5. Emphasis on the director's authority to allow alcohol with a permit under specific conditions and process for this allowance.**

According to City Code 8-3-5 (TEMPORARY SALES OF BEVERAGES AND FOOD), "The director may authorize the temporary sale, possession, or consumption of alcoholic beverages in a park or other public recreation area. An authorization issued under this subsection may not exceed a 48-hour period".

# ATTACHMENTS

## Listing of Current “No Permit Required” Parks

<b>Park/Facility</b>	<b>100 ft. buffer impact</b>
Adams-Hemphill Neighborhood Park	None
Alderbrook Pocket Park	None
Armadillo Neighborhood Park	None
Auditorium Shores Town Lake Metro Park	None
Austin’s Colony Neighborhood Park	None
Bailey Neighborhood Park	None
Bartholomew District Park	None
Battle Bend Neighborhood Park	None
Beverly S. Sheffield Northwest District Park	None
Blunn Creek District Park	None
Brownie Pocket Park	None
Bull Creek District Park	None
Butler Metro Park	None
Butler Shores at Town Lake Metro Park	None
Cherry Creek Neighborhood Park	None
Cherrywood Pocket Park	None
Circle C Ranch Metro park	None
Colony District Park	None
Commons Ford Ranch House	None
Convict Hill Quarry Neighborhood Park	None

<b>Park/Facility</b>	<b>100 ft. buffer impact</b>
Copperfield Neighborhood Park	None
Davis Hill Neighborhood Park	None
Davis/White NE District Park	None
Del Curto Neighborhood Park (Tom Lasseter)	None
Dick Nichols District park	None
Dittmar District Park	None
Dove Springs District Park	None
Duncan Neighborhood Park	None
Edward Rendon Sr. Metro Park at Festival Beach	None
Eilers (Deep Eddy) Neighborhood park	None
Emma Long Metro Park	None
Fiesta Gardens	None
Gains Creek Neighborhood Park	None
Garrison District Park	None
Gracywoods Neighborhood Park	None
Grand Meadow Neighborhood Park	None
Great Hills Neighborhood Park	None
Gustavo L. Garcia District Park	None
Hancock Gold Course	None
Heritage Oaks Neighborhood Park	None
Harris Branch Neighborhood Park	None
Holly Shores at Town Lake Metro park	None
Hubert C. Schroeter Neighborhood Park	None
International Shores at Town Lake Metro Park	None
Jimmy Clay Golf Course	None

<b>Park/Facility</b>	<b>100 ft. buffer impact</b>
John Trevino Jr. Metro Park at Morrison Ranch	None
Kendra Page Neighborhood Park	None
Lakeline Neighborhood Park	None
Lakeshore at Town Lake Metro Park	None
Lamar Beach at Town Lake Metro Park	None
Legend Oaks Neighborhood Park	None
Lewis Mountain Ranch Neighborhood Park	None
Little Stacy Neighborhood Park	None
Little Walnut Creek District Park	None
Longhorn Shores at Town Lake Metro Park	None
Longview Neighborhood Park	None
Mable Davis District Park	None
Manuel and Robert Donley Pocket Park	None
Mary Dawson Pocket Park	None
Mary More Searight Metro Park	None
Mayfield House	None
Meadows at Trinity Crossing Neighborhood Park	None
Morris Williams Golf Course	None
Mountain View Neighborhood Park	None
Nicholas Dawson Neighborhood Park	None
North Acres Neighborhood Park	None
North Oaks Neighborhood Park	None
Northwest Balcones Neighborhood Park	None
Norwood Tract at Town Lake Metro Park	None
Oakhill Neighborhood Park	None

<b>Park/Facility</b>	<b>100 ft. buffer impact</b>
Old Moore's Crossing Neighborhood Park	None
Old San Antonio Park	None
Onion Creek Metro Park	None
Payton Gin Pocket Park	None
Peace Point at Town Lake Metro Park	None
Pease District Park	None
Piney Bend Neighborhood Park	None
Ponciana Neighborhood Park	None
Quail Creek Neighborhood Park	None
Red Bud Isle	None
Riata Neighborhood Park	None
Ron Rigsby Pocket Park	None
Roy G. Guerrero Colorado River Metro Park	None
Roy Kizer Golf Course	None
Scofield Farms Neighborhood Park	None
Sendera Mesa Neighborhood Park	None
Shoal Beach at Town Lake Metro Park	None
Silk Oak Neighborhood Park	None
Sir Swante Palm Neighborhood Park	None
Southland Oaks Neighborhood Park	None
Sparky Pocket Park	None
Springbrook Driving Range	None
Springdale Neighborhood Park	None
Swede Hill Pocket Park	None
Tanglewood Neighborhood Park	None

<b>Park/Facility</b>	<b>100 ft. buffer impact</b>
Triangle Commons Neighborhood Park	None
Veterans Pocket Park	None
Waller Beach at Town Lake Metro Park	None
Walnut Creek Metro Park	None
Walsh Boat Landing	None
Walter E. Long Metro Park	None
Yates Pocket Park	None
Yett Creek Neighborhood Park	None
Zilker Metro Park	None
Zilker Club House	None
<b>Recently added Parks that do not yet appear on website:</b>	
Astor Place Pocket Park	None
Bolm Road District Park	None
Covert Park at Mount Bonnell	None
Crestland Triangle	None



**OFFICE OF SPECIAL EVENTS**  
200 South Lamar, Austin, Texas 78704  
(512)974-6797 (512) 974-6756 Fax  
reservations@austintexas.gov  
<http://www.austintexas.gov/parkevents>

## ALCOHOL SALES and CONSUMPTION POLICY

### Applicability and Fee

Applicable to **all events** in parks where alcohol is NOT prohibited by City Code or administratively, and for where there is a confirmed (paid or approved) reservation or contract for rental, which includes permission (approval) to serve, consume, or sell alcohol. For quick reference, please see the picnic sites/shelters and facility rental areas information available online.

### Areas prohibited by/under CODE Chapter 8 are in summary:

Sales, possession and consumption are prohibited in:

- the enclosed area or within 100 feet of an unenclosed swimming pool in a park;
- a recreation facility or adjacent outdoor area that is part of the recreation facility including a field, playground, parking lot, play slab, or playscape;
- all or part of a park or playground designated by the director as being an area in which the sale, possession, or consumption of alcohol is prohibited;
- the playing area or dugout area of an athletic field; a school district/playground area; or a nature preserve.

**Fee:** For events which require TABC permit processing, a \$30 alcohol permit fee is due to Austin Parks and Recreation at the time of TABC application submission for approval.

### Definitions

**PUBLIC EVENT:** An event is considered public if any of the following apply:

- a. There is NOT a finite and/or limited guest list.
- b. A person of the public may purchase or acquire a ticket for entrance or participation.
- c. A person of the public may attend the event.
- d. Advertised by website, email, print or radio media to the public.

**PRIVATE EVENT:** Events are considered private where a limited and finite count of guests is expected. An example would be a wedding, or birthday party, or private reception, which are NOT open to the public.

**ALCOHOL SALES:** Whether public or private, for an event where alcohol will be served/sold and admission to the event and service to those of legal age is dependent upon any of the





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conditions listed below:

- Sale, admission, a ticket, a donation, a donation JAR, membership fee, meal charge, or "tip".
- A TABC permit, liquor liability insurance. If a public event, service area enclosure and a
- licensed peace officer plan is required.

**Alcohol Sales** – For alcohol to be truly "free", it must be available to any adult who walks in the door and requests it. If alcoholic beverages are only available to paying customers, the assumption is that the cost of the alcohol is included in the price of the service. This constitutes a sale of alcoholic beverages, and a TABC permit would be required. When you provide the alcoholic beverage, there cannot be any expectation of receiving money. You cannot ask for a "donation" or "tip." If the drinks will only be available to paying guests, then you will need a permit.

**Some examples:** A wedding reception with free drinks is really free. A boutique that serves free wine while you shop, even if you don't buy anything, is really free. A nail salon with a "free" drink when you pay for a manicure is not really free. If you buy tickets to attend a charity ball and they serve "free" drinks, those are not really free. If a tip jar sits next to a keg of beer expecting "donations," the beer would not be considered free.

**Specific to alcohol service, consumption or sale.....**

**RECREATION FACILITY:** A park property owned or operation by the City which is primarily used for recreational activity and is readily available on a daily basis to the public during normal park use hours which either does not have a secured point of entry, or that has not been approved as a designated special event venue. Normal activities conducted at a recreation facility are by example:

- public picnic and recreation use
- budgeted programmed activities for the public (programs)
- accessible daily under normal working conditions for public enjoyment and benefit

For recreation facilities, temporary permits for the sale, consumption or possession of alcohol will not permitted to exceed 48 hours by Code. In general this definition includes all picnic sites, public park areas, and/or facilities **NOT** defined as a special event venue.



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**SPECIAL EVENT VENUE:** A venue with established venue fees intended for the production of events which are closed to the public during approved event hours where alcohol is sold/consumed, or, an identified property not regularly available to the public for reasonably expected recreation use which is locked and/or secured during non-rental periods. Event venues and facilities were first identified by the Parks Board Special Events Policy established in 1998.

Approved special event venues are:

**Special Event Properties**

Auditorium Shores  
Republic Square Park  
Wooldridge Square Park  
Brush Square Park  
Zilker Park  
Pease Park  
Fiesta Gardens West End  
Walter Long

**Special Event Facilities**

Commons Ford Ranch House  
Fiesta Gardens Building  
Zilker Club House  
Mayfield Cottage and Gardens

For special event venues, temporary permits for the sale, consumption or possession of alcohol shall not exceed the period approved by the Director in the rental agreement or contract.



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### APPLICATION/REQUEST- PERMIT FOR PARK USE

This constitutes a request for permit approval by the Director. If approved, this will constitute a permit for park use under City Code § 8-1-12. **Please complete all boxes.**

#### APPLICANT INFORMATION

Event Name:			
Organizer Name	("Applicant")		
Company or Organization Name:	("Applicant")		
Billing Address:	State:	Zip:	
Mobile #:	Emergency #:		
Email address:			

#### TYPE OF EVENT - (Please "X" all that apply)

<input type="checkbox"/>	<b>Public Event **</b> (less than 1000 persons, and that impact PARD ONLY)	<input type="checkbox"/>	<b>Annual Event Status</b> (3 consecutive year track record)	<input type="checkbox"/>	<b>Co-sponsorship Request **</b>
<input type="checkbox"/>	<b>Curfew Extension</b> (10pm to _____) Relates to occupancy.	<input type="checkbox"/>	<b>Sound Curfew Extension</b> (From 10pm to _____) City Code restricts eligibility.	<input type="checkbox"/>	<b>Request for a non-reservable site</b>
<input type="checkbox"/>	<b>Other:</b>				

**\*\* If the request is for a public event or co-sponsorship, additional approvals and agreements are required.**

#### EVENT DETAILS

(type detailed information in the boxes below)

Event Description, and fully detailed explanation of request:	
Location Requested:	("Facility")
Address:	
Type of Event:	
Describe the plan for litter, toilets, etc.	
Set Up Day(s)/ Time:	
Event Day(s):	
Event Start/Stop Time: Park curfew 10p - 5 a.	
Take Down Day(s):	



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<b>Total Estimated Attendance:</b>	Day 1 Day 2 Day 3	<b>Admission charge?</b> (if YES, amount?)	<b>Is event open to public?</b>	Health permits required for any food served/sold to public.
<b>Sound permit needed?</b> If yes, hours? (10 a -10 p max) City Code restricts eligibility	<b>Will there be catering / food vending?</b>			
<b>Alcohol Permit (beer cans /wine ONLY)?</b> "X" all that apply	NONE Served Sold BYOB	<b>Alcohol Permit (hard liquor)?</b> "X" all that apply	NONE Served Sold BYOB	<b>NOTE ALCOHOL:</b> All alcohol SALES require a PARD approval, TABC permit, Insurance, fencing and security plan.
<b>Merchandise/ Other vending, or sales?</b> If yes describe.				

**PERMIT CONDITIONS:**

**These conditions apply only if the Director approves the permit request.**

Applicant agrees to comply with, and shall require its contractors, agents, invitees, guests, volunteers, and patrons of the Event for which the Applicant plans to use the Facility to comply with all federal, state and local laws and regulations, and with all applicable City policies, rules and procedures.

Applicant shall not bring or permit its contractors, agents, invitees, guests, volunteers, and patrons of the Event for which the Applicant plans to use the Facility to bring or keep anything on City property that may adversely affect the Facility. The Applicant shall not bring or allow its contractors, agents, invitees, guests, volunteers, and patrons of the Event for which the Applicant plans to use the Facility to bring any items onto the property, or place any decorations or other items on the Facility that may damage any portion of the Facility, including but not limited to trees, grounds, or plant life, without the prior written consent of the Parks and Recreation Department Director. The City reserves the right at any time and at its sole discretion to require the Applicant to remove from the Facility any animals, furniture, fixtures, wiring, exhibits, or other items brought onto the Facility by the Applicant. The Applicant shall immediately remove any item upon City's request.

Applicant hereby grants permission to the City to copy and to perform minor edits to promotional information from the event application, marketing, or website material to use in posting short publicly viewable information about the Event on the City's website.

**Indemnification.** Applicant shall indemnify, save, and hold harmless the City, its officers, employees, agents, licensees, and invitees ("**Indemnitees**") against any and all liability, damages, losses, claims, demands, and actions of any nature, due to personal injury (including, without limitation, workers' compensation and death claims), or property loss or damage of any kind ("**Claims**") which arises or is claimed to arise out of or is in any manner connected with the use of the City property or the presence on the City property of the Applicant, its contractors, agents, invitees, guests, volunteers, and patrons of the Event for which the Applicant plans to use the Facility, except as to Claims which arise out



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or are related to City's negligence or intentional acts or omissions. The undersigned warrants that he/she has the authority to bind the Applicant to this indemnification provision.

**SIGNATURE:**

I certify that the information contained in this Application is true and correct to the best of my knowledge, and that I am authorized to act on behalf of the Applicant and the Company listed in the Application.

This Application is executed by:

By (signature): →		Date: →	
Printed/Typed name and title:			

By **BOTH** checking this box and typing my name in the above "applicant signature" line, I attest that this constitutes and represents my signature "electronically". **Electronic Signature Authorization:** I hereby acknowledge and agree that a signed, faxed, scanned copy or electronic signature of the Application shall be treated as an original document and signature binding me to the terms and conditions contained in the agreement. I authorize the City of Austin to accept the faxed, scanned copy or electronic signature, of the Application as the original document and signature.

**FOR PARD OFFICE USE ONLY**

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**Special Events Manager**  Approved  Denied

Notes/ Required Conditions:	
Signature: _____	Date: _____

**Office of the Director**  Approved  Denied

Signature: _____	Date: _____
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