

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 19, 1971
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Absent: None

The Invocation was delivered by Mr. Lynn H. Andrews, City Manager.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of August 12, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden,
Nichols, Lebermann

Noes: None

Abstain: Councilman Love, as he was not present on August 12.

EASEMENT RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

An electric easement provided for in an instrument of record in Volume 3658 at Page 234 of the Deed Records of Travis County, Texas. (Henry P. Hill League, Survey #21).

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Love, Lebermann, Friedman

Noes: None

CONTRACTS AWARDED

Councilman Dryden moved the Council adopt a resolution awarding the following contract:

JACK A MILLER, INC.

- For reinforced concrete box culvert across Parker Lane in Greenbriar Section 2, Contract No. 71Cc-117 - \$7,635.00. (28 working days for completion; Engineer's estimate - \$9,500.00; Capital Improvements Program, subject to 50% participation (or \$3,817.50) by the developer.

Councilman Nichols, referring to the bridge on Barton Hills Drive, suggested that something be done before there is a casualty. Councilman Nichols then seconded the motion, which carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox

Noes: None

PARCO BUILDERS

- For the installation of approximately 825 linear feet of 8-inch A. C. water pipe and 572 linear feet of 8-inch concrete sewer pipe and appurtenances in Pleasant Valley, Section 2 - \$8,330.00. (30 working days for completion; City's estimate - \$11,490.00; Capital Improvements Program)

Councilman Dryden moved the Council adopt a resolution awarding the preceding contract. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

LATSON CONSTRUCTION

- For emergency repair of pavement on Taxiway "E" - Robert Mueller Municipal Airport - \$9,270.00

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Lebermann, Handcox, Mayor Butler

Noes: None

SUBSTANDARD STRUCTURES

Councilman Nichols moved the Council accept the recommendation of the Building Standards Commission and instruct the Law Department to take proper legal disposition of the following substandard structure which has not been repaired or demolished within the required time:

2012 Riverview

- Pedro & Celestina Hernandez

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Nichols

Noes: None

ACQUISITION OF LAND

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the Mo-Pac Expressway, Phase 4 as follows:

2527 Winsted Lane

(Partial Taking; Recommended Value -
\$1,450)

Vertie Lee Stuessy

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden,
Nichols, Lebermann, Love

Noes: None

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the Mo-Pac Expressway Phase 4, as follows:

2610 Jefferson

(Partial Taking; Average of Appraisals -
\$7,075)

Geneva C. Davidson, et al

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden,
Nichols, Lebermann, Love

Noes: None

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the Mo-Pac Expressway, Phase 4, as follows:

2521 Winsted Lane

(Partial Taking; Average of Appraisals -
\$1,630)

Beryl McCarroll Pickle

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols, Lebermann, Love

Noes: None

CORRECTION OF ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCES NO. 710624-G, 710610-D, and 710624-I; 710429-J and 710415-C, MAKING CERTAIN MINOR CHANGES IN THE LEGAL DESCRIPTIONS OF THE PROPERTIES ZONED BY SAID ORDINANCES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710429-B, ENACTED BY THE CITY COUNCIL APRIL 29, 1971, BY CORRECTING THE ZONING FILE NUMBER; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) LOT 15, BLOCK 2, DELZELL SUBDIVISION, SECTION 2, LOCALLY KNOWN AS 3208 LYONS ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;
 - (2) A TWO ACRE TRACT OF LAND, LOCALLY KNOWN AS 7051-7063 HART LANE; 3601-3639 FAR WEST BOULEVARD, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
 - (3) LOT 14, BLOCK J, RIDGETOP ADDITION, LOCALLY KNOWN AS 944 EAST 51ST STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately.

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Mayor Butler

Noes: None

The Mayor announced that the ordinance had been finally passed.

INCREASE IN NUMBER OF MEMBERS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 32-28 OF CHAPTER 32 OF THE AUSTIN CITY CODE OF 1967, BY INCREASING THE NUMBER OF MEMBERS OF THE "CITIZENS' TAX ADVISORY COMMISSION" FROM NINE TO ELEVEN; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Love, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Lebermann

Noes: None

The Mayor announced that the ordinance had been finally passed.

DEADLINE FOR APPLICATIONS FOR THE APPOINTMENT OF JUDGESHIP FOR THE MUNICIPAL COURT

Mayor Butler noted that it was necessary to declare a deadline to receive applications for the appointment of a judge for the Municipal Court. Councilman Love moved the Council set September 9, 1971, as the deadline. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

ANNEXATION HEARING

Mayor Butler opened the hearing scheduled for this time on annexing the properties listed below. No one appeared to participate in the hearing. Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings on the following:

10.55 acres of land out of the William Cannon League -
proposed FLOURNOYS SWEETBRIAR SECTION IX. (requested
by owner)

34.51 acres of land out of the John Applegait and George W.
Davis Survey - Proposed QUAIL CREEK, PHASE III, SECTION I,
QUAIL CREEK, PHASE IV, SECTION I

20.49 acres of land out of the John Applegait Survey -
proposed WINSOR HILLS SECTION THREE and an unplatted tract of land.

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Friedman, Handcox, Mayor
Butler, Councilman Dryden

Noes: None

ZONING HEARINGS
(Continued from August 5)

At 2:00 P. M., the Mayor announced the Council would hear the zoning cases scheduled for public hearing at this time. The Supervising Planner reviewed each case, locating them in the area, describing the uses of surrounding properties and adequacy of streets.

RUBY SMITH 601-603 Hearn St.
By George E. Smith
C14-71-141

From "A" Residence to
"B" Residence NOT Recommended
by Planning Commission

Mrs. Evelyn Butler, Supervising Planner, described the area under question, stating the Staff recommended against the zoning as it was an intrusion into a residential neighborhood. The Planning Commission also did not recommend the zoning, stating the area was not a multi-family neighborhood. The Council discussed the necessity of rights of way on two streets, and noted there were multi-family developments in the area. Mr. George Smith, representing his sister, agreed to the right of way requirements.

After discussion, Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence subject to the right of way (10' on Hearn and 8' on Johnson.) The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Nichols

Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

RYLANDER'S FORD 6931-7115 Manchaca Rd.
VILLAGE 1806-1818 Matthews Ln.
By Charles Avery
C14-71-164

From Interim "A" Residence
First Height and Area
To "GR" General Retail
First Height and Area
NOT Recommended by Planning
Commission RECOMMENDED
"GR" General Retail First
Height and Area on approx-
imately the northernmost 350'
of the tract and "BB" Residen-
ce First Height and Area
on the balance of the tract,
subject to 0 to 5 feet of
right of way on Manchaca Rd.,
5' of right of way on
Matthews Lane, and 5' of
right of way on Cannon League
Drive.

Mrs. Evelyn Butler located this 9.945 acre tract of land as being close to a new major arterial, the proposed William Cannon Drive to the north, with church property intervening. To the west there are single family homes. The Staff was of the opinion the zoning should not be recommended or at least the south part of the present "GR" zoning. There is a grocery store less than ½ mile from this site to the north. The Commission recommended that the northernmost 350' of the tract be granted "GR" and the southern section be granted "BB".

Mr. Charles Avery, representing the applicant, alleged the denial of the application appeared to be based on the applicants' having received "GR" in 1970 on 20 acres of land for a grocery store, and is now applying for another grocery store zoning less than ½ mile north, thus encouraging further strip zoning. He did not consider this application to result in strip zoning.

Councilman Dryden moved the Council grant the change from "A" Residence to "GR" General Retail First Height and Area, subject to right of way called for (0 to 5' on Manchaca, 5' on Matthews, 5' on Cannon League). ~~an~~ The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

EDWARD JOSEPH 1313 W. 6th St.
By Rodney John Williams
C14-71-146

From "C" Commercial Second
Height and Area to "C-2"
Commercial Second Height and
Area WITHDRAWN

Councilman Nichols moved the Council withdraw the zoning application as requested by the petitioner. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

The Mayor announced that the zoning application had been withdrawn.

B. J. MASON & 2101-2103 Ivy Tr.
JOHN TABOR 2104-2110 Ben White
By Alan Abbe Boulevard
C14-71-156

From "A" Residence to
"GR" General Retail NOT
Recommended WITHDRAWN

Councilman Nichols moved the Council withdraw the zoning application as requested by the petitioner. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

The Mayor announced that the zoning application had been withdrawn.

BOHLS & McCULLICK
By Ken Gully
C14-71-148

301 Blackson Ave.
402-408 Blackson Ave.
606-608 Blackson Ave.
403-407 Delmar Ave.

From "A" Residence First
Height and Area To "B"
Residence Second Height and
Area NOT Recommended

Mrs. Evelyn Butler, Supervising Planner, reported the Planning Staff felt this zoning would be an intrusion into a residential area, which so far has been developed with single family units. The streets are inadequate to support multi-family development.

No one appeared to speak either for or against the zoning.

Councilman Nichols moved the Council uphold the Planning Commission and deny the zoning request. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen
Dryden, Nichols, Love
Noes: None

The Mayor announced that the zoning request had been denied.

FOLEY, ET AL
Mr. Gohlke, re-
presenting the
applicants
C14-71-165

2000-2004 Melridge Place
1201-1207 Bluebonnet Ln.
1200-1204 Bluebonnet Ln.

From "A" Residence To "AA"
Residence NOT Recommended by
Planning Commission

Mrs. Evelyn Butler, Supervising Planner, described the characteristics of the property under consideration stating there is a revised subdivision terminating Bluebonnet Lane in a cul de sac. Single family dwellings are developed along the street. This proposal is to develop the six lot subdivision with duplexes. This application is a roll back zoning request from "A" to "AA" to prevent duplexes. The staff regarded the small area as spot zoning, and did not recommend the roll back zoning.

Mr. Glen Cortez, represented the property owners of South Lund Park, section 4, and Park Homeowners Association who wished to protect their property values. Deed restrictions for single family homes are on record. It became apparent that duplexes could be constructed, and the property owners initiated and formally filed a petition signed by 85% of the property owners to change the zoning to "AA" covering 5.88 acres.

Speaking in favor of this roll back change were Mrs. Robert Gohlke, Mrs. Dinah Foley, Mr. Gordon Page, Mrs. James Ray, and others, all concerned with the congestion which would result with duplexes. Traffic conditions are not safe now; and with an additional 24 cars, should duplexes be permitted traffic would be hazardous.

Councilman Dryden noted that as far as the public were concerned, it would seem that the street should extend on to Melridge Place.

Mr. Walter Vackar, owner of the 1.3 acres, stated that he bought the property three years ago to build these duplexes, and this zoning seemed discriminatory. His plan included a 15' easement for school children along the cul de sac. Other

than duplexes, Mr. Vackar, member of an architectural firm, had been interested in low-cost housing module--single family units--but did not believe that would be as appropriate as duplexes or economically feasible.

Mr. Cortez referred to the Master Plan stating this area is designated as low density, and the cul de sac conformed with the Transportation Plan. He pointed out the request was listed as 1.31 acres, but there are 5.88 acres involved in this roll back. Four of the home owners were confused over the "roll back" application. It was his understanding the subdivision of the 1.31 acres had not been approved yet. He requested that the Council grant the petitioned "AA" zoning as otherwise this would be an over intensive use of the land.

After much discussion, Councilman Handcox moved the Council uphold the recommendation of the Planning Commission and deny the roll back to "AA" Residence. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols

Noes: Mayor Butler, Councilmen Love, Lebermann

The Mayor announced that the zoning request had been denied.

IRA MOORE

By William F. Kemp
C14-71-158

2502 Wilson Street

2431-2433 Durwood St.

From "B" Residence

To "C" Commercial

NOT RECOMMENDED by the
Planning Commission

Mrs. Evelyn Butler stated there are a number of single family dwellings along Durwood and Wilson; and a cul de sac was promised to be developed, but it has not been put in. The area is served by a 50' paved street, and is located southeast and across Durwood Street from Gillis Playground. Both the Staff and Planning Commission felt this zoning was an intrusion into a residential area, and both recommended against the zoning. The hearing of the case, at the applicant's request, was deferred to the latter part of the meeting. Mr. John Campbell, Attorney, spoke for a group in opposition, stating the commercial use of land would devalue the rest of the property. Four people appeared in opposition. Councilman Nichols moved the Council uphold the Planning Commission and deny the change from "B" Residence to "C" Commercial. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced that the change had been denied.

The following zoning applications were referred back to the Planning Commission:

AUSTIN TEACHERS

FEDERAL CREDIT UNION

By Arthur Amundson

602 Denson

From "A" Residence to "O"

Office NOT RECOMMENDED,

REFERRED back to the Planning Commission

This application was referred back to the Planning Commission for further notification to the property owners.

LORETA CARTER
By Roane Puett
C14-71-169

4505 Avenue F

From "A" Residence
To "B" Residence NOT
Recommended by Planning
Commission

The Supervising Planner, Mrs. Evelyn Butler, described the area as single family homes. The request to "B" is for apartment construction on 6,800 square feet of land. An area study resulted in designating this area "A" Residential. This area does not have frontage on E. 45th St. The Staff would recommend granting of the zoning only if the subject lot joins by subdivision to the corner lot, as consistent with previous recommendations subject to access from Avenue F, and 5' of right of way on Avenue F. Based on testimony, the Planning Commission recommended that the application be denied.

Mr. Roane Puett had just purchased the property subject to zoning, and as he owns the corner lot, the combination of the two tracts would be acceptable to him, but he requested access to Avenue F.

Mr. Puett mentioned a change of procedure in the Planning Commission hearings, and stated that two members of the Planning Commission voted in favor of this zoning; but there was uncertainty about the votes of three others. The City Attorney pointed out that the Council had before it now the official action of the Planning Commission. After discussion, the Council asked Mr. Roane Puett to go before the Planning Commission on September 14th and come back to the Council at its meeting on September 16th.

Councilman Handcox noted the City Attorney's remarks that the Council had the official action of the Planning Commission; and he would not condone individuals singling out members of the Commission questioning their votes, as this was a bad procedure.

MODEL CITIES PROPOSALS

Councilman Love moved the Council adopt a resolution authorizing the following Model Cities Proposal:

Authorizing the City Manager to amend the contract between the Austin Model Cities Department and the Austin-Travis County Health Department for the Family Outpatient Clinic Project No. 11200 to include the purchase of a Mobile Health Van at an approximate cost of \$50,056. (With this addition, the total share of Model Cities funds for the Family Outpatient Clinic is \$245,276.)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman
Noes: None

Councilman Love moved the Council adopt a resolution authorizing the following Model Cities Proposal:

Authorizing the amendment of the agreement with the Department of Public Works for Model Cities Sidewalk Project #10202 to construct additional sidewalks in the Model Neighborhood. (Original Budget: \$157,100; New Construction: \$79,415; Revised Budget: \$236,515; All Model Cities funds.)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman

Noes: None

Councilman Love moved the Council adopt a resolution authorizing the following Model Cities Proposal:

Amending the agreement between Model Cities and the Department of Public Works for the construction of additional streets and drainage in the Model Cities Street and Drainage Improvements Project #10201. (Original budget: \$187,602; Additional Construction: \$171,598; Revised budget: \$359,200; All Model Cities funds)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman

Noes: -None

Councilman Love moved the Council adopt a resolution authorizing the following Model Cities Proposal:

Authorizing agreement between the Austin-Travis County Health Department and the Capitol Area Comprehensive Health Planning Commission, Incorporated, for professional services to coordinate family planning programs in Austin. This is a subcontract with the Family Outpatient Clinic, Model Cities Project #11200. Total cost of this subcontract: \$10,000. (Model Cities Share: \$2,500 HEW Family Planning Grant Share: \$7,500.)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann, Friedman

Noes: None

Councilman Love moved the Council adopt a resolution authorizing the following Model Cities Proposal:

Authorizing agreement between Model Cities and the Parks and Recreation Department for the improvement of parks and recreation facilities serving the Model Neighborhood. (Total cost \$510,996, all Model Cities funds)

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,

Ayes: Councilmen Love, Lebermann, Friedman
Noes: None

Councilman Friedman expressed hope that the specifications could be drawn up quickly.

SUGGESTIONS ON UPGRADING POLICE DEPARTMENT

Councilman Nichols stated he had received a copy of a letter addressed to the Mayor and Council from Captain Don Doyle, President of the Police Association, noting certain procedures which had been in effect in other parts of the country that upgraded the police force. He suggested that the letter be acknowledged and that the City Manager make a report.

COMMUNICATION FROM SCHOOL SYSTEM

Mayor Butler noted a letter regarding taxation received from the School System, a copy of which was provided to all Council members and the original turned over to the City Manager for a report.

PUBLIC HEARING REGARDING SIDEWALKS FOR HIGHLAND PARK ELEMENTARY SCHOOL

The Traffic Engineer presented the plan as shown on a map and as described in the memorandum, stating the proposal would serve the north and south western areas around the school district. The Council members discussed the plan in detail. Dr. Douglas Hudson, Vice-President, Highland Park P.T.A., Mrs. Larry Craddock, and Mrs. Ashworth, League of Women Voters, endorsed the proposal. Dr. and Mrs. Beasley filed a petition with an alternate plan. Mr. Jim Abbey, 3305 Big Bend Drive, Mr. Jack Welge, 3313 Big Bend Drive, representing a great majority of residents on Big Bend and Shadow Lane, spoke in opposition of sidewalks on those streets. Mr. Bob Mossman, 3310 Big Bend Drive, stated in the petition opposing the sidewalks, only six people of the total 15 to 19 actually live on the side of the street on which the sidewalk is proposed. Mr. Finley said the sidewalks would not benefit anyone, and would only result in property damage.

Mr. James Brown, Northwest Civic Group, identified himself, but did not speak.

Councilman Nichols moved the Council maintain the program just as it is outlined. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Friedman, Handcox, Mayor
Butler, Councilman Dryden
Noes: None

REQUEST TO TEMPORARILY BLOCK PORTION OF BRACKENRIDGE STREET

Councilman Dryden moved that the request of Christ Lutheran Church for permission to block temporarily a portion of Brackenridge Street from the corner of East Monroe Street north for 200', on Sunday, August 29th, be granted. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler
Councilmen Dryden, Nichols
Noes: None

ENGINEERING SERVICE - RENOVATION
OF TENNIS COURT FACILITIES - AUSTIN RECREATION CENTER

The City Manager explained this renovation consists of resurfacing four courts, drainage work, and fencing of the tennis court facilities; and recommended that a private engineer should be employed. To Councilman Lebermann, the costs seemed excessive. The Director of Construction Engineering, Mr. Eldridge, gave a brief resume of what was contemplated. Councilman Nichols then moved the Council award the engineering service for the renovation of the tennis court facilities at the Austin Recreation Center to Isom Hale Associates. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden
Noes: None

EMERGENCY RESOLUTION
APPLICATION FOR FEDERAL FUNDS UNDER THE
EMERGENCY EMPLOYMENT ACT, 1971

The City Attorney read a letter pertaining to the Emergency Employment Act. The City Manager said that application for \$64,000 Federal Funds must be filed prior to August 25. Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to apply for \$64,000 Federal Funds under the Emergency Employment Act, 1971, with no matching funds. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Love, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols
Noes: None
Not in Council Chamber when Roll was called: Councilman Lebermann

REQUEST TO RELEASE RESTRICTIVE COVENANT

Mr. C. C. Cook, 3405 Oakmont, said surrounding property is zoned "GR" General Retail, but in January, 1968, a restrictive covenant was placed on his lots, and he wants to develop these lots. The City Manager reviewed the matter, stating in 1967, the Council placed a deed restriction on this property requiring that all three lots be consolidated into one, and granted "LR" Local Retail. This was done by covenant, in which was included "as long as they are separate lots, they should be "B" zoning". By joint action, the owner and the Council might change the covenant, executed January 26, 1968. The City Manager was of the opinion it would be well to re-zone the area. Councilmen Love and Friedman were

were not willing to do so unless all neighbors in the immediate area were given an opportunity to express their desire.

The City Attorney explained that just to remove the covenant, there would still remain the "LR" zoning; and if Mr. Cook wanted to change the zoning, another public hearing would have to be held. Mr. Cook stated he would prefer to leave it as it is unless the covenant can be removed. Mayor Butler advised Mr. Cook to appear before the Planning Commission in order to work something out with them; and if a new recommendation were offered by the Commission, the Council would be glad to hear the case as soon as possible.

REQUEST FOR PERMIT TO CONDUCT A
CLEANING UP CAMPAIGN ON TOWN LAKE

Mr. Steve Shelton asked the City Council to issue a permit to the members of the River City Bass Club to conduct a cleaning up campaign on Town Lake. This proposal will consist of approximately 30 outboard motor boats for approximately four hours from 2:00 - 6:00 P. M., Sunday, August 22nd. The City Attorney, Mr. Don Butler wanted a letter from the club stating these activities were being done voluntarily. Mr. Shelton asked if there were available City trucks to pick up the debris. The City Manager asked Mr. Shelton to let him know when they wanted the trucks, and they would be made available. Councilman Nichols moved the Council grant the River City Bass Club permission to clean up the Town Lake from 2:00 to 6:00 P. M., August 22nd, as discussed. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Nichols
Noes: None

ANNOUNCEMENT OF APPOINTMENT
OF BOARD OF EQUALIZATION

Councilman Nichols moved the Council appoint the following members of the Equalization Board, named effective July 29, 1971:

Mr. Wilford Turner
Mr. Thomas A. Graham
Mr. A. G. Adams

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox, Mayor Butler,
Councilmen Dryden, Nichols
Noes: None

NELSON PUETT APPEARANCE WITHDRAWN

Councilman Love moved the Council allow Mr. Nelson Puett to withdraw his request to appear and present a petition for a street signal light at South Lamar Boulevard and Treadwell Street. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen

CITY OF AUSTIN, TEXAS

Ayes: Dryden, Nichols, Love
Noes: None

ZONING POSTPONED

Councilman Love moved the Council grant the request of Mr. M.H. Crockett, Jr., to postpone Zoning Case No. C14-71-179, scheduled for hearing before the Council on September 2, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love
Noes: None

ZONINGS WITHDRAWN

Councilman Love moved the Council grant the request of Mr. Walter Orr to withdraw Zoning Case No. C14-71-163 and of Mr. Thomas G. Bradfield to withdraw Zoning Case No. C14-71-157. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love
Noes: None

SEPARATION OF SCHOOL AND BUS TAX

Mr. John Basford appeared before the Council, asking that an operation ratio be established for bussing school children. Councilman Nichols stated the Council had voted to separate the City tax and school tax as was being shown on the tax statements, and pointed out the Council has no authority to rule over school taxes, but this Council was not placing a tax burden upon citizens for bussing. He advised Mr. Basford to approach the School system for this information. Mayor Butler stated no one had the privilege of paying taxes on items of which they approved.

FLUORIDATION

Dr. P. Clift Price led a group requesting controlled fluoridation of the municipal water supply, to add enough fluoride to bring up a concentration of one part per million, as to the present .4 part per million. He stated the Travis County Medical Society and Dental Society were adding the fluoride.

Mr. Phillip Gilber, President of Austin Jaycees; Mrs. Julian Wyatt, Chairman, Human Opportunities Commission; Mrs. Mary Nell Garrison, President of Community Council; Mr. Gus Garcia, C.P.A., speaking for the Chicanos; Mr. Leon Stone, banker; Dr. Darrell Faubion, President, Travis County Medical Society; Dr. Robert Jenkins, President of the Austin District Dental Society, all endorsed fluoridation for the benefit of the children under 12 years of age, particularly those in the poverty bracket, as there are long waiting lines for dental care for these children.

Dr. Jonathan Deckard, one of two physicians in Austin caring for kidney patients at Brackenridge Hospital, had written a letter that "For those patients having kidney disease, not requiring the artificial kidney, there is no evidence that the ingestion of fluoridated tap water results in a worsening of their disease". He said almost all centers remove fluoride along with other things, and the cost would be \$36.00 per month.

Mr. Terrell Blodgett, Chairman, Capital Area Comprehensive Health Planning Commission, endorsed fluoridation. Mr. Blodgett suggested that a referendum for positive vote on the issue be held; and if the people were not satisfied, they would by petition, ask the Council to rescind the action, or put it to a vote.

Opposition was lead by Mr. John Henry Faulk, stating the status of teeth of children in deprived areas is due to lack of proper nutrition. He read Dr. Hal McCuistion's statement that there were medical cases that showed hazards of fluoridation, and noted fluorides in vitamins are by prescription only. He did not believe a governmental unit should prescribe medicine.

Dr. Bill Trupin, Neurosurgeon, was opposed for the same reasons.

Doctors McCuistion, Robert Morris, Morris Hood were not able to stay until this issue was discussed, but were opposed very strongly to the fluoride in the water supply.

Mrs. Charles Huntley strongly opposed fluoridation, stating not enough information had been accumulated on this subject, and referred to a study conducted on fluoride and its effects.

Dr. James Lassiter, stated the Association for American Physicians and Surgeons adopted a Resolution in 1958 against fluoridation, and that the International Society of Research in Nutrition and Vital Substances, issued a statement in 1968, condemning fluoridation for these reasons: (1) Tooth decay is not due to a fluoride deficiency, but due to carbohydrate ingestion; (2) The margin of safety is too low when people drink more than one quart of water per day; and (3) Long range studies for a lifetime have not yet been done. He read a statement from Dr. Moncrief, Brackenridge Hospital, "If the City of Austin does add fluoride content to the present water, my patients will require specially treated water from which the fluoride has been removed for each dialysis. The cost is \$6.00 per dialysis, \$18.00 per week, \$72.00 per month, and \$1,000 per year. Our local kidney unit is the most rapidly growing artificial kidney unit in the country. We expect to have several hundred patients in which case, if we had to remove fluoride, the cost would be several hundred thousand dollars per year, because these patients are made sick by fluoridated water." Dr. Lassiter, Chief of Anesthesia at Brackenridge Hospital, reported the Food and Drug Act has issued a regulation which prohibits the use of fluoride for pregnant women so that the fetus will have good teeth.

Dr. Ed Lorey, read a statement opposing the addition of fluoride to the water supply, as he felt it was a pollutant. If people want fluorides, they could go to their doctors and find out what could be added safely to their home water supply. Opposition was also expressed by Mr. Robert Zabel, Mrs. Sue Schmidt reported having had four heart attacks; under oxygen for one month, and having a kidney condition now. If the water supply is fluoridated, she would have to drink bottled water. She spoke also for the senior citizens with limited income who would have to buy water at \$6.00 per month.

Motion

Councilman Love moved that the Council instruct the City Manager to immediately take steps to inject the water supply of Austin with Fluoride. Councilman Lebermann seconded the motion.

Substitute Motion

Councilman Nichols moved that this question be sent to a referendum; that this Council bind itself to the outcome of this referendum, both collectively and individually; that this election be held at the same time as the Charter changes, if the election for Charter changes occurs between now and January 1, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Love, Lebermann

Noes: None

Councilman Friedman made a statement regarding the issue in that he believed fluoridation is needed and a definite advantage to the safety and health of our young children, now and in the future. Having just been elected a Councilman, he questioned whether or not he could vote for or against fluoridation without being an expert in the field. However, he was in favor of fluoridation and would support the coming election if there be one. He stated he would vote in favor of Councilman's Nichols' motion to put this referendum to the people, and stated he would be bound by that decision and voted "yes".

Mayor Butler stated he respected those on both sides of the issue and he thought something of a long range view like this proposal probably belongs with the people, and he would bind himself by voting to honor whatever the results of the referendum will be. He voted affirmatively.

Councilman Dryden said this issue was passed on to this Council, and he did not feel that this Council was under mandate to pass on this now. He commended Dr. Price and the dentists for the time they had spent on this, stating he had attempted to get some of the dentists and other physicians who were divided on this issue to agree on something so that this could be accomplished in some other way. He stated he had done his own research on this matter, and he voted "aye".

Councilman Nichols stated he too would bind himself to the outcome of this election, and voted "aye."

Councilman Love stated his position was clear, based on the first motion, and that there is enough difference of opinion on this Council, that, had the vote taken place, it may have been defeated. He stated he would vote "yes" to place this on the ballot.

Councilmen Lebermann and Handcox voted "ayes."

Mr. Royal Masset stated that holding an election and spending people's money seemed useless since the outcome was already known. If the findings on fluoridation were bad, then the City could take it out of the water supply.

CITIZEN COMMUNICATIONS

Mayor Butler suggested that citizens who would be scheduled for afternoon sessions be encouraged to be available to present their cases during the morning session at approximately 11:00 A.M. Councilman Nichols suggested that it may be well to schedule two parts of "Citizen Communications," one during the morning and one during the afternoon session. The Council informally agreed.

DISCUSSION ON LITTER

Mrs. Donald Fiegel, scheduled to discuss the issue of litter, did not appear.

ENVIRONMENTAL MATTERS AND LEGISLATION

Senator Charles Herring appeared before the Council in the interest of environmental matters and State Legislation. He has been a member of the Land Use Environmental Committee for the state and has accumulated information for developing legislation in this field. The latest Acts affect Austin directly, requiring the establishment of a plan for water quality within the City; and at the discretion of the Council, to include all extra-territorial jurisdictions. He listed categories in which the City would find it necessary to carry out this plan: (1) to take inventory of waste discharges into the City water; (2) to monitor same and cooperate with State agencies, particularly with the Water Quality Board and to sample and test such discharges into the city water at regular intervals. The Act provides for the City to institute a program of control and abatement of pollution of water within the City. The statute also calls for a "Clean Air Act" and makes authorities available to Cities. The Senator's suggestion was to establish a separate Department to accommodate all environmental problems and to work with other departments of the City which would be beneficial. It was pointed out the department was set up in the budget. Senator Herring commended the City in furnishing more and better services and accommodations than any other city he knew about. He stated that in developing plans in the area of "Environment", there is available by Statute the cooperation with the Water Quality Board, Air Control Board, Health Department, Federal Government and others, who will furnish substantial parts of money, together with the technical know-how, if needed, to accomplish what is necessary to bring about and set up this kind of Department so as to protect this City. He praised what the Council and Government of this City has done, particularly in its program of clearing the creeks and other projects. He urged the creation of this type of Department so as to protect this City, stating further he believed the public would accept it wholeheartedly. He offered his assistance in his official capacity and in anyway he could in helping to work out plans, cooperation agreements, etc.

Mayor Butler thanked Senator Herring for his presentation, stating all shared his concern in this area, as the City Manager had furnished the Council with some information just yesterday, and they would all take a good look at what he said.

Mrs. Fred DuPuy also spoke and urged Council to take action in order to solve this problem, and establish a Natural Research Department. She presented Mr. Julian Zimmerman, Lumberman's Investment Corporation, who also asked for Council cooperation in this new field.

Mr. and Mrs. Fagan Dickson spoke, endorsing the entire concept.

ADJOURNMENT

The Council adjourned at 6:50 P. M.

APPROVED: Ray Butler

Mayor

ATTEST: Edna Woosley

City Clerk