

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

SPECIAL MEETING

October 21, 1968
10:00 A.M.

Council Chamber, City Hall

MAYOR AKIN announced this was a Special Meeting of the City Council called for the purpose of canvassing the returns of the Special Municipal Election on the "Fair Housing Ordinance" held on October 19th.

MR. NELSON PUETT appeared before the Council to make a statement for the record. He recalled he had written each Council member asking each not to pass a housing ordinance without a vote of the people. The Council had thought it best to go ahead and pass the ordinance without such a vote. Mr. Puett stated the October Election on the "Fair Housing Ordinance" shows that given a chance to vote, the people will reject any attempt to dilute their rights of ownership, and they do not want laws that will lead to the weakening of the American Free enterprise system. He listed the factors of what the proponents of the Ordinance had in their favor; but in view of the fact the Ordinance had the endorsement of three members of the Council, the Newspaper, the Television Stations, although one never officially endorsed the Ordinance; the N.A.A.C.P., Austin Council of Churches, a large vocal and liberal University community; and others. With all of the free publicity, the great amount of money spent on TV, Radio, mailing, signs, bumper stickers, and full page newspaper ads supporting the Ordinance, he did not see how the opposition managed to win the Election. The opponents had only a small budget of \$6,000 -- no radio or television -- just nine mostly small ads and two mailings. The theme of the ad was that these laws, whether local, state, or national, violate the rights of ownership of property and attack the American free enterprise system. He said it was a glorious thing that the people of Austin were able to see what the issue was -- the right to private property against those who wanted to dilute the rights of private property.

COUNCILMAN LONG stated she believed zoning to be more restrictive than the "Fair Housing Ordinance" would have been, as people can do far less with their property under zoning, which restricts private use more than the Fair Housing Ordinance would. She did not believe the Fair Housing Ordinance to be an invasion of private rights.

MAYOR AKIN expressed appreciation for Mr. Puett's giving the Council the benefit of his reaction as to the results of the Election Saturday. He said the Council also appreciated his frankness and depth of conviction in the matter; however, he noted there was another side which did not prevail in the final outcome, and does represent the viewpoint of a large segment of the people in the City of Austin. MAYOR AKIN read a statement as follows:

"In conceding defeat of the Fair Housing Ordinance at the hands of a small group of realtors in the October 19th City election, I personally make no concession, or accept no compromise where principles relating to the Ordinance are concerned.

"The opponents of the Fair Housing Ordinance have won the right to demonstrate the feasibility and workability of overcoming discrimination in housing by voluntary means. They have not won the right to deny housing to qualified persons by whim or on the basis of the overriding priority of property ownership.

"Mr. Puett gloated at some length in this morning's Austin American upon the victory last Saturday, pointing out that it was achieved in spite of the efforts of three members of the City Council, the Austin Council of Churches, important segments of the home-building industry and others.

"The growth and development of Austin has been hindered and retarded by the dilatory tactics of some of our real estate operators. Bergstrom Field, with which Austin has always enjoyed the most pleasant of relations, has repeatedly called attention privately to the difficulties of minority group personnel in acquiring suitable housing due to discriminatory practices on the part of realtors and apartment house operators. The University community, as well as other segments of the community, have been likewise embarrassed.

"Since the opponents of the Fair Housing Ordinance have expressed a preference for the Federal Open Housing Law, as compared to the local ordinance, I hope there will be a readiness to comply with its provisions when it becomes effective this coming January. I would further hope that the Austin Human Relations Commission and interested citizens generally would lend their support to the proper enforcement of the national law."

COUNCILMAN LONG said the Mayor of the City of Austin reflected her thoughts completely. The voters had spoken, and the Council was ready and willing to comply with the wishes of the people, but there is still the Federal Law to be complied with; and the Human Relations Commission under the direction of this Council, will certainly see that this law is properly enforced when it comes into effect January 1st, 1969, and they would be very diligent.

COUNCILMAN NICHOLS expressed disappointment of the number of people to turn out to vote, and he intended to abide by the decision of the majority of voters in this case. He stated he was inclined to believe what he did, he did for the good of the City of Austin.

Discussion was held on reasons why the Housing Ordinance Election could not have been held simultaneously with the General Election November 5th. Councilman Long was inclined to believe the Council was compelled under the referendum to hold the Election within 90 days; and that Municipal Elections by Charter must be held on Saturdays. Councilman Nichols stated those who had investigated the possibility of holding a joint election were told (1) the ordinance could not be on the General Election Ballot, but would have to be on a separate ballot; (2) Since this vote was on a voluntary basis, the election officials would not have necessarily needed to count those votes, or even hand the ballots out; (3) Had the election been held the same day, the polling

places would have had to be separate and apart from those set forth for the November 5th General Election, and this arrangement would have necessitated two sets of election officials.

The Council began the canvassing of the returns.

MR. NELSON PUETT questioned the Highland Park School, Precinct 240, returns, stating there appeared to be a mathematical mistake. After investigation, it was found the returns had the "For" and "Against" reversed. In answer to Councilman Long's question as to how to determine the ambiguity, the City Attorney said the most expedient way would be to have Ballot Box No. 3 opened, as it contained the third tally sheet.

Councilman LaRue moved that the Council have Ballot Box No. 3 brought to the Council room and opened. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Chief of Police was instructed to bring the key to Ballot Box No. 3, Precinct 240, to the Mayor.

Councilman Janes had to leave the Council meeting at this time.

The Chief of Police brought the key to the Council, and Ballot Box No. 3 was opened. The Council counted the ballots, starting a new tally at the bottom of the others, and Councilman Nichols called the vote on each ballot. The recount showed 286 votes AGAINST the Ordinance; 151 FOR, showing a discrepancy of three votes AGAINST.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there was held in the City of Austin, Texas, on the 19th day of October, 1968, an election at which there was submitted to the duly qualified resident voters of said City, for their action thereupon, the following ordinance:

ORDINANCE NO. 680812-A

AN ORDINANCE TO BE KNOWN BY THE SHORT TITLE OF "FAIR HOUSING ORDINANCE OF THE CITY OF AUSTIN"; DECLARING THE PUBLIC POLICY OF THE CITY OF AUSTIN; DEFINING THE TERMS USED IN SAID ORDINANCE; PROHIBITING DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING; PROHIBITING DISCRIMINATION IN THE FINANCING OF HOUSING; PROHIBITING DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES; PROVIDING FOR CERTAIN EXEMPTIONS AND EXCLUSIONS; PROVIDING FOR THE FILING OF COMPLAINTS; PROVIDING FOR INVESTIGATION AND ATTEMPT AT CONCILIATION BY THE EXECUTIVE DIRECTOR OF THE HUMAN RELATIONS COMMISSION OF THE CITY OF AUSTIN; PROVIDING FOR REFERENCE OF COMPLAINTS AND FOR HEARINGS BEFORE THE HUMAN RELATIONS COMMISSION OF THE CITY OF AUSTIN; PROVIDING FOR CERTIFICATION OF VIOLATIONS TO THE CITY

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ATTORNEY; PROVIDING FOR THE INSTITUTION OF CIVIL OR CRIMINAL PROCEEDINGS BY THE CITY ATTORNEY; PROVIDING FOR THE ISSUANCE OF SUBPOENAS IN THE AID OF ENFORCEMENT AND FOR PENALTY FOR WILLFUL VIOLATION OF SUCH SUBPOENAS; PROVIDING AUTHORITY FOR THE EXECUTIVE DIRECTOR OF THE HUMAN RELATIONS COMMISSION TO DELEGATE CERTAIN OF HIS AUTHORITIES AND RESPONSIBILITIES; PROVIDING AUTHORIZATION FOR THE COMMISSION AND THE EXECUTIVE DIRECTOR TO COOPERATE WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND TO ENTER INTO AGREEMENTS WITH SUCH SECRETARY; PROHIBITING UNLAWFUL INTIMIDATION IN CONNECTION WITH HOUSING AND THE ENJOYMENT OF THE RIGHTS RECOGNIZED UNDER THIS ORDINANCE; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROHIBITIONS OF THIS ORDINANCE; PROVIDING FOR DISMISSAL OF PROCEEDINGS SUBJECT TO FEDERAL PRECEDENCE; PROVIDING FOR DISMISSAL OF PROCEEDINGS UPON COMMENCEMENT OF TRIAL; PROVIDING THAT THE INVALIDITY OF A PORTION OF THIS ORDINANCE SHALL NOT AFFECT THE REMAINING PORTIONS THEREOF; PROVIDING THE EFFECTIVE DATE OF THE ORDINANCE; AND DECLARING AN EMERGENCY.

FOR the Ordinance _____

AGAINST the Ordinance _____;

and,

WHEREAS, there were cast at said election 24,305 votes, of which number there were cast:

FOR the Ordinance 10,391 votes;

AGAINST the Ordinance 13,913 votes;

as shown in the official election returns heretofore lawfully submitted to the City Council of the City of Austin, Texas, and filed with the City Clerk of said City; and,

WHEREAS, only duly qualified resident voters of said City voted at said election, and said election was called and held in strict conformity with the laws of the State of Texas; Now, Therefore,

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

SECTION 1. That the election described in the preamble to this Resolution was duly called and notice thereof given in accordance with law; that said election was held in the manner required by law; that only duly qualified resident voters of the City of Austin, Texas voted at said election; that due returns of said election have been made by the proper officers; that said election resulted against the Ordinance described in the preamble of this Resolution; and that a majority of the qualified voters of said City of Austin, Texas, voting at said election, have voted against said Ordinance.

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin

Noes: None

Absent: Councilman Janes

ADJOURNMENT

Councilman LaRue moved that the Council adjourn at this time, 11:40 A.M.
The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin

Noes: None

Absent: Councilman Janes

The Council adjourned.

APPROVED:



Mayor

ATTEST:



City Clerk