MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

October 6, 1975
10:00 A.M.

Council Chambers
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Lebermann,
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

Mayor Friedman stated that the meeting was a called Special Meeting for the purpose of canvassing the results of the Special Referendum Election held on October 4, 1975. He then called on Assistant City Attorney Richard Tulk for a report.

Mr. Tulk stated that the results of the Special Referendum election held on October 4 appeared to be that 20,057 votes were cast for Ordinance 750508-J and 19,956 votes were against. A bound copy of the returns precinct by precinct was before each Councilmember, and Mayor Friedman had copies of each precinct's poll list which could be examined by the Council.

Mayor Friedman stated that each Councilmember had a copy of the poll list from a randomly selected precinct which could be examined to see if there were any questions. Councilmember Himmelblau stated that she had a question regarding Precinct 246 (Hill Elementary School). The poll list showed that 913 people voted, but the computer printout indicated that 914 votes were cast.

City Clerk Grace Monroe explained that there would always be a difference of one or two votes between the poll list and the computer printout of total votes cast. The mistakes could be attributed to human error. She also stated that the overall difference of 154 votes between the poll list count and the computer count of total votes cast could be explained precinct by precinct by Sam Montgomery, Judge of the Central Counting Station.

Mayor Friedman then called on Mr. Montgomery to thank him for his work in the election. In response to Mayor Friedman's question, Mr. Montgomery stated that he was satisfied that the count was represented accurately to the Council and that the printout showing 20,057 votes for and 19,956 against was also accurate. In regard to the 154 votes difference between the poll list count and the computer count of total votes cast, Mr. Montgomery stated that 136 ballots were blank and 18 ballots had been voted in both places. In Precinct 246, which Councilmember Himmelblau had questioned, the one vote difference could be explained by the presence of one blank card which the computer had counted in the total votes cast, but did not count in the for or against tabulation.

In response to Councilmember Hofmann's question as to why three precincts were on her poll list (Precinct 132), City Clerk Grace Monroe stated that the correct precinct was 132. Some voters from County Precincts 102 and 103 were included in Precinct 132 because they had been annexed into the City since the last election (May 3, 1975). Only that portion of Precincts 102 and 103 which had been annexed would be allowed to vote in a City election. City Attorney Tulk further explained that by State law, the City had to use County election precincts. In some of the outlying fringe areas, precincts would be consolidated if there were not enough voters to establish separate polling places.

Mayor Friedman then called for a motion.

Mayor Pro Tem Snell moved the Council accept the resolution verifying the results of the election. Councilmember Trevino seconded the motion.

At that point, Mayor Friedman recognized Mr. Pat Marcum, who represented the Committee for a Safer Austin.

Mr. Marcum stated that the Committee would be requesting a recount and an opportunity to inspect the "mutilated" ballots. A temporary restraining order was also being requested in District Court. Mr. Marcum asked that the Council not certify the election until the ballots in question had been inspected by an attorney or citizens to ascertain their validity.

Mayor Friedman stated that after certification by the Council, Mr. Marcum was entitled to have his requests granted. He then asked the Council what their attitude was.

Councilmember Lebermann stated Mr. Marcum was entitled to everything he was requesting after certification and that a temporary restraining order would have the same effect after certification as before. After a brief exchange between Mayor Friedman and Mr. Marcum, the Mayor instructed the City Clerk to call the roll on the motion and second before the Council. Roll call showed the following vote:

    Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
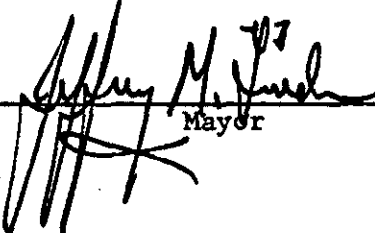   Lebermann, Linn, Trevino, Mayor Friedman
    Noes: None

Councilmember Lebermann then asked City Attorney Tulk if a temporary restraining order were granted, would it hold the impact of the ordinance in abeyance? Mr. Tulk responded that he doubted that the District Judge in the County would enjoin the ordinance at this time. He felt that a recount was the remedy.

Mr. Marcum stated that he had just been informed that the restraining order had been granted.

Mayor Pro Tem Snell then introduced from the audience two visiting exchange students from Africa who were also reporters.

The Council adjourned at 10:30 a.m.

APPROVED _____
Mayor

ATTEST:

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City Clerk