

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

December 7, 1966  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

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Mayor Palmer noted that the Special Meeting had been called for the purpose of granting permission to Mr. John Verrengier of Shopper's World the opportunity to make suggestions to the Council concerning the Sunday Blue Law.

Roll Call:

Present: Mayor Palmer, Councilmen Shanks, Long, LaRue, White  
Absent: None

Mr. O'Quinn, representing Shopper's World, appeared before the Council requesting that the Council permit Shopper's World to sell their inventory stock on Saturday and Sunday. He asked that the Council acknowledge an emergency situation existing in not only Shopper's World, but also the other major discount stores.

Mr. Baker appeared before the Council to represent Spartan's, another discount store that had been doing business seven days a week. He requested that the Council consider suspending by amendment the effective date of the ordinance #661122-A concerning the closing law until January 1, 1967. He further stated that Spartan's would remain closed if the other discount stores would do the same until such time as the constitutionality of the ordinance could be determined.

The Mayor noted that the State law of Texas which was updated in 1961 was designed to strengthen rather than weaken the closing laws. He then said that the ordinance stated that if certain merchandise was bought successively on Saturday and Sunday, a certificate of necessity was required adding that the ordinance did not say that the store must close.

City Manager W.T. Williams affirmed the Mayor's statement saying that the law was really a Sunday purchase law and that it did not require that stores close on Sundays.

Councilman Shanks pointed out that the Texas Legislature had defined the type of business that could or could not be done on Saturday and Sunday and that it was the duty of citizens to obey the law. He then added that he was against certain stores being open on Sunday because it forced other stores to do the same.

Rev. Chrisman, A Seventh Day Adventist, appeared before the Council to speak in opposition to the Sunday purchasing law stating that the law discriminated against minority groups who "conscientiously observed and respected another day of the week as their day of rest." He further stated that he was not against closing laws, but that such laws should be voluntary and not legislative.

Rev. Nolan Adams, Associate Director of the Department of Public Affairs, in Religious Liberty of the Seventh Day Adventist Church, appeared before the Council opposing the closing law. Rev. Adams stated that if the enforcement of the closing law was based on religious decisions, the ordinance would have to go before the Courts to be reconsidered. He noted that the point to be emphasized was that the law was a religious issue as well as a business one.

Councilman Long stated that she felt the State and City ordinance concerning closing laws were unconstitutional and that people should be able to make purchases at whatever time they chose. She then suggested that the ordinance be taken to the Courts to be repealed.

A citizen appearance was made by another Seventh Day Adventist, Rev. Gibson. Rev. Gibson recounted an incident which had occurred on a Sunday when he had been forced to sign a ticket for buying a pair of shoes at Gulf Mart. Rev. Gibson questioned the discrimination of a law that prohibited the buying of a pair of shoes on a Sunday and would permit the purchase of alcoholic beverages in the same store on the same day.

The Mayor then stated that "the same consideration might also be deemed to justify the choice of Sunday as the day when labor ceases. For the many who do not regard it sacramentally, Sunday is, nevertheless, a day of special long established association with particular temper that makes it a haven that no other day could provide."

Mr. Baker then stated that his firm had not had sufficient amount of time to determine the constitutionality of the ordinance. He then stressed the particular economic crisis that confronted all owners of the discount stores which were operating seven days a week. He added that had the ordinance been passed earlier, the constitutionality of the ordinance could have been determined, and the inventory of the stores could have been based on that decision. He then stated that Spartan's would close January 1 and January 8 and the balance of the Sundays.

Councilman Shanks then moved that the Council amend the effective date of the ordinance to January 2, 1967. The motion failed for lack of a second.

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Mayor Palmer then brought up the following ordinance for its first reading.

AN ORDINANCE REPEALING SECTION 21.28, CHAPTER 21 OF THE AUSTIN CITY CODE OF 1954, AS PASSED AND APPROVED BY THE CITY COUNCIL NOVEMBER 22, 1966, AND RECORDED IN ORDINANCE BOOK 66 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY MAKING THE PROVISIONS OF THIS REPEALING ORDINANCE EFFECTIVE FROM DATE OF ITS ADOPTION AND PASSAGE.

The ordinance was read the first time and Councilman Long moved that the ordinance be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen White, Long, LaRue  
Noes: Mayor Palmer, Councilman Shanks

ADJOURNMENT

Councilman LaRue moved the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council then adjourned.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk