

MINUTES OF THE CITY COUNCIL
CITY OF AUSTIN, TEXAS
Special Called Council Meeting

June 11, 1981
4:45 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Absent: None

Mayor McClellan announced the Special Called Meeting is being held to consider adopting an ordinance (1) designating approximately 150 acres in the Oak Hill area (proposed Motorola, Inc. plant site) a Planned Development Area and/or an Industrial District, and (2) approving a Planned Development Agreement with Motorola, Inc. covering the proposed Motorola, Inc. plant site located on said approximately 150 acres in the Oak Hill area.

Motion

Councilmember Mullen moved that the Council approve the ordinance. The motion was seconded by Mayor Pro Tem Trevino.

Councilmember Urdy stated: "Last week when we started considering this issue I said I had not had an opportunity to study the issue to my own satisfaction and so we postponed the decision and I spent most of that time trying to study what I considered to be the relevant points concerned in this issue. I said at that time as far as I was concerned the positive considerations were the jobs that would be provided as well as the other economic consideration. There were environmental concerns and the question of whether this would be consistent with the Master Plan. I have spent the better part of the past week trying to re-consider those concerns and talking with an awful lot of people. I would like to take a minute to run through what I have been through in my own mind on those concerns. First of all we certainly cannot say the site we are talking about is inside of the preferred growth corridor. As far as environmental concerns, not nearly as simple as I had first imagined they would be. There is development in that area already. The development that is currently there is not environmentally sound...most of it that I have observed. If there is continued development in that area, the kind that Motorola is proposing is probably the best kind and I think numerous people have said that. As far as the economic considerations are concerned, the jobs themselves, some people perhaps think that is not in itself a very important issue but as far as I am concerned it is tied to many of the other concerns, including the Master Plan. One of the important concerns in the Master Plan as I recall, and I was a participant in designing the original Austin Tomorrow Plan was the provision of jobs in those areas where jobs were critical. That seems to be a rather simple kind of consideration and so I tried to look at that in a little more detail. What I found was that perhaps in some of those cases we were mislead, or we were incorrect because the matter of fact is that even with Motorola on the east side, which is where it is in the present plan, and Tracor as well, the fact is the number of jobs provided by those citizens does not exceed those provided by other industrial developments such as IBM, Texas Instruments and so on, and the general trend seems to go on and on. Those kind of considerations never have, in fact, solved those kind of problems so the problems still exist and the unemployment rate in east Austin is still three or four times as great as it is in the rest of the City. So, employment is not a trivial concern. It's not again only the promise of a job. It is the whole idea. We've talked a great deal about what sort of signals this Council might send out. We talked about the signals to business and industry.....in denying Motorola that might be a signal to those industries and we've also talked that a signal in supporting Motorola might be a signal to the citizens that this Council has not been consistent and concerned about their own credibility. What I am most concerned about at this time is the signal we send out to those folks who have no jobs. In this particular economic climate the Federal Administration is cutting the food stamp program. There is a threat to cut unemployment compensation. In my mind this is the wrong time for this City to send out a signal and much of this is not the fault of anyone. We've all failed to convey these messages before and I have to ask myself when do we consider these serious problems to be put on the front burner. I think the time is now and as far as I am concerned that now, for this City is the most important

problem and until we address that problem we will continue to do many of these things by default and that is the way I feel I am moving at this particular time." Councilmember Urdy discussed the socio-economic impact on east Austin and the effect of joblessness on crime rate. "I find myself thinking what I have been doing is thinking about the potential of the egg and forgetting about the chicken. I know if we continue to do either one very long, we will not have either one. We've got to do both. I think it is time, as far as I am concerned for us to put the problem, the serious problem of jobs in this community is one of them and particular the fact there are pockets of poverty in this city and pockets of high unemployment we have failed to address time and time again. I think we need to start addressing them now. I could not bring myself to believe anything I did, other than support this at this time would be anything other than putting it on the back burner again so I am going to support Motorola."

Councilmember Deuser raised a question about the PDA agreement. He said according to the last copy he saw of it, we have no upper bound on the amount of water Motorola can request and the City would be obliged to supply. Mr. Jerry Harris, City Attorney, stated: "In the Ordinance in Exhibit C, that exhibit being entitled Utility Extension, under both of the paragraphs entitled "Water Supply" and "Wastewater Disposal" ...the first sentence for example under Water Supply says the City agrees to sell and deliver to company all water reasonably required by company not to exceed 1,500,000 gallons per day. Likewise the first sentence of the "Wastewater Disposal" reads, 'The City agrees to receive treatment disposal of all wastewater and sewage generated by company not to exceed 1.7-million gallons of wastewater flow per day'. So we are protected to that amount as agreed to between the City of Austin and Motorola."

Councilmember Duncan asked, "This is not how the original agreement read is it?" Mr. Harris replied, "That is correct. It was pointed out as a concern.....that was always the intent and it had the 1,500,000 gallons in there but the copy that I delivered to the City Council of the City of Austin as of last week we put the word's 'not to exceed' to make it abundantly clear to those who had concerns about that and that was put in at my suggestion and Motorola's agreement because that was the understanding of the parties all of the time." Councilmember Duncan said that brings up a general problem which has been incurred before...there being a difference in what is being voted on in the Council level and the actual agreement that is signed on the contract. "I'd like to see a general principle whereby the final contract or ordinance that we are voting on is present and before the Council before we make a vote." Councilmember Mullen agreed. Mayor McClellan stated there are non-substantive changes that generally a Council must make in adopting an ordinance and many times we adopt ordinances and instruct legal to come back with it. Mr. Harris said, "Or you make me write them right here in Council Chambers."

Mayor McClellan stated, "I believe that this site for Motorola is entirely consistent with the Master Plan."

At this point a woman in the audience shouted an obscenity at the Mayor and the Mayor requested immediate removal from the Council Chamber. Security complied.

Mayor McClellan continued, "They have a strong commitment to affirmative action with their hiring practices. They won the handicapped employer of the year award this past year. I think they probably should be given an additional award for the endurance during the past few months but I am appreciative of the fact they have been willing to work with the City and I hope we can make a final decision today."

Councilmember Duncan stated, "I think that regardless of how this vote comes out Austin will continue to attract good industry to this town. Right in the middle of this controversy we had another industry, Tandem, announce their location in Austin providing 500 jobs for this community. I think we will continue to attract good industry to Austin. But to locate outside of the preferred growth corridor and try to tell industry across the country that we do have a Master Plan that the citizens worked on. We want to try to govern this City in accordance with the Master Plan. It would be difficult if we fly in the face of it, in my opinion and I think anyone who reads the Master Plan and just notes where the words industry and development occur in the plan that it will be clear that Area 4 is not suitable for an industrial location. And that has been my opposition to this the entire time. If this passes today it is going to be extremely difficult for us to control growth in this town in accordance with the Master Plan."

Councilmember Goodman commented, "In the past 10 or 12 years I have seen this Chamber filled many times with just as many people emotionally charged as we have here this evening. As Mayor Pro Tem Trevino and I were discussing just a short while ago...from boat races to MoPac to the Barton Creek Moratorium and a number of other issues. And this City and we as the citizens have survived each and every time but not without some damage to each and every one of us. I hope that if any lesson is learned from this particular case and this decision today it is that we need to make greater effort at achieving some reason in our City and working together. It was not an easy decision for me, not the first time we voted on it or this time. I think I can safely say that this has not been an easy decision for any member of the Council. We have seen the results of mindless, rampant growth in other cities across the country. We have struggled with that question here in Austin on how to achieve the proper balance. This is actually a very tough call. I will vote no today but I think Motorola has been a good corporate citizen in the past and I was somewhat dismayed that they chose this particular site. After the vote today I am willing to put this issue behind us. I think it is incumbent on all of us to begin working together, including future corporate citizens that come to Austin and that would be my wish as a result of this experience that next time a corporate entity wants to locate in Austin they work more closely with the City to determine a suitable site that would not cause such an event as this that

we are experiencing here today. Finally, I would like to thank the 300 people who have called my office concerning this case both for and against it. I appreciate that input."

Councilmember Deuser's comments were: "Several interpreters of my position on the Motorola situation have chosen to label my position as no-growth. That is far from the truth. I'm certainly not against jobs, that is far from the truth. I am not against Motorola, that is an unfair statement. I do feel that Motorola, being a fine corporate citizen of Austin, in their choice of sites could have found one in the preferred growth corridor. The City of Austin could have extended the same five mile water line and put in a million dollars of investment into that water line in addition to burdening their system to provide this water, could have done all of that with a five mile line and reached well across IH-35 in south Austin and reached many other citizens who would also like to work near where they live. By choosing that site and pushing hard for that location, they are going to an area that does not have adequate work force in the vicinity. Our major center of unemployment is a good 20 miles away from that location. We do not have adequate public transportation to help the people who need a job. I would also prefer that Motorola would have chosen a site near a water-wastewater treatment plant. There are concerns about the discharge from this clean industry and those concerns are significantly amplified when they must traverse a good three mile stretch of the Edwards Aquifer when we know that frequently we have flash flooding in that area and we can frequently have leaks or breaks in our lines which means the water that has not been treated will be eligible for Barton Springs and for 20% of your drinking water. Lastly, I am concerned because Motorola would not share their alternative locations and their concerns about why they could not use those. If it was simply a concern of infrastructure this panel has the power to provide some infrastructure in the growth corridor where we lack water and wastewater to serve growing population. So I feel it is important that the message be that Austin does indeed intend to control and direct its growth in the future."

Mayor McClellan stated, "I think that when you talk about an intelligent and responsible approach to growth that it is two things. It is certainly jobs for our citizens and our citizens' children and it is protecting the special environment that is Austin, Texas. And Motorola fits both those bills."

Councilmember Deuser and Councilmember Mullen then exchanged viewpoints.

Mayor Pro Tem Trevino said, "This reminds me of several controversial issues we have faced in the past years. It is always a very emotional time for all of us. Dr. Urdy asked if we get used to this. I said no, you just try to act cool. But it does get to us, whether it is boat races, Barton Creek, MoPac and on and on. I'd like to echo what Richard said. The important thing is that we will survive this decision whether you agree with it or not. It is important for us, your citizens and your City Council to continue to work together because we have just started a new administration and still have two years to go. We will be facing other decisions and will need your support. As for myself regarding this decision...most of you have seen me in action and have seen my track record and I have been responsive to the environment. I think most of you know in the votes I have cast over the last 6 years I have always tried to be fair and judicious. I have looked carefully at the issue. My decision this time may not please a lot of my long time supporters but you have elected me to make judgements based on my interpretation of the information given to me and we have been given plenty of information from both sides. It is difficult because it puts us in the position of trying to find the perfect balance and who of us is perfect: On one hand if you support this issue you are against the environment. If you oppose this issue then you are against jobs and there is no one on this dais who likes to be put in that position but we have to make a decision. There is no secret how I will vote, I have already done that. The decision was made by the previous Council. The question of whether it was done by resolution or ordinance is something that the Legal Department can debate. But a decision was made by a duly elected City Council and I feel morality and legally obligated to honor that commitment. There have been decisions made by previous Councils before I came on board that I did not agree with and I remind you of one...the Nuke. A decision was made by the Council and while I am totally opposed to it I have honored that commitment of the voters and of the Council in the sale of the bonds. And there are other issues that though I personally do not support I continue to honor. So this issue was already resolved May 14th. This is the best time to say out loud and in public that we must begin to work closer with our Chamber of Commerce. The whole controversy about whether this industry or any other industry is located outside of the preferred growth corridor... I think we need to send strong signals to the Chambers that we do not want to see this happen again. And to my colleagues on the Council, if we continue to tout the preferred growth corridor then we need to put our money where our mouth is and provide some utilities so people can go in there.I would urge the Council to approve a diversity of industry so we will not be caught like others cities, totally dependent on one industry."

Roll Call

Roll Call on the motion showed the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Mullen, Urdy

Noes: Councilmembers Deuser, Duncan, Goodman

Mayor McClellan told Council they would set special meetings on Tuesday evening at 6:45 p.m. and Wednesday evening at 6:45 p.m. for the second and third readings of the ordinance.

Motion to Reconsider

Mayor Pro Tem Trevino made a motion to reconsider. Mayor McClellan seconded the motion. Approval was unanimous.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING APPROXIMATELY ONE HUNDRED FIFTY (150) ACRES IN THE OAK HILL AREA A PLANNED DEVELOPMENT AREA AND AN INDUSTRIAL DISTRICT, SAID APPROXIMATELY ONE HUNDRED FIFTY ACRES BEING THE SITE OF A PLANT PROPOSED BY MOTOROLA, INC.; APPROVING A PLANNED DEVELOPMENT AREA AND INDUSTRIAL DISTRICT AGREEMENT WITH MOTOROLA, INC.; WAIVING THE REQUIREMENT THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; WAIVING ANY NECESSITY FOR MORE THAN ONE READING OF AN ORDINANCE ON ANY ONE DAY; AND, DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino

Noes: Councilmembers Deuser, Duncan

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman stated he changed his vote to yes in order to preclude two Special Called Council Meetings. Mayor Pro Tem Trevino thanked Councilmember Goodman and said two more meetings would just prolong the affirmative decision and Council has other matters to consider.

ADJOURNMENT

Council adjourned its Special Called Meeting at 5:30 p.m.

APPROVED Carol Keeton McEllen
Mayor

ATTEST:

Grace Monroe
City Clerk