

## Legislation Text

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Presenter/Contact

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**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance amending Chapter 86, Article I, Section 86-14 of the Code of Ordinances to extend the boundaries of the cooler and disposable container ordinance on the Guadalupe River to the Business 35 overpass inside the City limits.

**BACKGROUND / RATIONALE:**

As created, the "Disposable Container and Cooler Size Ordinance" extends to the Mill Dam on the Guadalupe River. There is a desire to extend the boundary to the North Business Interstate 35 Overpass. Extension to this visual boundary will assist the City in managing the litter and trash at the areas around the Faust Street Bridge.

The Police Department and Park Rangers currently patrol this area; however, because the ordinance does not extend to this area, disposable container and cooler sizes cannot be controlled while in the river in this area.

At the November 12, 2018 Council meeting, Council discussed moving the boundary from Business 35 Overpass to the island that exists just past the Faust Street Bridge. Staff has explored this option and finds the following:

- Staff has been in contact with the State General Land Office (GLO) to determine ownership of the island. There are actually two islands just south of the Faust Street bridge, and so we are inquiring about the southernmost island.
- Once we get a determination of ownership we will work with the GLO to install signage. This may require an easement.

Therefore, the City Council has two options at this time: approve staff's original recommendation to place the boundary at the Business I-35 overpass and have the ordinance go into effect upon passage. Alternatively, you may wish to postpone the item until we hear from the State GLO.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

N/A

**FISCAL IMPACT:**

Costs to install any necessary signage in the area is negligible and will come from the River Fund.

**COMMITTEE RECOMMENDATION:**

The River Advisory Committee voted unanimously to recommend this ordinance change to the City Council.

**STAFF RECOMMENDATION:**

Staff recommends the City Council set the boundary, as recommended by City staff and the River Advisory Committee, at the North I-35 Business Overpass bridge for the following reasons:

- The bridge is a fixed location that most people would be familiar with and is easily visible.
- The island could potentially be altered or be washed away in significant flood event.
- The signage on the island could also be washed away and/or damaged in a flood event.
- Boating upstream of the I-35 boat launch is negligible.

Staff also recommends that if the City Council proceeds with Business I-35 Bridge as the boundary, that we review the ordinance after one year to determine if changes to the ordinance and/or boundary are warranted.