

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Called Meeting

February 20, 1978
5:00 P.M.

~~Council Chambers~~
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Absent: None

Mayor McClellan stated that this was a Special Called Meeting for the purpose of considering City Charter amendments and considering polling places for absentee voting.

The Council first considered polling places for absentee voting. Mayor McClellan pointed out that the Austin Independent School District would be conducting absentee voting at several locations. Usually the City held absentee voting only at the City Clerk's office. If the City participated in the multiple polling places for absentee, there would be additional costs of \$4,000 to \$5,000.

Motion

Councilmember Mullen moved that the Council proceed as usual and hold absentee balloting only at the City Clerk's Office. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Snell, Mayor Pro Tem Trevino
Noes: Councilmember Goodman

The Council then discussed the proposed Charter amendment to provide for the election of Councilmembers by districts and the Mayor at large. City Attorney Jerry Harris stated that the Charter Revision Committee had recommended that the Council appoint a districting committee which would draw the proposed boundary lines for the districts. In his draft ordinance the City Attorney had also included at least one public hearing on what the district boundaries should be.

Motion

Councilmember Mullen moved that the Council not appoint a districting committee. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

The City Attorney stated that the Charter Revision Commission had recommended that for any districting plan to be adopted that it be adopted by one more than a majority of the City Council. In response to Mayor McClellan's question, he responded that he thought it could be required legally, if provided for in the Charter.

Motion

Mayor Pro Tem Trevino moved that the Council require only a majority of the Council to approve a districting plan. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The City Attorney next discussed the residency requirement for candidates running from districts. The Charter Revision Commission had recommended that at the first election by district the candidate be required only to reside in the district as of the filing deadline. A question arose as to whether or not the residency requirement of six months could be waived permanently. The City Attorney was to check on the item and report back.

MR. KEN WENDLER, a member of the Charter Revision Commission, reviewed the various districting plans through the use of maps. The plans were based on 1970 census data. The interim 1976 Austin census data had not been certified, but could be used to draw up a district plan.

Mr. Wendler then explained why he and other members of the Charter Revision Commission favored an 8-1 plan. It was felt that by 1980, 1981 or 1984 that Austin would be large enough to require a nine-member Council. If districts were to be used, then a plan should be drawn to cause the least amount of distortion in the 1980 census and to do the best job for the longest period of time. Regarding minority representation, there was a clear cut Black district, a Chicano district and a good chance of a second Chicano district in the near future. He also favored a core district which would expand as the City grew. Under an 8-1 plan, the other four districts would be in the north-east, northwest, central west and southwest areas of the City.

Under the 6-1 plan, there would be a 3-3 standoff, with the Mayor being the swing vote every time. Under a 6-2-1 plan, the City would be polarized. The 8-1 plan would maintain continuity within the City. Mr. Wendler felt that one problem which districts solved was to allow the person representing a district to express his or her true feelings about the district.

The City Attorney next discussed recall petitions and the percentage of registered voters required for such a petition. Under consideration was a 20% requirement for districts and 10% for the Mayor.

Motion

Councilmember Goodman moved that the Council set the percentage at 20% for a recall petition from a district and 10% for recall of a Mayor. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,
Councilmembers Goodman, Himmelblau

Noes: None

Abstain: Mayor McClellan, Councilmember Cooke

The Council then considered which districting plan to place on the ballot.

Motion

Mayor Pro Tem Trevino moved that the Council place the 8-1 plan on the ballot. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Councilmembers
Goodman, Himmelblau

Noes: Mayor McClellan, Councilmembers Cooke, Mullen

Mayor McClellan stated that she voted No because she favored a combination plan of district and at-large and that an 8-1 plan had less chance of passing than a 6-1 plan. Present legislative districts were divided by four and she felt that dividing the City by six districts was small enough.

City Attorney Harris stated that a second proposition to appear on the ballot dealt with clearing up the masculine gender problem in the Charter. The Council agreed to place that item on the ballot, but did not vote on it.

A third proposition would require that anyone running for the Council put up a \$100 filing fee or have a petition with signatures of 200 registered voters either in the district or at large in the Mayor's position.

The Council next discussed a proposition dealing with age and residency requirements for Councilmembers. If left as it currently was in the Charter, then State law would override Charter requirements of age 25 and 3 years residency. The Charter could be changed to require an age of 21 and 6 months residency, but if left alone, then the age requirement would be 18 and residency 6 months.

Motion

Councilmember Mullen moved that the Council place the age and residency requirements item on the ballot. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmember Mullen

Noes: Mayor Pro Tem Trevino, Councilmembers Cooke, Goodman, Himmelblau, Snell

The Council agreed not to place on the ballot a proposition which would deal with selling a portion of the utility system without a vote of the people.

The Council also agreed not to place on the ballot a proposition which would increase from \$2,000 to \$3,000 the amount of a contract which would not have to be put out for competitive bids. State law was already set at \$3,000.

Councilmember Snell brought up the matter of removing Charter restrictions on political activity by City employees and boards and commissions members with regard to municipal elections. City Attorney Harris said that repealing Section 4, Article XII of the Charter would remove any City-mandated restrictions. Councilmember Mullen stated that he was concerned about removing the restrictions. Mayor Pro Tem Trevino felt that a fundamental, basic right was being removed. Councilmember Cooke agreed.

City Manager Davidson pointed out that employees understood the situation when they went to work for the City. He felt that one of the reasons Austin did not have a spoils system was the Charter restriction on political activity, and that it was one of the finest things that Austin's municipal government had. He asked that the Council not consider removing the restriction.

Mayor Pro Tem Trevino stated that Police and Fire Department employees could engage in political activity on their time since they were covered by State statute. He felt that other City employees should have the same right.

In response to Councilmember Cooke's question, City Attorney Harris stated that he was not sure what the current status was on Federal employees' political activity. He thought that there was a general lessening of restrictions. There was a possibility that eventually the courts would hold that when dealing in non-partisan politics that such restrictions in Charter provisions could be unconstitutional. The Legal Department was watching cases dealing with that problem.

Motion

Councilmember Snell moved that the Council place on the ballot removal of restrictions on political activity by City Board and Commission members. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

Councilmember Goodman brought up the matter of placing on the ballot a provision which would allow the Council to hire a budget staff and Council aides.

Motion

Councilmember Goodman moved that the Council place on the ballot a proposition which would allow the Council to hire personnel. The motion, seconded by Councilmember Cooke, failed to carry by the following vote:

Ayes: Councilmembers Cooke, Goodman

Noes: Councilmembers Himmelblau, Mullen, Mayor McClellan

Abstain: Councilmember Snell, Mayor Pro Tem Trevino

ADJOURNMENT

The Council adjourned at 6:50 p.m.

APPROVED


Mayor

ATTEST:


City Clerk