

Appendix 1



AUSTIN PARKS AND RECREATION POLICY



Subject	Policies and Procedures for Concessions in City's Parks System	Reference Number PR-F-004
Section	Finance	Effective Date November 6, 2025
Applicability	All Personnel	Supersedes Policy Dated March 12, 1998
Director Approval	Jesús Aguirre Digitally signed by Jesús Aguirre Date: 2025.12.05 14:02:47 -06'00'	Signature Date December 5, 2025

Policy: It is the policy of Austin Parks and Recreation to maintain the aesthetic and environmental quality of the Parks System, provide positive recreational experiences to park visitors, and ensure a financial return to the City from park concessions.

Purpose: To provide a policy for concessions in City of Austin parks.

Authority: The Code of the City of Austin Texas, City Charter, Article V Administrative Organization, §4 Directors of Departments. The Director has the authority and responsibility to maintain efficiency within the operation and to determine the methods of operation to accomplish the Department's mission and objectives.

DEFINITIONS

Applicable Rules – The applicable provisions of City Code Title 8, the Park Use Rules, and these Policies and Procedures, as they may be amended from time to time.

Concession - a business owned by a private citizen or a privately-owned business operating in the Parks System pursuant to an agreement between the City and the citizen or business or a permit issued by the Department. Examples include, but are not limited to, food and beverage stands, boat and watercraft recreation services, bicycle rentals, pushcarts, and souvenir stands.

Concessionaire – a private citizen or privately owned business operating a Concession.

Director – the Director of the Department or designee.

Family Member – means a biological or adoptive parent, biological or adoptive grandparent, spouse (husband, wife, domestic partner), child (biological, adopted, stepchild, foster, legal ward), sibling (biological, adopted, stepsibling), and parent, grandparent, or sibling of a spouse.

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Legacy Concession – an existing concession operating in the Parks System pursuant to a concession agreement with the Department that:

- Has been continuously owned and operated in the same park location by the same person, Local Business, or a Family Member of the person or Local Business for at least 20 years;
- Has operated under the same or a similar name for the entirety of its existence;
- Contributes to the City’s history and culture, as determined by the Department in its sole discretion; and
- Has maintained the physical features of the Concession in good condition.

Local Business – an independently owned and operated business located in the Austin-Round Rock-San Marcos Metropolitan Statistical Area.

Park System – all City of Austin parks, parkland, park amenities, facilities, buildings or bodies of water.

Permanent Concession – a Concession operating pursuant to an agreement between the City and the Concessionaire with a term of more than six months.

POMA – a park operations and maintenance agreement between the City and a nonprofit pursuant to which the nonprofit is responsible for the day-to-day operations of the park.

Temporary Concession - a Concession operating pursuant to a permit issued by the Department with a term of one day to six months.

POLICY

These Policies and Procedures are intended to maintain the aesthetic and environmental quality of the Parks System, provide positive recreational experiences to park visitors, and ensure a financial return to the City from park concessions.

The Department’s goals in authorizing concessions in the Parks System are as follows:

- To develop and maintain concession facilities and services that contribute to high quality experiences for park visitors.
- To ensure appropriate limits of commercial use within the Parks System.
- To ensure that concessions maintain the aesthetic and environmental quality of the Parks System, provide a financial return to the City, and provide a public benefit to the citizens of Austin.
- To seek new opportunities to improve, enhance, and expand services, programs, and facilities for park visitors.
- To preserve the cultural, recreational, and educational environment of the Parks System by maintaining a higher proportion of noncommercial uses than commercial uses.
- To encourage uses of the Parks System that are consistent with vision plans where applicable.
- To permit no more than 25 percent of the total area of any park or park facility to be used for concessions, except where the concession involves the entire park or park facility.

PROCEDURES

New Permanent Concessions

In determining whether to authorize a new or expand an existing Permanent Concession, the Director will consider whether the concession:

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- Is consistent with applicable laws and policies;
- Is a safe and appropriate use of the park in which it is located and is complementary to the mission and visitor service objectives of the park;
- Is appropriate for the public use and enjoyment of the park;
- Would require additional infrastructure and if so, how would the additional infrastructure impact the park;
- Incorporates sustainable principles and practices in planning, design, siting, construction, and maintenance; and
- Adopts appropriate energy and water conservation, resource reduction, and environmental goals.

Permanent Concessions will be managed by the Department or by a nonprofit pursuant to a POMA. Nonprofits managing concessions will comply fully and in good faith with these Policies and Procedures.

Prior to authorizing a new Permanent Concession, proposed concessionaires will provide an analysis demonstrating that they have the financial and market capabilities to ensure the concession is viable.

Except as otherwise directed by Council, proposed new Permanent Concessions that are not for boat and watercraft recreation activity in Lady Bird Lake Metropolitan Park and the Colorado River adjacent to the park will follow applicable City Code provisions and will be approved by the Director.

Except as otherwise directed by Council, proposed new Permanent Concessions for boat and watercraft recreation activity in Lady Bird Lake Metropolitan Park and the Colorado River adjacent to the park will follow applicable City Code provisions, including City Code Section 8-1-71, *et seq.*, as it may be amended from time to time, and will be approved by Council.

Concession payments are based on a flat fee schedule, a percentage basis of gross sales less sales tax, or a combination of both. The method of payment will be determined on a case-by-case basis by the Director in their sole discretion. The flat fee and percentage of sales methods will be calculated by City staff in their sole discretion based on an analysis of the location and type of concession.

Department staff may from time to time review Concessions to determine whether it is appropriate to increase fees, and staff will notify the Concessionaire in writing of any such increase.

Legacy Concessions

The Director shall evaluate a proposed Legacy Concession and determine in their sole discretion whether it meets the requirements set forth in these Policies and Procedures.

Concession Pilots

The intent of a concession pilot is to explore a new or innovative potential concession to determine whether it could be a future permanent concession. The Director will consider whether it is viable for the park and the concessionaire, whether operational standards need to be modified, and whether park visitors are receptive to the pilot concession.

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Existing Concessions:

Prior to exercising a renewal or extension of an existing concession agreement, the Department will review contract requirements and performance, review the revenue share formula, and make recommendations to improve consistency and operational incentives.

Temporary Concessions:

A person seeking a Temporary Concession must submit an application and pay a fee, which is established annually by City Council. In determining whether to grant a Temporary Concession, the Director shall consider the concession’s location, impact on the park, service level, revenues to the City, and any other criteria in the best interest of the Parks System.

Performing Artists in the Parks

Performing artists who wish to perform in the Parks System must obtain a Temporary Concession permit as described above. The permit may be purchased by day in two-week increments. Upon request, the artist must present the permit to a Department or other City employee (e.g., Austin Police or Austin Fire) and failure to do so may result in immediate expulsion from the park.

Artists are subject to the following rules when performing in the Parks System:

- May not block sidewalks nor in any way impede pedestrian or vehicular traffic.
- May not be within 100 feet of an existing concession’s main operating location.
- May set up at special events only with the written permission of the event organization and notification of that permission to the Department.
- May not use amplified sound.
- May not juggle potentially hazardous materials or dangerous items such as knives or fire.
- May only accept money in the form of tips or donations, with the amount determined by the donor.
- May not impede or interfere with the use of park facilities or scheduled activities.

GENERAL PROVISIONS

Donations to the Department

The Department shall not knowingly solicit nor accept donations or gifts from persons or entities that have obtained or are seeking to obtain a concessions contract.

Policy Review

These Policies and Procedures shall be reviewed by the Department and the Parks and Recreation Board every three years and changes shall be reviewed by the Parks and Recreation Board and approved by Council. The Director may develop guidelines to assist in the implementation of these Policies and Procedures.

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RECORDS

All executed policies shall be maintained in accordance with the approved Texas State Library and Archives Commission Records Series, POLICIES AND PROCEDURES (General) GAR40-15A.

ATTACHMENTS

- None

SUPERSESION HISTORY

1. Policies and Procedures for Concessions in City's Parks System, March 12, 1998

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