

I'm writing today to oppose alcohol sales just outside of Barton Springs Pool. I spoke against the CUP at both the [Community Meeting](#) on June 17<sup>th</sup>, 2021, and the [PARD meeting](#) on June 22, 2021.

The city is proposing a galactically bad idea to sell alcohol 30 steps from the pool entrance. (Not to mention 35 feet from the train, and 200 feet from the playground).

Barton Springs is a three-acre pool. On any given summer day there are potentially 3,000 people for the lifeguards to look after and, all too often, rescue. That's without alcohol sales 30 steps from the pool entrance.

Drownings happen fast and require split second decision-making from lifeguards. Imagine delays in their responses if they were mentally worn down by playing bouncer to drunk people all day?

I was actually part of a rescue myself when a drowning swimmer pulled me underwater as I was swimming laps. I had to invoke my lifeguard training to not drown myself and then hold the victim's head above water so he could breathe until a Barton Springs lifeguard could reach him.

*This guy had been drinking.*

The last death at Barton Springs Pool in 2016 was attributed to alcohol.

This horrifying proposal adds untold burden to already overworked (and understaffed) lifeguards.

I spoke with several lifeguards, and, despite not being able to specifically publicly oppose this proposal, they made their feelings crystal clear. They were angry, stunned, and aghast.

Why would the city make an abhorrent decision to create a new burden on these lifeguards?

Is the city going to pay attention to a KVUE Twitter poll or scientific data and how the lifeguards feel about this decision? Twitter polls are, to put it mildly, a poor basis for public health policy.

Yes, the alcohol will be sold in Zilker Park, outside the pool gates. That does not stop alcohol from entering the pool in the bodies of people who have access to alcohol 30 steps from the entrance to the pool. "Hey – let's go for a swim" "Wait a sec while I finish my drink" "Well – hurry up, we're going!"

Below my main points of opposition, you'll find references and the following:

- Statements from Kim McNeeley. Why are we pursuing a CUP based on the requests of 16 out of 450 people?
- Transcript of my questions from the Community Meeting on June 17, 2021, followed by Parks staffs' inadequate answers
- False interpretation of lifeguard training from the Community meeting on June 17, 2021
- Parks staff justifying the CUP based on results from a Twitter poll
- Journal articles about how alcohol consumption contributes to drowning

This document was prepared by Heidi Armstrong and Dan Opdyke, Ph.D., P.E., Barton Springs Pool Stakeholders.  
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## MAIN POINTS

- According to the [CDC website](#), alcohol is involved in 70% of drowning deaths.
  - There are scientific data that conclude alcohol consumption contributes to drowning. (See links to a sample of journal articles below)
- The [mostly teenage] lifeguards do not have adequate training to deal with intoxicated patrons, nor have they been consulted about this proposal. What will be asked of them is unsafe and unfair.
  - I have obtained the City of Austin lifeguard training manual and confirmed lifeguards receive no training to identify or deal with intoxicated people.
  - Pool patrons already scream and yell at lifeguards for enforcing rules. Imagine how much worse that would be with more intoxicated patrons?
  - Drownings happen fast and require split second decision-making from lifeguards. *Imagine delays in their responses if they were mentally worn down by playing bouncer to intoxicated people all day?*
- Parks Director Kim McNeeley, along with staff Christina Bies and Justin Schneider, have all stated (quotes below) the proposal to sell alcohol 30 steps from the Barton Springs Pool entrance is a direct response to a public input in a survey. In fact, the public input was a mere 16 out of 450 respondents who indicated they would like alcohol served at the café.
  - I have obtained this survey. Parks is proposing selling alcohol 30 steps from the entrance to Barton Springs Pool based on **3% of people surveyed**.
    - *I question Kim McNeeley's justification for pushing a proposal forward where 97% of 450 people did not indicate they would purchase alcohol from the cafe.*
    - ***Ask yourself: Why are we pursuing something that 16 out of 450 people requested?***
- Listen to the two meetings linked above from start to finish. *Not a single* Barton Springs swimmer is in favor of this CUP.
  - PARD Board member Rich DePalma compared Barton Springs Pool to Coney Island or Galveston saying that alcohol is served at those locations with no incidents.
  - Barton Springs is a city and national natural treasure, not an amusement park. It is a unique public and ecological resource. *Is selling alcohol consistent with the message we want to send our children about the delicate and rare nature of the Springs?*
  - Further, Rich DePalma mentioned that alcohol is sold at another PARD property—Alta's Café at the Waller Creek Boathouse. The Waller Creek boathouse is for *boating*, which involves riding on a giant flotation device. That is a very different activity than swimming in Barton Springs. Swimming has been banned in Lady Bird Lake since 1964.
- People want to have a drink while their kids are at the playground. It's physically impossible to safely watch children from the cafe on the playground. *There is not a line of sight that would be sufficient to watch anyone but a teenager who is too old for the playground.*
- Other laws in Zilker Park are routinely unenforced, for example leash laws, glass, alcohol, and parking.
- Councilwoman Ann Kitchen has opposed the CUP in writing.

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**From the PARD Board meeting—statement from Kim McNeeley—regarding the survey where only 16 out of 450 people wanted alcohol served at the concession stand.**

2:06:08 Kim McNeeley: “I just wanted to let you know that the reason why there is, um, anything that there is an action for there to have alcohol sales is because there had been a survey completed where some constituents said that they might want to have that opportunity or that action to make that purchase at this café.

So, I don’t want you to think that the Parks and Recreation Department, uh, in any way, shape, or form made a hasty decision. They made a decision based on specific feedback.”

Christina Bies: “Um, as Kimberly mentioned, we solicited for a food vendor based on public survey results that scope of work included language to allow for the sale of beer and wine with approval.

In 2015, prior to the solicitation of the Zilker Café, PARD conducted a public survey that included the open-ended question regarding possible menu items and respondents replied with various suggestions and included the option of beer and wine. Based on stakeholder input and feedback from the survey, PARD released an RFP with language in the scope of work that indicated the concessionaire may sell beer and wine with prior written approval from the PARD Director.”

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**From the Community Meeting on June 17<sup>th</sup>, 2021: Here’s a transcript of my questions and the subsequent paltry answers.**

Starting at 17:15

Me: How much time did your team spend reviewing the scientific data on how alcohol consumption contributes to drowning?

**A 12-second pause**

Christina Bies from the City of Austin: There wasn't a significant study on that. We could definitely look into that.

Me: There wasn't a significant study on that? There are actually a great number of studies in the scientific literature about how alcohol consumption contributes to drowning. My specific question is how much time did your team spend reviewing the scientific data on this?

**An 8-second pause**

Christina Bies from the City of Austin: "That question is something we would have to look into. It wasn't brought up."

--->So, the City of Austin is proposing selling alcohol 30 steps from the entrance to Barton Springs pool, but they have not looked into the scientific data on the correlation between alcohol consumption and drowning?

This constitutes irresponsible, reckless thinking. Does a vendor and the city making money on alcohol sales matter more than scientific data and peoples' lives?

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And then...

Me: "You were very intentional in describing how the alcohol consumption is physically separate from the pool as if to imply alcohol consumption is mutually exclusive to swimming. We all know that's not true, of course.

There are going to be intoxicated people entering the pool. You've just described the way you're going to enforce that is by asking the lifeguards to do that work so I'm wondering what the lifeguards have to say about this? How do they feel about pulling drunk people out of the pool?"

#### **An 8-second pause**

Kasey Corpus from the City of Austin: "I think just to kind of piggyback off of what Christina said, um, you know, what we're doing right now is more just kind of gathering information. They haven't studied specifically, you know, wine and beer being served near the pool."

Me: "I'm not asking anybody to study anything. What I want to know is what you know about how the lifeguards feel about pulling drunk people out of the pool and then having to police who comes in and out of the pool and effectively asking them to be bouncers. I want to know what you know about how they feel about that."

#### **A 40-second pause**

Christina Bies from the City of Austin: "The current strategy is to ask anyone who is intoxicated to leave the pool area."

Me: "That's not my question. My question is: What do you know about how the lifeguards feel about pulling drunk people out of the pool? How do the lifeguards feel about the additional responsibility being foisted upon them?"

Denisha Cox from the City of Austin: "At this time we have not surveyed the lifeguards. That's certainly a consideration."

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--->So, prior to this meeting, the city had not spoken with the very people who would ultimately be responsible for the consequences of intoxicated people entering the pool.

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**From the Community meeting: false interpretation of lifeguard training. The lifeguards are not—according to their training manual—trained to handle conflict that arises as a result of intoxicated patrons entering the pool.**

29:19 Pat Rosette: “Isn’t it a usual duty of the lifeguard to monitor the gates and make sure that no inebriated people come into the pool? Whether we have people serving...So, that’s their usual duty. These are not extra duties?”

Adam Thompson: “Correct. We have a cashier and generally an additional lifeguard helping monitor the gate to make sure that people are not bringing alcohol into the pool and if we see someone who is intoxicated as they’re entering the pool, we ask them not to enter for the day.”

Pat Rosette: “So they have been trained to deal with this already as part of their regular duty already?”

Adam Thompson: “They have been trained to look for alcohol and ask people if they have alcohol in their possession.”

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**From the community meeting on June 17, 2021: Parks staff justifying the CUP based on results from a Twitter poll**

35:54 Stakeholder W. Tucker: “With so much public opposition, what is your motivation for approving alcohol sales.”

Parks staff Justin Schneider: “What we’ve seen is there is definitely opposition and there are concerns that are very valid concerns, but we’ve also seen there is significant community support as well. [My note: “Significant” is an outright lie. Only 3% of survey respondents wanted alcohol. No public health decision should be based on a Twitter poll.]

The reason this came up is because it was desired by the community.

And then the recent story on KVUE I think though we haven’t run our own survey because we are trying to provide information and allow the Planning Commission to go through their process.

KVUE had something like 80% of people polled support this.”

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**A sample of journal articles**

<https://injuryprevention.bmj.com/content/10/2/107>

<https://jamanetwork.com/journals/jama/fullarticle/190416>

Thank you,  
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