



AUSTIN PARKS AND RECREATION ~~DEPARTMENT~~ **POLICIES AND PROCEDURES** **FOR CONCESSIONS IN CITY PARKS**



Subject	Commercial Visitor Services Policies and <u>Policies and Procedures</u> for Concessions in City 's Parks System	Reference Number
Section	Finance	Effective Date
Applicability	All <u>Austin</u> Parks and Recreation Department Employees <u>and Contractors</u>	Supersedes Policy Dated March 12, 1998
Director Approval		Signature Date

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

Authority: In accordance with City Code Title 8, the Austin Parks and Recreation ~~Department~~ Director has the authority and responsibility to execute policies and procedures for concessions in City of Austin parks in accordance with City policies and best practices.

DEFINITIONS:

- Applicable Rules means 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 means 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 means a private citizen or privately owned business operating a Concession.
- Department means ~~the~~ Austin Parks and Recreation ~~Department~~.
- Director means 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.

- Legacy Concession means an existing ~~Permanent Concession~~ operating in the Parks System pursuant to a concession agreement with the Department that:
 - o 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;
 - o Has operated under the same or a similar name for the entirety of its existence;
 - o Contributes to the City's history and culture, as determined by the Department in its sole discretion; and
 - o Has maintained the physical features of the Concession in good condition.
- Local Business means an independently owned and operated business located in the Austin-Round Rock-San Marcos Metropolitan Statistical Area.
- Parks System means all City of Austin parks, parkland, park amenities, facilities, buildings or bodies of water.
- Permanent Concession means a Concession operating pursuant to an agreement between the City and the Concessionaire with a term of more than six months.
- POMA means 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 means 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 benefitgood 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 visionmaster 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:

- 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;
- ~~Is not, and cannot be, provided outside park boundaries;~~
- 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 market and financial viability analysis demonstrating that they have the financial and market capabilitieswill be completed to ensure the concessiona contract is viablefeasible.

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, and 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~~his~~ 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~~will~~ review Concessions ~~annually~~ to determine whether it is appropriate to increase fees, and staff will notify the Concessionaire in writing of any such increase. ~~In addition, Concessionaires paying a flat fee will be required to pay a percentage of gross sales over baseline once sales exceed the targeted annual gross sales on which the flat fee is based.~~

Estimated Timeline for New Permanent Concession:

120 Days	Department consideration of unsolicited proposals submitted to the Director Department determination of a parkland concession and location Department development of a scope of work, requirements and evaluation criteria
30-45 days	Community engagement
30-60 days	Brief Parks and Recreation Board
30-45 days	Preparation of Request for Proposals solicitation
30 days	Solicitation posting
30-45 days	Review of eligible competitive proposals
30 days	Review and joint recommendation of proposals by the Design Commission, Environmental and Parks and Recreation Boards
60 days	Recommendation by the Parks and Recreation Board Concessions and Contracts Committee to the Parks and Recreation Board and Recommendation to Council by the Parks and Recreation Board.
30 days	Council approval
30-45 days	Contract negotiation and execution
30 days	Contract kick-off and implementation

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 ~~h~~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.

Existing Concessions:

Prior to exercising a renewal or extension of an existing concession agreement, the Department will ~~engage the public regarding the desirability and effectiveness of the concession~~, 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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