

ORDINANCE NO.

AN ORDINANCE WAIVING THE REQUIREMENTS OF CITY CODE SECTIONS 8-1-14 AND 8-1-71, WHICH ESTABLISH THE REQUIREMENTS FOR OPERATING A CONCESSION IN LADY BIRD LAKE PARK, FOR AN AGREEMENT BETWEEN THE TRAIL CONSERVANCY AND EPICSUP II, LLC FOR A STAND-UP PADDLE BOARD CONCESSION AT 2200 S. LAKESHORE BLVD.

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

PART 1. FINDINGS

- (A) The Trail Conservancy (TTC), a federally chartered 501(c)(3) nonprofit corporation previously known as The Trail Foundation, and EpicSUP II, LLC, a Texas limited liability company (EpicSUP), entered into a Concession Agreement on May 13, 2021, which is the current contractual arrangement that permits EpicSUP to operate a stand-up paddle board concession on Lady Bird Lake, but which is scheduled to expire on January 1, 2023.
- (B) Pursuant to Section 7 of the Park Operations and Maintenance Agreement (POMA) entered into between TTC and the City on June 10, 2022, TTC was granted the authority to enter into concession agreements with privately operated businesses in Town Lake Metro Park, provided it complies with the applicable requirements of the POMA (the Concession Procedures).
- (C) It is anticipated that the plans for ProjectConnect may require the demolition of the Waller Creek Boathouse, which would displace the Austin Rowing Club (ARC) and the other organizations housed there and may create the need for ARC to relocate to the existing EpicSUP site at 2200 S. Lakeshore Blvd.
- (D) Resolution No. 20220901-085 directs the City Manager to provide a recommendation to Council as to how EpicSUP's continued and un-interrupted presence on Lady Bird Lake might be accommodated.
- (E) TTC desires to extend the Concession Agreement to avoid interruption of EpicSUP's presence on Lady Bird Lake while the timing and impacts of the demolition are being determined.

PART 2. The requirements of City Code Sections 8-1-14 and 8-1-71 and of the Concession Procedures set forth in the POMA are waived for the extension of the Concession Agreement between TTC and EpicSUP for a period of up to five (5) years, commencing on January 1, 2023, at the existing EpicSUP site, subject to the relocation-triggering provisions set forth in Resolution No. 20220901-085.

PART 3. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022 §
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Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk