

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

December 10, 1966

9:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Palmer presiding.

Roll Call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

The Mayor announced that it was time for the Special Meeting requested by the Parks and Recreation Advisory Board. He stated that the purpose of the meeting was to clarify certain matters pertaining to the publicly owned lands along Town Lake.

Mrs. Fagan Dickson, Chairman of the Parks Board stated that the Board was recommending that the Council dedicate the publicly owned shorelines as park lands. She noted that after years of negotiating with the Council to adopt policies for the development of Town Lake and the parks, the Council had taken no initiative to implement plans which they had paid professionals to draft.

Questions raised by Mrs. Dickson in a letter to Doren Eskew were brought up during the Council meeting. Concerning the legal status of the purchasing of the Decker Lake shorelines with federal funds, Eskew stated that the Decker Land was purchased with utility bond funds and was the property of the utility system. Eskew added that Federal money had come through the Open Space program and was to be used for open space and recreational purposes. He then stated that no control of any of the area could be given to the Parks Department unless the Parks Department would reimburse the utility system, since the land was an asset used by the utility system to back bonds. Eskew then stated that if the Decker Lake lands were leased for any reason the city would have to reimburse the Federal government for some portion of the open space money or provide equal open space land at another suitable location. Concerning the legal restrictions controlling the sand beach reserve areas, Eskew stated that the city could not sell the land but that the sand beach could be subject to concessionaires' rights for an intermediate use provided that it be compatible with the public purposes for which the state gave the lands to the city.

Commenting on the leasing of dedicated park land, Eskew stated that the land could be leased after a favorable vote had been reached by the people on the terms and conditions of the proposed lease. When asked to define the difference between a lease and a franchise, Eskew stated that a franchise was normally thought of in terms of joint use such as the privately owned bus company franchised to use city streets. He then stated that concession rights rather than franchise rights would probably be considered. He then added that the Zilker Park train operated on concession rights based on the rendition of a service to the public that used the park.

Another park land matter clarified by Eskew concerned the existence of ordinances which would control the encroachment by land filling in Lake Austin. Eskew mentioned that there were two ordinances which prohibited filling below certain contour elevation lines without a special permit. He then stated that the city authorized by special permit the transfer or relocation of existing earth if it was done in a manner that did not adversely affect the capacity of the lake, swimming or the safety of any dam or bridge.

Concerning the matter of undedicated public lands, Eskew stated that the status of such lands varied with regard to the jurisdiction of departmental systems. He then stated that the responsibility for county lands remained in the hands of the county whether or not the land encroached upon city limits.

The Council then adjourned.

APPROVED: _____

Mayor

ATTEST: _____

City Clerk