

Thursday, August 24, 2006

+ Back Print

Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 88

Subject: Conduct a public hearing and adopt a resolution authorizing the use of an approximately 0.270 acre (11,781 square foot) electric line and a 10-foot temporary work space adjacent to the permanent easement through dedicated parkland known as Yett Creek Park along Riata Vista Circle, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

Amount and Source of Funding: All costs associated with construction, as well as any parkland restoration, will be paid by requester.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

(click to open)

- ☐ **MAP**
- ☐ **FIELD NOTES**
- ☐ **BOARD AND COMMISSION RECOMMENDATION**
- ☐ **Resolution**

For More Information: Junie Plummer, 974-7085; Laura Bohl, 974-7064.

Boards and Commission Action: Recommended by Parks Board on February 28, 2006.

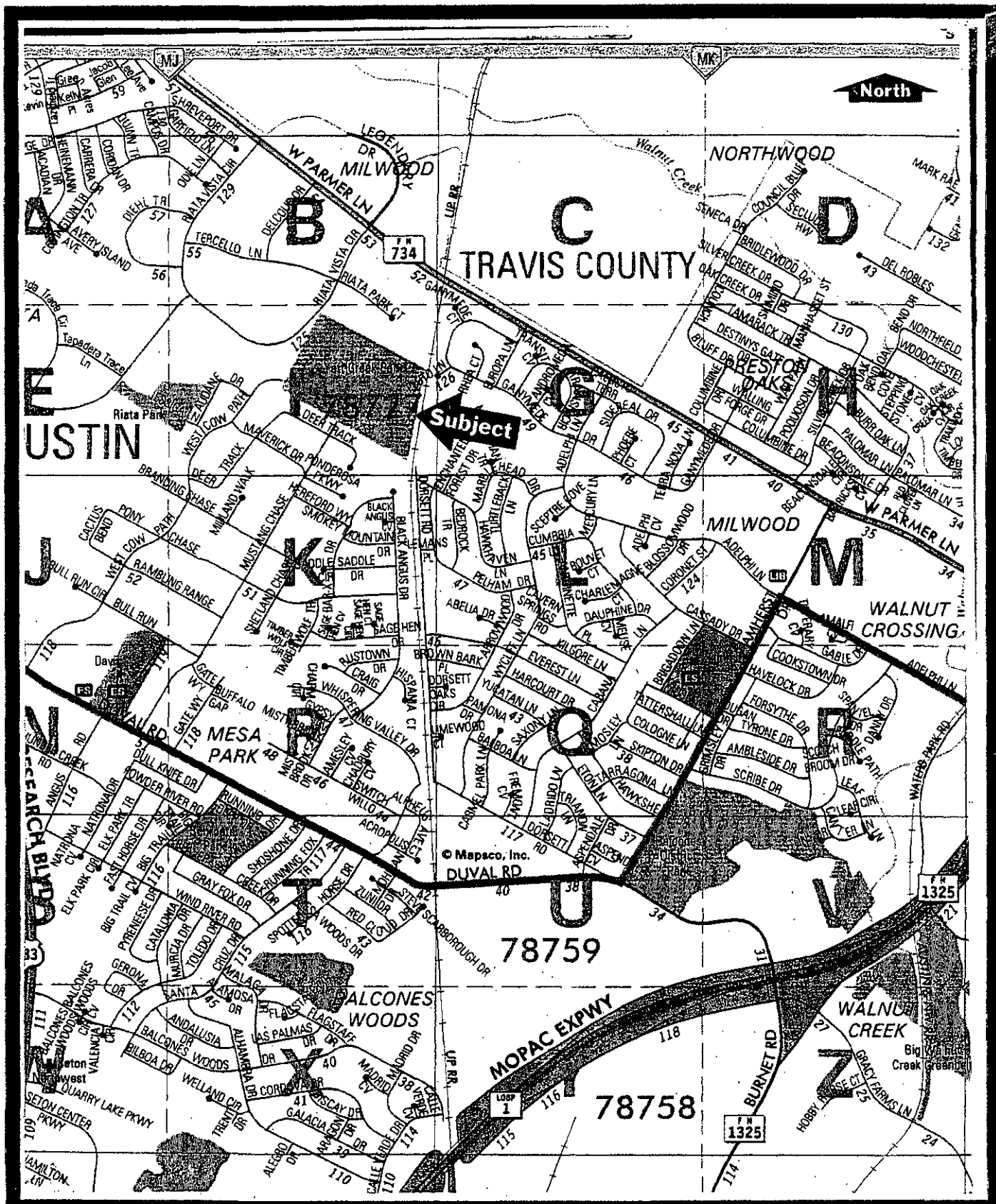
Chapter 26 of the Parks and Wildlife Code provides that the use of parkland for non-park purposes may be approved upon a finding that there is no feasible and prudent alternative to the use of this land.

The Public Works Department on behalf of Austin Energy hereby requests authorization for the construction, operation and maintenance of an electric line on dedicated parkland.

The proposed electric line is part of a project to upgrade the distribution feeder from Duval Road up to the end of Dorsett Road, across the Union Pacific Railroad tracts to the east and north to Parmer Lane. The electric line is necessary for servicing the area due to an increase in development.

Approval of the use of parkland is made on the condition that all restoration is completed in accordance with the Standard Specifications and Construction Standards of the City of Austin and the Parks and Recreation Department's "Construction in Parks Specifications". Austin Energy is required to pay all costs associated with the restoration.

There is no feasible and prudent alternative to the use of the dedicated parkland, which includes all reasonable planning to minimize harm to such lands. The dates of public notification in the Austin American-Statesman are July 30, August 6 and August 13, 2006.



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Area Map

City of Austin
To
City of Austin
(For 10' Electric Easement)

EXHIBIT "A"

FIELD NOTES FOR 0.270-ACRE PARCEL

ALL OF THAT CERTAIN 0.270-ACRE (11,781 SQUARE FEET) TRACT OR PARCEL BEING A 10-FOOT WIDE STRIP OF LAND SITUATED IN THE PETER CONRAD SURVEY NO. 112, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN CALLED 40.545-ACRE TRACT AS CONVEYED BY DEED TO THE CITY OF AUSTIN IN VOLUME 10924, PAGE 390, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the curving west right-of-way line of the Missouri Pacific Railroad (100-foot R.O.W.) at the south corner of said called 40.545-acre City of Austin (C.O.A.) tract, same being the northeast corner of that certain 4.61-acre tract conveyed to John M. Larkin in Volume 5380, Page 1319 of the Deed Records of Travis County, Texas for the southeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing with the common line between said 40.545-acre tract and said 4.61-acre tract, N56°25'51"W a distance of 10.97 feet to a calculated point for the southwest corner of this tract, from which point a 1/2" iron rod found bears N56°25'51"W a distance of 23.54 feet;

THENCE, through said C.O.A. 40.545-acre tract for the following two (2) courses:

- 1) Along the arc of a non-tangent curve to the right an arc length distance of 423.46 feet having a radius of 20,426.47 and a chord which bears N9°55'21"E a distance of 423.45 feet to a calculated point of tangency;
- 2) N10°28'35"E a distance of 754.21 feet to a calculated point in the southwest line of Lot 5, Block D, Milwood Section 20, a subdivision of record in Volume 85, Page 129D of the Plat Records of Travis County, Texas as conveyed to Ipers Palmer Business Park, Inc. in Document No. 2004065961 of the Official Public Records of Travis County, Texas;

THENCE, with the common line between said C.O.A. 40.545-acre tract and said Lot 5, S60°16'49"E a distance of 10.59 feet to a ½" iron rod set in said west right-of-way of Missouri Pacific Railroad for the east corner of said 40.545-acre tract, same being the south corner of said Lot 5 and the northeast corner of this tract, from which point a ½" iron rod found with a plastic cap labeled "Chaparral" bears S43°39'34"E a distance of 2.21 feet;

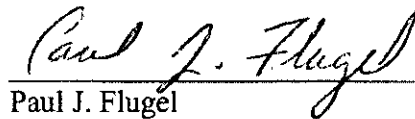
THENCE, with said west right-of-way line, same being the east line of said 40.545-acre tract for the following two courses:

- 1) S10°28'35"W a distance of 750.72 feet to a point of curvature of a non-tangent curve to the left;
- 2) Along the arc of said curve to the left an arc length distance of 427.75 feet having a radius of 20,416.47 and a chord which bears S9°54'58"W a distance of 427.75 feet to the POINT OF BEGINNING and containing 0.270-acre (11,781 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Austin Energy from a survey made on the ground in April of 2006 under my supervision.

Refer to attached sketch, EXHIBIT "B"

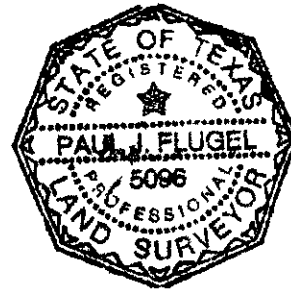
Prepared by Austin Energy:



Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: April 19, 2006



Bearing Basis: The basis of bearing for this survey is the record bearing between two ½" iron rods found (S9°54'58"W) 427.75 feet apart along the east line of said 40.545-acre tract, (same being the west right-of-way line of Missouri Pacific Railroad) as stated in subject deed for said 40.545-acre tract recorded in Volume 10924, Page 390 of the Real Property Records of Travis County, Texas.

F:\Surveying\Dist\Misc 2006\Dorsett-40-acs\Fnote-Desc\dorsett-40.52acs-10'-esmt.

Austin Map No. 465, Grid J36

Tax Map Ref ID # 02-6603-0210

EXHIBIT "B" **SURVEY OF A PORTION OF THE** **PETER CONRAD SURVEY NO. 112,** **TRAVIS COUNTY, TEXAS**

IPERS PALMER BUSINESS PARK, INC.
 DOC. # 2004065961, O.P.R.T.C.T.

LOT 5, BLK. D
 MILWOOD, SEC. 20
 VOL. 85, PG. 1290
 P.R.T.C.T.

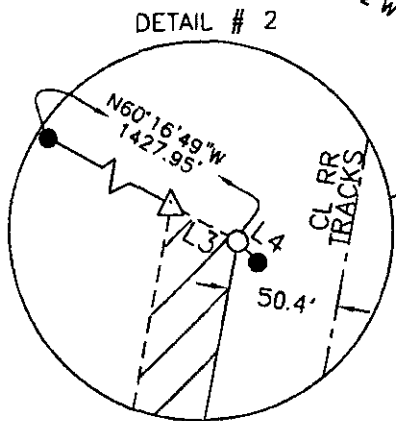
CL RR TRACKS

SCALE:
 1" = 200'

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD SET
- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS
TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	N56°25'51"W	10.97'
L2	N56°25'51"W	23.54'
L3	S60°16'49"E	10.59'
L4	S43°39'34"E	2.21'



CITY OF AUSTIN
 VOL. 10924 PG. 390
 R.P.R.T.C.T.
 (40.545 ACRES)

10' ELECTRIC EASEMENT
 0.270-ACRE (11,781 S.F.)

10' ELECTRIC EASEMENT
 VOL. 5688, PG. 1739
 VOL. 5412, PG. 647
 D.R.T.C.T.

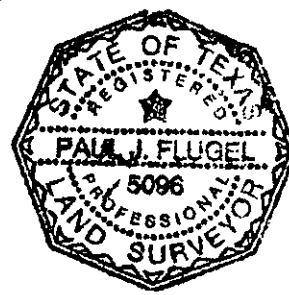
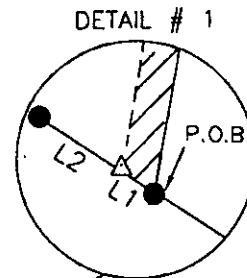
LOT 4
 ANGUS VALLEY
 NO. 11
 VOL. 53, PG. 55
 P.R.T.C.T.

JOHN M. LARKIN
 AND SHEILA K. LARKIN
 VOL. 5380, PG. 1319
 D.R.T.C.T.
 (4.61 ACRES)

AS SURVEYED BY:
 AUSTIN ENERGY

Paul J. Flugel

PAUL J. FLUGEL
 REGISTERED PROFESSIONAL LAND SURVEYOR #5096
 DATE : APRIL 18, 2006



SKETCH TO ACCOMPANY
 METES AND BOUNDS DESCRIPTION
 NOTE: REFERENCE METES AND BOUNDS
 DESCRIPTION LABELED "EXHIBIT A"
 COGO: Surveying\Misc2006\DorsettRdExhibit.pro
 Drawing: Surveying\DIST\Misc2006\
 DORSETT-RD-40ACS\DorsettRd-ESMT.DWG
 FIELD: PJF, MG FB: 51-N, PG. 6-8
 OFFICE: PAUL FLUGEL, MATT ELIZONDO



Parks and Recreation Department Board Minutes
Tuesday, February 28, 2006
Meeting

A regularly scheduled meeting of the Parks and Recreation Department Parks Board was held on Tuesday, February 28, 2006 at the Board and Commissions Conference Room, 301 W. 2nd St. Room 1101.

Board members present: Board Chair Linda Guerrero, Vice-Chair Jeb Boyt, Secretary/Parliamentarian Mark Vane, Leonard Lyons, Marilyn Bostick, Clint Small, Jeff Francell, Rosemary Castleberry and Hector Ortiz.

Staff members present: Warren Struss, Stuart Strong, Cora Wright, Randy Scott, Rick Ramirez, Jay Stone, Ricardo Solis and Tino Garcia.

A. Meeting called to order

The meeting was called to order by Board Chair Linda Guerrero at 6: 35 p.m.

B. Approval of the minutes, from the January 24, 2006 board meeting.

Board Member Boyt moved approval seconded by Board Member Ortiz. Motion passed.

C. Citizen Communication

Speakers chose to speak under each specific agenda item.

D. Presentation

1. Cancer Survivors Park for Austin – Label Harlick.

Mr. Harlick provided a video of cancer survivor parks that are located throughout the country. The foundation is proposing developing Waterloo Park as a Cancer Survivor park here in Austin and will make a donation to the city for operation and maintenance for the park. Mr. Harlick indicated that funds for the park will consist of \$750,000 for the park, \$100,000 to be held in escrow and \$150,000 to be used to create bronze statues. The idea of the park is to give hope and assist people with survival coping skills. Landscaping will consist of plants that have proven to help in curing cancer. The site

plan for the park will be forthcoming and discussions are continuing. Final approval will be provided by the Parks Board at a later date.

2. Town Lake Trail Foundation – Dan Garrison.

Mr. Garrison reported on the trail improvements that have totaled \$185,000 since 2004. They included: the Rowing Center Overlook, restoration of Looks Point, and the installation public restroom adjacent to the Mexican American Cultural Center. Other improvements are; adopting a garden program and the overhauling and restoration of Lou Neff point. New trail maps will be added including landscape lighting projects and the installation of drainage culverts to the trail. Mr. Garrison provided a list of the proposed projects to the Board.

3. CIP Bond Presentation –

Stuart Strong provided a list of the 1998 Bond appropriations. He detailed a project by project account and the status of each project. The total cost for all the projects is \$110 million dollars. He said that eighty percent (80) of the funds have already been spent.

E. Items for Action

1. Public Hearing for Food Beverage Concession at Emma Long Metro Park.

The public hearing is being held to determine the types of concessions the public would like to see. Jay Stone, Division Manager, indicated that signs have been posted for citizen input. To date, the department has not received any input from the public. Board Member Francell moved to initiate an RFP (Request for Proposal) for a food and beverage concession at Emma Long Metro Park. Seconded by Board Member Bostick, motion passed.

2. Make recommendation to Director regarding variance request to Waterfront Overlay Zone Requirements for Crescent Machinery Site at 127 E. Riverside Dr.

Steve Metcalf addressed the Board on behalf of the applicant. He pointed out that the Crescent Machinery site is covered by the Water Front Overlay Ordinance. He provided pictures of the creek and the current machinery site. The applicant is proposing a vertical mixed used building, with retail and residential uses and will include a sidewalk. Neighborhood meetings have been held and he indicated they have received some support. The proposal consists of stabilizing the creek with rock structure, and the planting of plants will make the site more aesthetically pleasing. The neighborhood now believes that the proposal is setting an unnecessary precedent. The applicant countered that is wasn't because of the lack of parkland connected to the creek and thus, the site is not joined by a greenbelt as other creeks identified in the Waterfront Overlay. He also indicated that a path could be built even with the proposed setback and that a water quality system of superior quality will also be constructed. The system, he indicated will be able to remove considerably more pollutants.

Board member Boyt reported that the Land and Facilities subcommittee had reviewed the proposal and is in favor of the requested variances. In addition, the committee recommends that the Council amend the Waterfront overlay to remove the secondary setback. Also, he pointed to a letter from Michael Laday, Environmental Resource Management Division in support of the project.

Citizen Communication:

Sage White, addressed the Board and indicated that the neighborhood wants to see mix use as well. However, the problem is in completely dispensing with the setbacks required by the Waterfront Overlay Ordinance. The secondary setback is unreasonable and the proposal also requires a waiver from the Critical Water Quality Ordinance. She indicated that the neighborhood plan specifically requires an 80 foot setback from East Bouldin Creek. She indicated that last spring the neighborhood endorsed the plan but now the neighborhood has decided to rescind the support of the plan.

Jean Mather, indicated that the Board should consider what kind of precedent supporting this proposal would bring. She indicated that the neighborhood plan requires an 80 foot setback from the East Bouldin Creek. She also said that it is imperative to mention that the parallel goal of environmental protection and increased open space is to compensate for this density. A beautiful, living creek creates a greenbelt that not only has aesthetic value but adds a dollar value to the adjoining properties.

Mary Arnold urged the Board to review the whole Waterfront Overlay Ordinance and the reasons for primary and secondary setbacks. She also wanted to know the status of the flood plain situation along the creek. She wants to know what the projections are for increased runoff due to reducing setbacks. Finally, she urged the Board to send this to the Environmental Board for review.

Sarah Campbell also addressed the Board regarding the proposal. She lives in the South River City neighborhood and is opposed to the variances to the Waterfront Overlay as requested by the applicant. She told a joke with a moral that indicated to be careful of what you might run over on your way.

Board Member Ortiz indicated that he had voted against the proposal due to the fact the neighborhood does not support the current proposal.

Board Member Boyt reiterated that the creek is in terrible shape and that this project can address all the current creek problems. In his opinion, the project will improve the creek. As a result he moved to recommend the endorsement of the proposed variance request and to send the recommendation to Planning Commission. The motion includes the removal of the secondary setback from East Bouldin Creek. Seconded by Board Member Bostick. Motion carried 7-1-1 in favor of the proposal with Board Member Ortiz voting against and Board Chair Guerrero abstaining.

3. Make recommendation to Council regarding Use Agreement for Water and Wastewater Lines in Onion Creek Park (Goodnight)

Board Member Boyt stated that the Land and Facilities committee had reviewed the proposal and voted to support the proposal by a vote of 4-0. Hanrahan Pritchard Engineering Inc., provided a brief presentation in which they indicated that Austin Water Utility would become owner and operator of a proposed gravity wastewater system being designed by them. Together with the Parks Department the firm as agreed to 1) construct a crushed granite trail along the length of the proposed wastewater improvements; 2) provide water and wastewater service connections to allow future development; and 3) provide a cable fence along the park frontage adjacent to the Goodnight Ranch. Austin Water Utility is requesting the Board recommend to the Council a Use Agreement for the construction of the project. Board Member Vane moved to approve, seconded by Board Member Francell. Motion carried 6-0.

4. Make recommendation to Council regarding Use Agreement for Electric Transmission Lines in Yett Creek Park.

Board Member Boyt reported that Land and Facilities Committee had reviewed the proposal and recommends approval with the condition that Austin Energy work with the landowners to get a new easement. Note: it was clarified that this is not a transmission line but rather a distribution line. Board Member Boyt moved approval of the Use Agreement, seconded by Board Member Francell. Motion passed.

Note: Board member Small requested to move agenda item #5 to be discussed later on during the meeting and requested that item # 6 be discussed first.

6. Approve the construction of a Wave Break at Lake Austin Marina located at 2215 Westlake Drive.

Steven Alexander provided an overview to the Board regarding the breakwave. Mr. Alexander is asking the Board to approve the construction of a wave break to protect 3 of the 8 piers. He indicated that the structure will be built inside the line of the current no wake buoys on Lake Austin and that the construction of the wave break is in no way an expansion of the marina. Letters of support have been provided to the Board in support of the project. It was also pointed out that the new Park Police boat would be allowed to park at the marina. Currently there are 168 boat slips in the marina.

Citizen Communication:

James Vonwolske is opposed to the construction of the wave break. He is of the opinion that the wave break would be a big navigation hazard. He provided the Board with a memorandum addressing his concerns.

David Baizer, an original owner of the marina, is also opposed to the proposal. He is concerned that the wave break is a navigation hazard and an eye sore. He has sent an email to the Board expressing the opposition to the construction of the wave break.

Sergeant Wade reported on the navigational safety issues related to the wave break. He indicated that the wave break is behind the navigational zone and that the construction must be lit.

Board Member Vane asked staff for input regarding this issued and was informed that the proposal does not meet the ordinance requirement. Randy Scott provided information regarding the issue and reported that staff reviews site plans for boat docks and this site plan exceeds the 30 feet requirement. Since the Board is sovereign on lake issue, the Board can still approve variances provided the applicant meets special circumstances. Board Member Small moved to approve the construction of a Wave Break at Lake Austin Marina located at 2215 Westlake Drive, seconded by Board Member Boyt. Board Member Vane requested a roll call vote and the results were as follows: 1) Board Member Boyt – yes, 2) Board member Vane – no, 3) Board Member Small – yes, 4) Board Member Ortiz – no, 5) Board Member Lyons – no, 6) Board Member Franc ell – yes, 7) Board Member Castleberry- yes, 8) Board Chair Guerrero- no. The result was 4-4 and the motion did not carry.

Board Member Small suggested that a tour of the lake be provided by staff for any board member who expresses an interest to get a better understanding of any lake issues. Park Police staff and Randy Scott will accompany the tour.

Note: the following agenda items have been rearranged at the request of Board Member Small.

13. Approve the expansion of the Rowing Dock on Town Lake.

Citizen Communication:

Scott Johnson submitted written testimony requesting to include in the contract specifications that the expansion of the rowing dock should not create any additional light pollution. Also, the entry way and grounds must be kept in accordance with the current park setting. In addition, requests that the owners not paint with any bright colors and that other any other structures should be painted dark or earth tones.

Rachel Thomas, owner and operator of the rowing dock, added that they have no plans to add more lights. Board Member Small moved to approve the expansion of the Rowing Dock on Town Lake, seconded by Board Member Francell. Motion carried 7-0.

10. Make a recommendation to the Zoning and Platting Commission on the proposed CR Zoning at 1703 River Hills Rd.

Board Member Small explained to the Board that the new owners of the Pier have applied for a zoning change. Pier owners are Brian Bailey, Mack Pike, Wally Scott and Eric Morgan. They have purchased the former Pier Restaurant and propose to rebuild the restaurant (3,600 sq. ft) near the same location. They reported that live music will no longer be provided at the site due to the fact that up to 100 boats congregate, congest, and make the area of the lake unsafe. They have met with the neighbors and most have approved the zoning change. There are concerns specifically with the location of the gas dock and the noise from the operation (forklifts moving the boats). They have agreed to visit with all their neighbors to discuss the specific site plan including the water intake systems. A new commercial septic system will be installed and the owners have extended an invitation to the Park Police to reserve a slip for their use. They are proposing to build 180 dry stacked boat storage slips located approximately 200 feet from the shore in a secured boat storage facility.

Sergeant Wade addressed the Board on the navigation safety issues that would be caused by the rebuilding of the restaurant. He indicated that the area around City Park is usually very congested and recommends that the no wake zone be extended from the water intake of the MUD 4 to just past the Pier property. Board Member Francell expressed two concerns with the project; 1) recommending the zoning change and then the subsequent coming back to Board, and 2) that a lake study has not been conducted to determine the amount of boats that can safely navigate the lake. Board Member Boyt expressed concern with dry stack storage on the lake.

Board Members Francell and Small both indicated that there is a need for a lake study. Mr. Small has met with city officials including members of the LCRA, and all seem to agree that a boat traffic study needs to be conducted. He requested that staff look into the possibility of the Board having final site plan approval in addition to final boat plan approval.

Citizen Communication:

Kay Ofman, resident of Lake Austin, is opposed to the marina (pier) due to the traffic congestion, especially on Sunday's. She encourages the traffic study be conducted.

Jose Ofman is opposed to the rezone based on 1) the boat dry stack storage facility; 2) public safety hazard with significant environmental impact; 3) the storage facility will result in high boat density, and 4) the current proposal will exacerbate the water navigation problems in the area.

Terry Barnes lives right beside the Pier and is opposed to the rezoning in lieu of more review.

Glen Nickerson, Past President of the Homeowners Association, is in support of the rezoning proposed by the applicant. He would prefer to use the dry boat storage instead of using the ramp at the 360 bridge.

Jim Keller, former resident of Austin and owner of one of the largest dry stack boat marinas, is in support of the proposed rezoning change.

Allen McAden (sp), requested the Board approve the applicant's request. He is an owner of a dry stack marina and indicated that the structure would alleviate the traffic on the lake. He provided pictures of the marina for all to review.

Board Member Francell indicated that this issue needs further review and as a result Board Member Small moved to table the item and requested that it go back to the Navigation Committee for further review, seconded by Board Member Francell. Motion passed, 6-0.

7. Approve the construction of a 2-slip addition to the Laguna Loma boat docks at 1701 Lake Shore.

Board Member Small reported that the Navigation Committee has reviewed the requests and recommends approval of the 2-slip addition to be built inside the current boat docks and the bank (shoreline), seconded by Board Member Boyt. Motion passed, 7-0.

8. Approve the construction of a single-slip boat dock at 10806 River Terrace.

Board Member Small moved to recommend the construction of the single-slip boat dock at 10806 River Terrace, seconded by Board Member Francell. Motion passed 7-0.

9. Approve the construction of a 2-slip boat dock at 3203 Brass Buttons Trail.

Board Member Small reported that the applicant submitted a request that exceeds 20% of the shoreline. The lower level, however, is not greater than 20 % of the shoreline, therefore, approves the recommendation of the 2-slip boat dock at 3203 Brass Buttons Trail, with the provision that the 2nd deck be the same size as the 1st deck (as originally submitted), seconded by Board Member Francell. Motion passed 7-0.

11. Make a recommendation on the construction of a 2-slip dock and bulkheading at 7917 Big View Dr.

Board Member Small reported that the applicant has bad erosion on their property. The committee has seen the site and recommends the approval of a 2-slip dock and bulkheading at 7917 Big View Dr, seconded by Board Member Francell. Motion carried 7-0.

Note: Agenda item #8 has been re-discussed and Board Member Small moved to reconsider the original motion, seconded by Board Member Francell. Motion passes. As a result, Board Member Small moved to table item #8 for further review, seconded by Board Member Francell. Motion passed

12. Approve the construction of a single-slip boat dock at 1614 Bruton Springs Rd.

Board Member Small reported that this is minimum boat dock to be built on a minimum lot and therefore moved to approve the construction of the single-slip boat dock at 1614 Bruton Springs Rd, seconded by Board Member Francell. Motion carried 7-0.

5. A resolution requiring the Director and staff to study possible ordinance changes regarding commercial boat docks and marinas.

Board Member Small expressed concern, specifically regarding marinas, that the Parks Board currently does not have enough authority/say in how marinas can be built. He is requesting the Director look into the possibility of ordinance changes to assist the Board in making better decisions. Board Member Castleberry stated the need to better understand what the state and city restrictions are placed on the board. Board Member Small wants dialogue with the Planning Commission to discuss this further. Director Struss, listening the current frustration, suggested that a traffic study assessment be done in Lake Austin including Town Lake.

Board Member Small moved to recommend the Director to direct staff to look into possible ordinance changes to Section 25 Article 13 of the Land Development Code as it relates to boat docks, seconded by Board Member Francell. Motion carried 7-0.

F. Director's Report

Director Struss invited everyone to the 78th Kite Tournament at Zilker Park. Approximately 25,000 are expected to attend. Director Struss also reported on the Town Lake Park groundbreaking.

G. Items from the Board

Navigation Committee – Sergeant Wade and Randy Scott will escort Board members to tour the lake, especially the area around the Pier and other bulkheading areas.

Land and Facilities Committee – Board Member Boyt indicated that the Turkey Creek Nature Trail at Emma Long Park is below standard. BCP has requested that the trail be moved. Resources and other options are being reviewed for implementation, hopefully within the next 6 months.

Programs Committee – Board Member Castleberry reported that the Aquatics Division received the Gold Medal Award for best aquatic programs. Board Chair Guerrero discussed the next Board retreat and also reported that the BCP Land Management Plan is

being reviewed. Visit www.bcpcas.org for more information. Board Member Boyt indicated that the Zoning and Platting Commission has sent a resolution to Council asking that it look into adopting fees downtown that will go to affordable housing and park services. The Downtown Commission requested that it not be done.

With no further business, the meeting was adjourned at 10:13 p.m.

RESOLUTION NO. 20060824-

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

WHEREAS, the City Council was requested to review and approve the use of parkland for the construction, operation and maintenance of an electric line through dedicated parkland known as Yett Creek Park along Riata Vista Circle; and

WHEREAS, notice of public meeting to be held on August 24, 2006, was given for three consecutive weeks on July 30, August 6, August 13, 2006 in a newspaper of general circulation; and

WHEREAS, such public hearing was held August 24, 2006, by the City Council to determine the approval of the improvements proposing the use of the preserve property; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council finds that, having taken into account clearly enunciated local preferences, there is no feasible and prudent alternative to the use of the parkland (detailed in the attached Exhibit "A" and "B") for the construction, operation and maintenance of an electric line through the dedicated parkland and such proposed use is approved.

That the City Council finds that the program of improvements includes all reasonable planning to minimize harm to the park from the resulting use.

That the City Manager or her designee be authorized to take such measures as may be necessary, favorable or required to secure placement of lines.

ADOPTED: August 24, 2006

ATTEST:



Shirley A. Gentry
City Clerk

M:\GC\General Legal Advice\2005-2006 Council Items\Drafts\08-24-06\PH Yett Creek Park.doc

