



PARKS AND RECREATION BOARD RECOMMENDATION 20240826-3

Date: August 26, 2024

Subject: Expedition School Concession and Amendment to Holly Shores/ Edward Rendon Sr. Vision Plan

Motioned By: Holly Reed

Seconded By: Nicole Merritt

Whereas on Dec. 15, 2019, the Austin City Council passed Ordinance No. 20191205-070 to expedite authorization of a boating concession on Lady Bird Lake for the Expedition School¹

Whereas Ordinance No. 20191205-070 was an unprecedented Council directive for a boating concession approval in that it waived the requirements of City Code Section 8-1-74 (Review of a Proposal Seeking a Concession) by-passing review by the Parks Board, the Environmental Commission, Design Commission, and related public engagement process²

Whereas, by waiving the requirements of City Code Section 8-1-74, Ordinance No. 20191205-070 may conflict with City Charter Article 2, Chapter 7, Section A³

Whereas Ordinance No. 20191205-070 authorized an amendment to the Holly Shores / Edward Rendon Sr. Park Master Plan without notification to the community and public stakeholders⁴

Whereas community stakeholders have significant issues with a large boating concession that was not part of the original Holly Shores / Edward Rendon Sr. Park Master Plan and have expressed to the Parks and Recreation Board their difficulty in having their issues addressed in the current process⁵

Whereas the City of Austin and State of Texas recognize the Mexican American heritage, cultural and historical significance of the Holly Shores / Edward Rendon Sr. Park

Whereas the Parks and Recreation Dept. has not amended the Holly Shores / Edward Rendon Sr. Park Master Plan to indicate the location of the Expedition School boating concession, as directed by Ordinance No. 20191205-070 over four years ago

¹ Ordinance No. 20191205-070 <https://services.austintexas.gov/edims/document.cfm?id=333264>

² [City Code 8-1-74](#)

³ [Section 7 Powers of the Council](#)

⁴ [Holly Shores / Edward Rendon Sr. Master Plan](#)

⁵ Open Letter In Opposition RE: Permit and Concession for Expedition School et al, Opposition Letter

Whereas PARD staff, working with the Expedition School, but not the community stakeholders, identified a long-term location at Edward Rendon Senior Park Festival Beach Lagoon west end for the operation of the watercraft concession, in conflict with the Master Plan⁶

Whereas in Dec. 2022, the Assistant City Manager approved Contract Terms and a Parkland Improvement Donation Agreement for the Expedition School Boating Concession, including an interim two-year period during which the vendor was required to meet specific development and fundraising benchmarks⁷

Whereas the Contract Terms of 2022 stated that failure to meet the established benchmarks would be considered a contract violation and grounds for termination⁸

Whereas the Expedition School has not signed the Parkland Improvement Donation Agreement and the status of compliance with the terms is unknown and

Whereas the Parks and Recreation Board, per City Code section 8-1-73 may make a recommendation related to continuing an existing concession or terminating an existing continuation⁹, therefore

The City of Austin Parks and Recreation Board recommends the Austin City Council:

- (1.) Review Council Ordinance No. 20191205-070 to determine if it is no longer appropriate and/or in violation of Austin's City Charter and Municipal Code.
- (2.) Direct the Parks and Recreation Dept. to pause The Expedition School Parkland Improvement Donation Agreement, Concession Agreement and the Amendment to the Holly Shores / Edward Rendon Sr. Master Plan until November 30, 2024. Allow the community to review and comment on these agreements
- (3.) Direct the Parks and Recreation Dept. to provide a list of alternative locations for The Expedition School Concession taking into consideration the cultural and historical significance of the proposed alternative locations
- (4.) Direct the Parks and Recreation Dept. to examine any legal liability or legal risk that overturning Ordinance No. 20191205-070 poses to the City and request input from City Attorneys for any legal impact to the City
- (5.) Determine if the PARD Director and Department reviewed and implemented Code Sections 8-1-14 and 8-1-73 and if so, provide a report with results to the Parks Board since the inception of the Expedition School Concession Agreement and
- (6.) Rescind Council Ordinance No. 20191205-070 if during this time it is determined to be no longer appropriate and/or in violation of City Charter and Municipal Code, and a suitable alternative location for the Expedition School Concession is not provided.

⁶ PARD Memorandum RE: Contract Term for Expedition School Boating Concession Dec. 15, 2022 page 1
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⁹ City Code 8-1-73

Vote **The motion to recommend to Austin City Council to (1.) Review Council Ordinance No. 20191205-070 to determine if it is no longer appropriate and/or in violation of Austin’s City Charter and Municipal Code, (2.) Direct the Parks and Recreation Dept. to pause The Expedition School Parkland Improvement Donation Agreement, Concession Agreement and the Amendment to the Holly Shores / Edward Rendon Sr. Master Plan until November 30, 2024. Allow the community to review and comment on these agreements, (3.) Direct the Parks and Recreation Dept. to provide a list of alternative locations for The Expedition School Concession taking into consideration the cultural and historical significance of the proposed alternative locations, (4.) Direct the Parks and Recreation Dept. to examine any legal liability or legal risk that overturning Ordinance No. 20191205-070 poses to the City and request input from City Attorneys for any legal impact to the City, (5.) Determine if the PARD Director and Department reviewed and implemented Code Sections 8-1-14 and 8-1-73 and if so, provide a report with results to the Parks Board since the inception of the Expedition School Concession Agreement, and (6.) Rescind Council Ordinance No. 20191205-070 if during this time it is determined to be no longer appropriate and/or in violation of City Charter and Municipal Code, and a suitable alternative location for the Expedition School Concession is not provided was approved on Board Member Reed’s motion, Board Member Merritt’s second, on a 9-0 vote with one vacancy. Board Member Taylor absent.**

For: Pedro Villalobos, Kathryn Flowers, Stephanie Bazan, Lane Becker, Cathleen Eady, Jennifer Franklin, Nicole Merritt, Shelby Orme, Holly Reed.

Against: None.

Abstain: None.

Absent: Kim Taylor.

Attest: Tim Dombeck, Board and Council Liaison, Parks and Recreation Department.

Tim Dombeck
