

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, JUNE 9, 1977.

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The meeting was called to order at 1:00 P. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-30 The invocation was given by The Reverend Doy Robison, First Assembly of God.

77-30 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-30 GROUP OF GRADUATE STUDENTS

Mr. Hartman recognized and welcomed to the Council Meeting a group of graduate students who are currently attending a Seminar at Thomas Jefferson High School.

77-30 The minutes of the Meetings of May 26, 1977, and June 2, 1977, were approved.

77-30 The Clerk read the following Ordinance:

AN ORDINANCE 48,105

SETTING THE DAYS AND HOURS FOR MEETINGS  
OF THE CITY COUNCIL. (Thursdays at 1:00 P.M.)

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Dr. Cisneros moved to approve the Ordinance. Mr. Hartman seconded the motion.

Mrs. Dutmer spoke against the motion because she is opposed to night meetings.

Mr. Pyndus asked for concurrence from Council to change the "B" Sessions to Wednesday nights instead of Tuesday nights. After discussion, Council concurred with Mr. Pyndus' request.

On roll call, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: Dutmer; ABSENT: None.

77-30 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Wing, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

A RESOLUTION  
NO. 77-30-42

REQUESTING THAT GOVERNOR DOLPH BRISCOE  
INCLUDE IN THE CALL OF ANY SPECIAL  
LEGISLATIVE SESSION THE SUBJECT OF  
ELIMINATION OF THE SALES TAX ON ALL  
UTILITY CHARGES.

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The following discussion took place:

MAYOR LILA COCKRELL: On Item IX, this concerns all of the pending actions relative to a moratorium on the Aquifer. I would like to suggest a procedure to the Council. First for your consideration as a procedure, I would suggest that after the--that first we have another report from the staff. They have done some additional study, additional work since Tuesday evening, and I'd like to call on the staff for their report. Then we did not hear from the citizens on Tuesday evening--that was a work session--and so I think it is appropriate to have citizens' comments again although I would suggest we set a time limitation, possibly an hour with 30 minutes for and 30 minutes against. And at that point, then consider what action the Council feels is appropriate with Council question, comment and then taking their positions. Mr. Hartman.

MR. GLEN HARTMAN: Yes, Madam Mayor, I think the procedure sounds quite acceptable. I would also suggest, Madam Mayor, that we consider the possible need for discussion of any legal aspects that may be related to this matter in executive session if, during the course of the presentations, that need may become apparent. I'm not saying that it absolutely will, but this is a rather complex issue. It has many legal ramifications, and I would just ask for the Manager, if there would be any difficulty, if in the course of discussion this became necessary, but we could so proceed in executive session.

MAYOR COCKRELL: Well, let me say on that subject that a great deal of what is discussed certainly is a matter that has been discussed openly, but I think we would be guided by our legal counsel and, if there is any portion relating to potential litigation, that he feels should be discussed in executive session, we will accept his recommendation on that. But I think we'll just proceed in open session until such time as the problem might occur. Mr. Steen.

MR. JOHN STEEN: Madam Mayor, do you want a motion as to what you suggested?

MAYOR COCKRELL: No, I just would generally say, if that is acceptable, we'll go ahead on that basis. I do want to make one other comment and that was to say that Tuesday evening many persons, including the chairman, were dissatisfied with the way the evening went. We were operating under some very difficult circumstances. The acoustics were very, very bad, and some persons could not hear what was going on or have a very clear picture of the action. So, we're in the Chamber, and we're going to take our time, and we want to have the opportunity for everyone to have the fullest opportunity to consider and to have the Council ask questions and whatever is needed to be sure that we reach a very deliberative decision on these important issues. And, at this time, I would call on the City Manager to present any additional report that the staff may have.

CITY MANAGER TOM HUEBNER: Thank you, Madam Mayor. I don't wish to repeat really what I stated Tuesday night in reading my written memorandum. Let me start by saying this: I don't think I've ever been involved in an issue in which I thought so many of the parties were really honest and sincere in their interest and in their efforts. I mean the Council and I'm talking about citizen groups and I'm talking about staff members. But, since Tuesday evening, I think about 6 or 7 of us on the staff spent our entire waking hours considering all of the implications of what was talked about on Tuesday evening. I held several staff meetings. They included Jim Parker, Mel Sueltenfuss, Bob Hunter, George Vann, Frank Leach, Carl White and Stu Fischer. Each of their operations are vitally concerned with the efforts that are being, or the actions that are being, considered by the City Council at this time.

I think that really we've kind of come to what really can be best described as a crossroads on this issue and two other issues that have a direct bearing on whatever action the Council takes here today or whenever they decide. That crossroads is this: We can decide that the anticipated 800 additional units that we anticipate will be built on the Recharge Zone are such a hazard that drastic action is warranted.

By drastic action, I'm talking about a moratorium on building permits, a moratorium on utility extensions and connections and a moratorium on subdivision plats.

We can accept the fact that those actions, if you take them, will cost numerous substantive lawsuits. We can recognize that the investment community in its largest sense will consider the action to be either arbitrary or capricious and we can accept the fact that, without question, numerous substantive lawsuits will effectively take us out of the municipal bond market, or we can decide that the bond issue in the amount of approximately \$90,000,000 for public improvements proposed for this fall is more important and that our efforts to assist in the economic development of this community and all the jobs that that represents and all the improvements in our economic base that that represents are more important and that we should proceed to protect these two critical programs.

Really, we're at a position where we have a trade-off and it's a difficult one. The trade-off is this: The protection of the Aquifer from what I consider to be a relatively small amount of construction units that will occur between now and the Metcalf and Eddy study proposal is received or we can say that these other two items which will be--as far as I'm concerned, I think we can forget economic development and we can forget the bond issue if the Council adopts a moratorium on building permits, on utility extensions and connections, and on subdivision plats.

I would like now for Bob Hunter to make a very brief statement and I would also like Frank Leach to make a very brief statement. The remarks that I have presented are really a collective judgment of the staff members I mentioned. We have attempted in the fullest extent possible to get a real good handle on the reality of what will happen if the actions contemplated are implemented.

MAYOR COCKRELL: Mr. Huebner, will the staff persons who are speaking now go in more detail to the statement you have just made? In other words, you have made some very strong statements and I recognize them as such. I think the Council, obviously, has to give serious attention to what you are saying and I think they will need to have a little bit more background on the conclusions you have reached. I'm wondering if those are going to come out in the staff report that you're going to bring forward.

CITY MANAGER HUEBNER: All the staff members that I have mentioned are here ready and available to answer any and all questions that you have with respect to this. Bob Hunter has a short prepared statement with respect to what we consider will be, well concerns, noncontiguous growth. Frank Leach has some comments he has to make with respect to how the investment community is reacting to the issue at this point in time. Then we have Jim Parker available from the legal standpoint; Mel Sueltenfuss, public improvements; what have you.

MAYOR COCKRELL: All right, you want to start with Mr. Hunter.

MR. BOB HUNTER: You have seen this map before which was shown to you last Tuesday. However, I would like to address just a few specific points. In the past 18 months, only 58 plats on the Recharge Zone and Drainage Area have been approved by the Planning Commission. Only 17% of the total acreage of these plats have been developed, divided equally inside and outside the City limits. The City has issued 395 building permits on these plats. Our best estimate as Mr. Huebner indicated is that 800 building permits will be requested during the next 18 months over the Recharge Zone. The effect of a building permit moratorium will be to totally eliminate any building within the City limits and insure development of nearly 100% of the currently approved plats outside the City limits. Builders would buy lots and in currently platted subdivisions outside the City limits for home construction. Further, developers and landowners would be encouraged to plat additional land outside the City limits where artificially time market demand will exist. The policy of a moratorium on building permits would insure noncontiguous growth.

MAYOR COCKRELL: All right, I think we'd better question these staff persons individually as they...Yes, sir, Dr. Cisneros.

DR. HENRY CISNEROS: Bob, your point is that if we had a moratorium on building permits that we would be, in effect, forcing whatever incentive there is to build outside the City limits. That presumes that there was no effective prohibition to construction outside the City limits like, for example, what we've suggested by using the growth sketch on some other land use plan as an interim general plan if that existed and there were in effect prohibitions against building out there, also then there would be no way that it would be forced out, isn't that right?

MR. HUNTER: That's possible, however, I have prepared a statement concerning the growth sketch that you discussed last Tuesday.

DR. CISNEROS: Okay, I understand what your problems are there, but if we effectively, let's say within a month had an interim general plan established which could be used by the Planning Commission in making decisions about plats outside the City limits in the ETJ then that would pretty well relieve the fears that you have about forcing things out into the ETJ, wouldn't it?

MR. HUNTER: In my opinion I think it would if the land use plan reflected that growth would not occur out there, however, I do think you should hear from the City Attorney concerning that.

MR. GLEN HARTMAN: I think also an important factor there is that we have had a number of plats approved that are outside of the City limits and within the ETJ.

DR. CISNEROS: Already approved.

MR. HUNTER: 28.

MR. HARTMAN: Already approved and so I think the point Mr. Hunter is making with regard to the fact this building could occur if the building permits were issued in that area outside the City limits where building permits we have no control, but where plats have been approved where we do have control.

MR. HUNTER: Yes, sir. It would be an encouragement to go ahead and finalize that development and build the homes.

MR. HARTMAN: I think that's the point as I read it, is that correct?

MR. HUNTER: Yes, sir.

DR. CISNEROS: Bob, if someone buys a piece of land and it's in the City limits, and he's going to build a home on it or he can build a number of homes on it, he does, generally speaking, on land that he's already bought and invested in, it's not very likely that if that is held off for a period of time, granted that we're working on something that is 18 months in duration until the Metcalf and Eddy study is done, that that person is going to go out and buy land in another area in the Aquifer and that's not very likely.

MR. HUNTER: The point I see you driving at is that the developer won't drop his development within the City limits and go out and buy land right outside the City limits. I agree with you, except the point that I didn't make that the land owners and the developers who own land just beyond the City limits I think then would be encouraged to get on with their development.

DR. CISNEROS: Again, presuming that we don't do something out there.

MR. HUNTER: Yes, sir.

MR. JOHN STEEN: Bob, let me ask you this. Are we assured that we're going to receive this report in 18 months or is that a speculative situation?

MR. HUNTER: According to the schedule from Metcalf and Eddy we should receive it in approximately 18 months. Now, let me clarify that because if they talk about or identify additional legislative matters for items that need to be taken by the City or recommended by this City it could be a longer period of time than that.

MR. STEEN: How much longer?

MR. HUNTER: I don't have any idea, I would say in '79.

MR. STEEN: Let me ask you this, Bob. We get the report and then what happens to us?

MR. HUNTER: I believe it's up to the Council and staff to evaluate the alternatives provided to us and determine policy for that implementation.

MR. STEEN: How long will that take?

MR. HUNTER: I don't know.

MR. STEEN: In other words, we're not looking at 18 months necessarily. We might be looking at two years, three years, four years, depending on how long this procedure is going to take. Is that correct?

MR. HUNTER: That's possibly true. I would hope that as soon as that report is made available where it wouldn't take us but a few months as far as Council action to determine policy and implement it. Now, the legislation that is required would take up to about 2½ years.

MR. STEEN: What bothers me is the time element. Instead of 18 months or 2 years, I think we're looking at a long period of time, and if we stop everything for 5 or 6 years we've really killed ourselves off pretty good.

MAYOR COCKRELL: All right, what you're saying is that by the 18 months you believe that the study is on target if it is on schedule and that by that time we would at least have a very clear picture of what the policy and options were and what the facts were and at that time be able to determine what action the Council is going to take even though we could not obviously take all the actions of those outside our own jurisdiction.

MR. HUNTER: Most definitely, yes madam.

MR. HARTMAN: I think that's the key point, the last phrase that you said that the fact that there is some action outside our jurisdiction. There's no doubt that when the Metcalf and Eddy study is finished which could even be perhaps as early as June of next year the fact is once you have a study that does not suddenly become a panacea for everything. The study is going to say, these are the findings, now from there you have to go to the point of translating those findings into what should be done in order to make those findings effective, and there would be limitation then as to what we could actually do on the local level. But, I think as the total Council recognizes, the bulk of the action has to be in constance with or as a result of actions by the Texas legislature which does not reconvene in a general session until January of 1979. I think those are the simple facts we have to recognize.

DR. CISNEROS: Bob, the concerns that you indicated earlier you also agreed in my questioning could be resolved by a program of sufficient comprehensiveness hence the reason why we articulated about 7 point program the other night that would deal not only with the problem of suspending building permits of zoning within the City limits. We also deal with the problem through the limitation of a general plan for making discretionary judgements about plats outside the City limits and that would seal off the whole area for this 18 month period.

We articulated a plan the other evening that had about 7 points.

It included a transfer into the general plan for use in making discretionary judgement. It included a moratorium on zoning and on building permits dealing with the CPS extension policies, moratorium on extension policies and several other resolutions in other matters. What in your judgement would be the effectiveness of such a comprehensive approach. You just dealt with one issue when you came up here. You just dealt with building permits. I'm asking you now to answer the question as to what you think of this comprehensive program.

MR. HUNTER: You're talking about the building permits, CPS sewer and water extensions .....

DR. CISNEROS: Sewer and water extensions and the general plan.

MAYOR COCKRELL: Relative specifically to land use or planning .....

MR. HUNTER: I think the best tool for, I'll say, the statement of public policy I say concerning the development, I don't know how much we can legally uphold it is the City's land use plan and the general plan of the City. If you're talking about my reaction to the Council taking action on those items I think it would be devastating from the standpoint of what the City Manager has talked about dealing with the legal implications of it.

DR. CISNEROS: Explain, I'm not sure what's devastating.

MR. HUNTER: The amount of litigation that I think the City might be involved in.

DR. CISNEROS: If we did what?

MR. HUNTER: If you're talking about the moratorium on sewer lines, water lines and building permits and CPS.

MAYOR COCKRELL: On the legal issues and the ramifications I think probably we had better get back to the City Attorney but I think Mr. Hunter's area of expertise is primarily in the planning and land use and so forth. I think that one of the points that you had made and I think that some of the comments of Dr. Cisneros have tended to cause some of the points perhaps to be open questions relative to the tendency to move building out into the extraterritorial jurisdiction and that assuming that it would go there if there were a freeze in the Recharge Zone or in the City limits. So could you expand on that particular point.

MR. HUNTER: The number of plats, I believe it's 28 that have already been approved outside the City limits, even if we impose a building permit moratorium, those plats could be developed. Houses could be built on those and it could really consume the projected 800 housing units that we're talking about. I mean they could be forced into that small compact area.

DR. CISNEROS: Bob, if they're platted they're platted for a reason, right? That is if they're going to be built upon, right?

MR. HUNTER: Possibly, yes sir.

DR. CISNEROS: All right.

MR. HUNTER: They have 6 years now as we talked about last Tuesday, to complete those public improvements.

DR. CISNEROS: Right, so how do we do anything if they are already platted, how are we forcing any further along or anything else if they are already platted?

MR. HUNTER: Because the builders now, I believe, are buying lots and platted land within the City limits. We'd be closing that door inside the

City limits.

DR. CISNEROS: It's already opened.

MR. HUNTER: Yes, it is open. I think it would be more of an encouragement.

DR. CISNEROS: So, in other words it's not doing anything.

MR. HARTMAN: Mr. Hunter, to pursue this on the positive side in terms of, first of all, what is it we're trying to do? And that is to minimize the possible damage that could come from urbanization over the Recharge and drainage area. Now, looking at the other actions that are proposed, first of all, the adoption of a land use plan which had initially been stated in terms of perhaps adoption of the growth sketch. In other words the land use plan is a mechanism of control for the approval of plats.

Number two, further strengthening of subdivision regulations in those areas pertaining to tighter building restrictions.

Thirdly, the implementation of City Public Service Board extension policy which is full cost recovery for ditching in solid rock.

Fourthly, the adoption of the City Water Board policy also passed by the Planning Commission of some of the revisions of the on site materials.

Fifthly, the encouragement and hopefully the completion of EPA regulations pertaining to the Edwards Aquifer. If we took all those actions would we or would we not be accomplishing essentially what is being asked for in a way of a moratorium and if you would identify what we would not be accomplishing.....

MR. HUNTER: I think really you do need the land use plan. I believe Mr. Parker is going to interpret it as an ability to restrict platting. But the items that you have identified in my opinion are much better tools for the control of growth rather than putting on a moratorium for a period of time because I think they are more legally sound. Again, from a planners opinion.

MRS. DUTMER: Mr. Hunter, I'm not concerned with trying to force growth in any one direction but what I am concerned with is water. Now, we have this 208 and 201 study going on right now so in case that we have to clean up our streams by the year 1983. Without knowing the impact on our sewage in the City and what impact that will have further on the City do you think that we should go ahead with instituting all of these various growth generators in that section without knowing what impact it is going to have on the sewage? It would render most of our studies moot.

If, for instance, we went ahead and got all of the sewage data together and then all of a sudden a big subdivision would crop up and further impact that system. Do you not think it would be wise to wait until after some of these studies are done?

MR. HUNTER: Yes madam, however, I think Mel Sueltenfuss can address that much more direct than I can. But I agree with what you are saying.

MAYOR COCKRELL: All right, we'll go then - thank you, sir. We'll go then with the next staff report. Mr. Leach.

MR. FRANK LEACH: About a year and a half ago the City Council decided to get into the business of Economic Development directly. The reason they did that was because Kelly Air Force Base was going through a riff and they lost a number of jobs.

MAYOR COCKRELL: Mr. Leach, would you pull the mike down just a little

bit. I think you can't be heard well enough.

MR. LEACH: Well, after that we decided that what the City could do was not more than the City already does legally under the State constitution. But we could probably do it more efficiently and be more supportive of efforts like various Chambers of Commerce and the Southeast Development Foundation and the San Antonio Economic Foundation, and assist people to maintain their confidence. When a man comes to my office and tells me his undoing, the fact is that his plans are retained there. They're not exposed in the press and all sorts of things because of that we established during the past year since last May some rapport with the private development community, not only in San Antonio but outside San Antonio.

Now, during that time we have probably been, we probably helped develop about 12 industries that are major industries here now. None of the developers from out of the City have any complaint with the growth sketch or planning or anything like that or even zoning. They don't. The fact is that people from other cities who are investing here would prefer that the City have something that they can see or read and touch and depend upon. However, we have had negotiations with three industries which now have their financial packages prepared. They have options on property and they're going to leave the City if the Council passes the two ordinances on zoning permits and on utility extensions. The rest of the stuff they don't really care about. Now, the effect of that, in terms of the number of jobs is hard to estimate. I would estimate that if the Council passes those two ordinances we're going to lose three industries. And it is going to cost us something like three or four thousand jobs. Immediately.

DR. CISNEROS: Can you explain that further?

MAYOR COCKRELL: All right, we're in no way doubting the word that you're telling us these things. On the other hand, can you give us any more rationale of where these people who were going to locate in a place they could not locate there because of the rules or what is the feeling so far as you can tell it, of the rationale?

MR. LEACH: Okay, one .....

DR. CISNEROS: And also, how do you figure three thousand?

MR. LEACH: One of the three industries does not plan to locate on the north side. They're going to the south side.

DR. CISNEROS: Say it again.

MR. LEACH: One of the three industries is not going on the north side and are not affected by the ordinances. What they're saying is psychologically, they're saying that if the City Council is going to adopt that attitude toward economic development they don't want to be here.

DR. CISNEROS: The other two apparently are going to locate in that area, is that correct?

MR. LEACH: Yes.

DR. CISNEROS: And they have options on land, etc. and this ordinance will affect them. How do you come to the figure three thousand?

MR. LEACH: It's the total number of jobs they'll hire after they get on the ground.

DR. CISNEROS: Three thousand jobs?

MR. LEACH: Yes.

DR. CISNEROS: Frank, you've been in this business now a year and a half and you've worked with economic development foundation and the rest. What do you think realistically are the prospects of being able to attract industry into the older area of the City? That has to be an important goal given that we have 20 percent, 30 percent unemployment rates in the older census tracts given that people are having to travel great distances to work. Is the only kind of economic development in San Antonio where we're going to have is on the north size? Is that what you're telling us?

MR. LEACH: No.

DR. CISNEROS: Why.....

MR. LEACH: What I'm saying is that, what I'm saying is that psychologically, investors when they look at San Antonio comparing San Antonio with Dallas, Houston or Austin or a bunch of other places and what they're saying is that I'm making my decision on what the City decides to do.

DR. CISNEROS: What you're saying is that if we take a positive step to protect the City's water supply for 18 months and free development in a particular area northwest of the City limits that then you're saying no positive program we could get to bring in the City the other parts of the City would work. Is that what you're telling us?

MR. LEACH: I'm not saying that exactly, but that's probably the effect of it. Now, what they're saying is not that we should not have a policy toward development over the Aquifer. They're not saying that. But they're saying that if you just stop permitting any building permits and if you stop any utility extensions and stuff like that, they're going to go to some other place. I'm just carrying a message from those people to you.

MR. EURESTE: I'd like to ask a question.

MAYOR COCKRELL: Ladies and gentlemen. I do want to ask everyone's cooperation. It's important to the Council that they have the opportunity to question the staff and that we all hear the answers and then people can make up their minds based on the answers. I think Mr. Eureste was next, then Mr. Steen, then Mrs. Dutmer.

MR. EURESTE: I would like for this man to introduce himself. Is he an employee of the City?

MAYOR COCKRELL: Yes, this is Mr. Frank Leach. He's the City's Economic Development Assistance Officer. He was formally working in the Community Planning and Development Department. He is now in a special office of Economic Development Assistance.

MR. EURESTE: Madam Mayor, the other point is that I understood he said he was carrying a message for them. Is this the role and the function of an employee of the City, to go around carrying messages for somebody else to this Council?

MAYOR COCKRELL: Let me answer that, Mr. Eureste. I think the City Manager invited Mr. Leach to come here because he felt that he was aware that in Mr. Leach's carrying out of his responsibility he had encountered these comments, and that he thought the Council should have the benefit of knowing what had been said now rather than later have someone say, "well, we told your staff and why didn't they advise you of what we said." And I think that was the main.....

MR. EURESTE: Madam Mayor, in the same light I haven't heard one staff person, you know, come to this Council Chambers and say that they're representing the consumers. It seems to me that the consumers will have much more objections to raise about the development over the Aquifer. I haven't heard one staff person come before us, you know, to cite the other side, to put the other side of the argument before us. It seems to me that

if Council members, and my feeling is today we're going to bring about a moratorium and that the staff, you know, the employees of the City, the people that work for us seem to be following a different line. I just have difficulty with that.

MAYOR COCKRELL: Let me just make this comment. I think that what we have to be sure to understand is the fact that Council members are elected as policy members and that in the end we will have the responsibility to make the decision. We do have a professional staff and they feel that, while they do not make the final decision, they have to try to bring us all the information that they are aware of to lay it out before we do make the decision.

Now, then, Mr. Leach is not specifically a consumer representative, no, sir. His duty is representing the City in its effort working with the private sector, trying to bring in new business. From that point of view he is working with Economic Development Foundation people and others to contact and to work with the business people who approach our City about potential location here. Now obviously in dealing with them that is not a consumer representative kind of position. It's just dealing with the prospects we have, trying to get them to choose San Antonio. It's the kind of thing where we can't tell them they've got to come here, we've got to tell them what we have to offer, trying to sell ourselves, but I think in this case Mr. Leach is just simply bringing us the information that he has heard and we can either accept it and believe it or not or whatever. But I think he's just making it available to us. I think Mr. Steen was next and then Mrs. Dutmer, and then Mr. Pyndus.

MR. STEEN: Madam Mayor, I want to yield to Mrs. Dutmer provided I am called on next. She had her hand up before I did.

MRS. DUTMER: In the first place, I'd like to say our staff is charged with the economic welfare of this City. Mr. Leach in his position is that. He may feel entirely different personally, but he must bring the City's viewpoint to you.

Mr. Leach, I'd like to ask you - I see one of these is coming to the southside and we'd say welcome. Do I understand you to say that these people have no objections to the extension and the - I mean had no objections to other things other than the extension and permit.

MR. LEACH: There's no objection at all to the growth sketch or zoning moratorium or something like that. But they do have exception to building permits.

MRS. DUTMER: Then can I assume from that statement that someone, the developer perhaps, had the foresight to come and get it zoned for them far in advance of the moratorium question?

MR. LEACH: Yes.

MRS. DUTMER: I'd also like to point out to you that Dallas, Houston, and Austin did not depend on an Aquifer for their drinking water. And that's all.

MAYOR COCKRELL: All right, fine. Are there any other questions between - Mr. Steen.

MR. STEEN: Madam Mayor, I believe the City Attorney is probably confused about all these ordinances. This is either the third or fourth time that we've talked about a moratorium and I'm not sure with all this paper in front of me whether we're going to vote on Dr. Hartman's four deals or Dr. Cisneros' seven deals or the City Attorney's five deals. I don't know really what we're going to vote on when we finish all this discussion. And I'd like that to be clarified.

MAYOR COCKRELL: All right, the items that we are considering at this time are items - any of the items specifically related to a moratorium. We are not considering in this section the item that relates to the growth sketch or some of the other things that are issues that are brought up as a potential protective device. But we're just at this point, talking about the moratorium issues relating to zoning, building permits, subdivision plats. So those are the comments that are pertinent at this point.

MR. STEEN: In other words, we're going to vote on these five ordinances contained in this packet of papers in my right hand?

MAYOR COCKRELL: But under this particular item which is not on our agenda Roman Numeral 9, we are discussing those items relative to the moratorium in this category and then immediately after we act on whatever action we take on the moratorium will next consider the items on the growth sketch and the other related items one by one. There may be persons wishing to speak, say, on the growth sketch who don't want to speak on the moratorium or whatever, but we will take them in turn and this time we're taking the package of items on the moratorium at this point.

MRS. BEATRICE GALLEGOS: We're having a problem at the conference room. We can't hear, we have a lot of our people out there.....

MAYOR COCKRELL: Thank you for bringing that to my attention. So may I ask that all the persons who will speak at the Council level or staff speak close to the microphone and I'm sure the staff will turn it up as loud as possible so that they can hear in the other room. We appreciate the cooperation we're receiving and we want the citizens to hear.

All right, are there any other questions relative to Mr. Leach's testimony. Yes, Mr. Eureste.

MR. EURESTE: Are there any more staff people?

MAYOR COCKRELL: Yes, sir, there are - Mr. Huebner, then will you call on whatever staff.....

CITY MANAGER HUEBNER: I'd like to have Carl White come in.

MAYOR COCKRELL: All right, Mr. Carl White. Mr. White, will you raise the microphone so you do speak right into the microphone. Fine.

MR. CARL WHITE: Madam Mayor, members of the Council, speaking from the financial view point and the City's ability to issue bonds and that sort of thing, the rating agencies and the investment community, of course, when they look at the City's bonds and so forth, they're looking at the economics and the economy of the City. Where the growth occurs doesn't really make any difference so long as the growth occurs. Our rating on the bonds is Double A rating which is the next to the highest rating that you can possibly get. Only two cities out of the top 20 cities in the whole United States has seen their bond rating increase since 1960. Those cities were San Antonio and Dallas. Dallas recently has had their rating reduced by one step by one of the rating agencies. So in effect, only one city out of the top 20 has had their rating increased since 1960. That's San Antonio.

We're not only, this not only affects the City of San Antonio bonds, as such, the general obligation bonds, it also affects the bonds of the City Public Service Board, the City Water Board, our sewer system and, of course, any airport revenue bonds because those are City of San Antonio bonds respective of how they're paid or from what source they're paid. The disclosure guidelines that are a part of the security and exchange amendments of 1975 make it mandatory that you disclose in your official statements, that's your prospectus, when you go to sell bonds any litigation or legal matters that pertain to the City. And if there should be and I don't - I'm not prejudging whether they will be or not, but if there should be some law

suits filed and so forth, that would seriously jeopardize our ability to sell bonds in the future. It was as simply stated to me by the expert, it would simply take us out of the bond market.

DR. CISNEROS: There must be some number at which it becomes a serious proposition, the level of liability. In other words, it's just not any suit that affects the bond.

MR. WHITE: No, sir, you're right. It would have to be, they would have to be of a magnitude that would cause concern. Now what that level is, I'm not - it's not possible for me to say. Well, I would think that anything that - anything over and above a million dollars with our financial situation as is today would be something that they would seriously take a look at. Now, that would not take us - a million dollars wouldn't take us out of the bond market.

DR. CISNEROS: When you say take us out of the bond market, you're saying drop us as in rating. Is that what you're saying?

MR. WHITE: Well, it all depends on the total lawsuits that would be filed, the total aggregate.

DR. CISNEROS: What do you mean, when you say take us out of the bond market?

MR. WHITE: Well, if for example, if we were to try to sell bonds and we had law suits pending, let's just assume it's a hundred million, I don't have any idea or 20 million, whatever, there would not be I'm told this by several people that are in the business, there would not be a bidder on the City of San Antonio bonds because there are too many other bonds in the market that don't have this problem. In other words, they would wait until San Antonio cleared up it's problems before they would bid on City of San Antonio bonds.

MAYOR COCKRELL: What you're saying, although you can't give us an exact figure, you're saying that if there were substantial numbers of liabilities in potential numbers in suits filed against us that there could be a situation where even though the citizens approve 90 or 100 million dollars bond issue that we would not be able to sell the bonds to move ahead on the work. Is that what you're saying?

MR. WHITE: That's correct. Of course, depending on the magnitude if it was - if the lawsuits were not so large but there were still a number of lawsuits I think the minimum effect of the thing would be a lowering of the rate, of our rating. In other words, we would lose our rating and that's, of course, the interest rate that we pay is contingent upon our rating. The higher rating the lower rate interest we pay.

MAYOR COCKRELL: But the range of things that could happen would be from if there were a substantial number of suits from either losing a notch or so on our rating to paying a higher interest cost to the worse possible probably of getting no bids.

MR. WHITE: That's correct and I, if the Council desires I can get experts that will write letters to setting that out or detailing that part.

MRS. DUTMER: Carl, assuming that developers now you're telling them that this will happen if they file suits against the City and realizing that the City can't perform its services, extend services to their subdivisions and whatnot unless we can sell bonds because we exist primarily on bonds, are you tell me now that these developers would chance wrecking the entire City and its bond programs for their own profit? Because if they did there sure enough wouldn't be any building over in the City of San Antonio because no one would want to come here if the City is broke.

MR. WHITE: Well, what I'm saying is that, that the growth as far as the

financial structure that the City is concerned it doesn't make any difference whether the growth occurs north, south, east or west or whatever so long as we have the growth. Now, if we don't have the growth then we don't have the taxpayers, we don't have the economics and so forth that it takes to sustain our rating.

MAYOR COCKRELL: In relation to Mrs. Dutmer's question I think she was asking a judgemental question considering the fact that they would be among the damaged as well as among the ones suing, would they be apt to go ahead with suits of the kind of magnitude. I think probably the only thing I could do is perhaps the City Attorney might be in a better position than others. It's hard to give an answer to the question.

CITY ATTORNEY PARKER: In that particular case I would say yes because on the basis of the fact that they would then need covering damages, monetary damages if they prevail. They would have nothing to lose.

MR. STEEN: Madam Mayor, they would definitely have to sue. There is no question about that. In fact, there are at least three people that are probably going to sue. I think they have to, there's no question about that. But I think we ought to get one thing straight, Mr. White, that if we did this today we don't have to worry about that hundred million dollars bond issue in the future. We have to worry about every bond issue that comes up from here on no matter where it comes from, right? City Water Board, CPSB, or what have you. No one is going to buy our bonds.

MR. WHITE: They're City of San Antonio bonds, I don't care what they're paid from.

MR. STEEN: We've 75 million dollars worth of CPSB bonds coming up here within the next several weeks to be voted on but there wouldn't be any use in us voting on that bond issue, the City Council, if no one is going to buy our bonds or if the interest rate is going to go up so high we're going to have to pay three times as much for the bonds so it's just a fiasco if we go with this thing and ruin our bond rating completely. We don't have to think about future bond issues, we have to think about the bond issues that are right upon us.

MAYOR COCKRELL: Let me say we're just trying to examine exactly what potential problems there are from one point of view or another and Mr. Eureste.

MR. EURESTE: Yes, madam, it says here that the City Attorney has advised that there is a possibility of numerous lawsuits being filed against the City as a result of the alleged damage to property owners and the affected area. I would like to know if the City Attorney could advise the Council, you know, about those numerous lawsuits that he is talking about.

MAYOR COCKRELL: I'm sure that he would be glad to and if you would like to go into executive session for some of the details I'm sure he could go into it.

MR. HARTMAN: Madam Mayor, this is the point that I raised at the beginning of the session. I think there's a matter of legal ramifications here that I understand does require confidential discussion with our attorney and I would like to so move at this time so we can get the full picture.

DR. CISNEROS: I don't know who was to speak after Mr. White, but hopefully, that could be the City Attorney. We could hear as much, hopefully, all in open session as possible. It is extremely important that we hear the whole thing. Now, before Mr. White leaves - Carl, some of us have some problems with the analysis that has been presented and the conclusions that have been drawn around the table as you talk because it is a highly speculative kind of very abstract kind of discussion that we are having here. We are assuming that there are going to be suits, we are assuming about the magnitude of the suits, we are assuming about the magnitude of the effect on the bond rate, we are assuming the effect on the bond market, etc. We appreciate, obviously, the picture that you have presented.

I think Mrs. Dutmer has made the most solid contribution to the discussion and that is that there is a matter of mutual restraint in the public interest. We are not making this as a - or thinking about a moratorium because it is something necessarily that is attractive or we want to do but it is necessary to protect the public interest that being the public water supply. Now, that being the case, hopefully, developers who may be affected for 18 months or whatever the length of time is - 18 months is what we are talking about - would utilize some individual restraint in attempting to recover their own personal damages if, in fact, it is going to affect the whole City. Now they either care about the City or they don't and so I would call publicly for a - irregardless of the outcome of our decisions - restraint on the part of all concerned and a good faith effort and I think our proceedings to this point have been in good faith and I hope you would convey that as you talk to the bond market.

MR. WHITE: My statements were based on assumptions, I want to make that perfectly clear.

DR. CISNEROS: It is very easy, however, for us to jump from assumptions to believing them as if they were fact and predictions and they are not.

MAYOR COCKRELL: All right. I think that certainly we ought to proceed and hear all of the staff presentations. There may be some additional details that the Attorney is able to give, either in open session or not, that would be more illustrative and assist the Council in assessing the risk factor, whatever it may be, perhaps, more closely. Yes, Mr. Manager.

CITY MANAGER HUEBNER: If the Council is finished with Carl I would like to proceed to Mel Sueltenfuss. I would like him to speak to the issue of what would happen if there was a moratorium on the sewer extensions, either on the Recharge Zone or in the drainage area that relates to that.

MR. MEL SUELTFENFUSS: I want to begin by answering Mrs. Dutmer's statement about the 201 - 208 planning. I think I have mentioned several times the key to the City sewer system is a decision by this Council as to what the limits and the extent of that sewer system should be. I think that is something that should be done independently of whatever is done in the way of a moratorium here today. I want to keep reiterating this because this is a decision that should not be made by 201 or 208. This is a decision that should come out of this Council as to what the City feels that the limits of its sewer system should be.

The basic effect of a moratorium on the extension of sewer lines affects the sewer system particularly in two ways. One is the legal aspect of the requirement that somebody is inside the City limits receive service and I think Jim will talk about that a little later - the legal aspects of that. The other is the City's relationship with the Texas Water Quality Board on the regional sewer agent boundary. As you recall from the map the other night, the sewer agent boundary does go beyond our City limits. That would have to be changed by the Texas Water Quality Board before we would be able to refuse service in that area. Now, the effects of that could be that they would no longer consider us a regional system and it could, possibly, jeopardize some of our priority ratings on grants. That is the only effect from that but the basic decision to go back on sewers is the extent of the City sewer system should be determined by this Council and it should be done independent of anything we do here.

MAYOR COCKRELL: All right, are there any questions by the Council? Yes, Mr. Pyndus.

MR. PYNDUS: I am wondering if the extension - our water policy extension, outside the City limits falls in the same category. I know that the Texas Quality Water Board would not have a say in that, but would the Public Utilities Commission have a voice if we decided not to

extend our water mains outside the City limits.

MR. SUELTFUSS: I can't answer that, Mr. Pyndus. I am not familiar.....

CITY ATTORNEY PARKER: I can answer that one. The Water Board submitted an application or whatever you want to call it, to the PUC and were given- were designated as an area of convenience and necessity to certain designated area. That means that no other utility can go within that area to provide service and, as far as the rules and regulations that PUC has established, whoever has that area of convenience and necessity is then supposed to serve that area. Now, if you are going to say that you have an area of convenience and necessity and you are not going to serve it, then there is obviously going to be some conflict somewhere. You are either going to have to serve the area or you are going to have to amend the permit application of your designation in that particular area. You can't have an area permit that says you are going to serve a particular area and then refuse to serve in it, in other words. And that is what the net effect is to the Water Board would be.

The same thing would apply to the City Public Service Board except the Water Board does not really come under the PUC regulations outside the City because it is a public utility. The same does not apply to the City Public Service Board because of the wording of Article 1446 and, consequently, anything that you do to change the area of service and/or rates outside has to go through the Public Utility Commission.

MR. PYNDUS: If I may follow up, Mayor. We had the utilization of the Community Water Development Fund and it had - it didn't pertain to service. It pertained to financing of the extensions outside the City limits. Would that fall in the same category that you have just mentioned?

CITY ATTORNEY PARKER: I am not following you there. That is a funding matter and not to the area of the service. The two are not necessarily synonymous.

MR. PYNDUS: Fine, the point was we had passed an ordinance to the water extension policy and it has never been placed into effect. Now, with the ordinance we have before us today, we can place that water extension policy into effect. You mentioned we could not let that service area go, I'm speaking about the cost and it would not be in the same category if we are talking about cost under the ordinance that we had passed. The ordinance that we had already passed, how does that affect the service area that we are now discussing?

CITY ATTORNEY PARKER: Not one iota.

MR. PYNDUS: Okay, then if we adopt .....

CITY ATTORNEY PARKER: If you are talking about that resolution from last July, that doesn't affect it one iota.

MR. PYNDUS: Fine, all right.

CITY ATTORNEY PARKER: That resolution didn't affect the area of convenience and necessity one iota.

MR. PYNDUS: If we pass the ordinance with reference to the sewer extensions, what effect will that have?

MR. SUELTFUSS: Of course, the other effect is there are no other controls and that, again I want to make sure that that is an assumption, it is a very real possibility that people could get permits for a private sewer system. See, we are not the sole suppliers of sewers in the area. If we refuse to serve - in a conversation with the Texas Water Quality Board, this morning, they would probably be very apt to give permits for private systems.

CITY MANAGER HUEBNER: Mel, doesn't the Encino Park have its own water and sewage system?

MR. SUELTFUSS: Yes, we have two very large subdivisions that are presently platted, both San Antonio Ranch and Encino Park. Now, the San Antonio Ranch has a private sewer system, and they do have a contract with the City Water Board. We do have a contractual agreement with Encino Park which is the other large pink area there, just north of the purple to provide sewer service to them. So you have two very large subdivisions there that do have utilities, so the utility extension thing probably would be a questionable thing that wouldn't affect them.

MRS. DUTMER: Forgive me if I seem a little dense on this, but, you tell me that within that dotted line which is our service area, if those people ask for sewers that it is our duty to supply them with sewage?

MR. SUELTFUSS: Under our present policy, yes.

MRS. DUTMER: I can't for the life of me understand why people who have been in the City of San Antonio for approximately 20 years still do not have sewers.

MR. SUELTFUSS: Let me answer that. In this case the developer paid for all the on-sites and whatever goes in. In the other area, the City of San Antonio, through bond issue, is providing the on-site mains for these people. That is the major difference.

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MAYOR COCKRELL: All right, any other questions of Mr. Sueltenfuss?  
All right, thank you, sir. Mr. Manager.

CITY MANAGER HUEBNER: I don't...the other two people who are involved in that thing and I think we have talked about the building permits sufficiently, so George Vann really doesn't have to make a presentation unless someone wants to hear from him. And, the same for Stu Fischer because that is an item quite apart from the moratorium issue. I think it would be appropriate now to go to Jim Parker and give you his advice from a legal standpoint.

CITY ATTORNEY PARKER: My advice on a legal standpoint is still as was contained in the handout I gave you Tuesday night.

MAYOR COCKRELL: All right, will you review the high points of them, point by... on each separate issue and I think, there are several points that have been made here today that intensify certain aspects of the problem that the Council is weighing. In his presentation, the Manager stated that, after several days of work and discussion with the staff, that he felt the Council was faced with two options in effect. One is to determine that its desire to protect the water quality necessitated bringing into being these moratorium issues passing the item. On the other hand, he felt that should we do that, we needed to face the potential problem of the total shutdown possibly or some degree of retardation of economic development effort and the possible problem of the threatened foreclosure of our ability to sell bonds through either a lowering of our rating or getting no bids or whatever. I think those are issues that obviously the Council has to weigh very seriously. Now I'd like to hear from you and outline a little bit more carefully on each separate issue, for example, again go over the issue of subdivision class of building permits, of zoning, of the utility extensions. Each one has a little bit different legal background and would you just hit the highlights to that once again.

MR. PARKER: If we are talking again about certain state statutes that we have to follow. They're not optional on our part. They are mandatory that we have to follow. They are primarily 978, 974A, your zoning statutes say to what authority you have there plus your charter related to your planning authority. Basically inside your City you have land use control and land use control is zoning. It sets the relationship that the different uses of land could be put to based on what the adjoining property is. Within the City you have then the permit authority and so forth. By virtue of the provisions of Article 974A and the ETJ that is established pursuant to that and the annexation act, the City has platting authority for five miles outside of the City limits of the City of San Antonio. That platting authority goes to basically only to the physical characteristics or the physical development of that property, not in any way to the use to that property could be put to. Now that was what one of the big furors in the Texas legislature was in trying to give the zoning authority to county so that they could then exercise that zoning authority outside the City limits and that was knocked down. So we have been given a set of statutes to work with that are not the best in the world in every case to maybe do everything everybody would like but that's all we have.

All right when it comes to zoning changes, the moratorium or moratorium on zoning there is some case law that says that you can enact a temporary interruption or a stop gap type thing to making zoning changes and the basis of that is a case out of Dallas, City of Dallas vs. Crownrich. That particular case involved the fact situation where somebody wanted to build an apartment in a properly zoned area for an apartment house but it was within an area that was under consideration for a start zoning and as a result the court said since there has been a zoning change instituted prior to that, would affect that particular area as to what the ultimate plan for that would be that the court would not interfere with a temporary interruption of that.

I do not know in that particular case whether they were seeking only a mandamus or whether they were seeking damages. So based on that particular case there is some case law that would give some indication that you might enact one that could be supported.

When you get to the building permit, the building permits go hand in hand really with the zoning in that particular case again the City of Crownrich case or the City of Dallas vs. Crownrich it involved the issuance of a building permit to these people to build this apartment house. So on the same identical reasoning you can use the same identical basis that you could enact a moratorium or a stop gap interim type imposition of building permits for a specific period of time that is not unreasonable. Now, when somebody asked me what is unreasonable, I don't know, if anybody can tell me how long a string is I can tell you how long reasonable is or unreasonable. It's going to be what the court says and indications in the research that I've done in the past would indicate one, the shorter the time period the more reasonable it always is. The longer the time period gets the more chance it becomes unreasonable. It depends entirely really on what you're studying and what your ultimate aim is. My recommendation would be in any event not to exceed a year at this particular point in time.

When you get to the area then of plats. A plat approval process is a statutory dictated procedure with time limits and what the requirements for plat approval are, there is no option that the City is going to have in that respect. A plat will be approved as a matter of law thirty days after it is submitted if it is not acted upon by the Planning Commission. In our situation that's what we so far have not elected the option to have the City Council be the final authority on plat approvals.

DR. CISNEROS: Question there on plats.

MAYOR COCKRELL: Yes.

DR. CISNEROS: On the issue on plats, two questions: Number one, without a general plan can the Planning Commission reject plats? What happens if they do reject it?

MR. PARKER: All right, if they reject that plat and there is no regulation that would be the basis for the rejection, the court would have no alternative other than ordering...It would be the district court. The owner would merely file, file a mandamus action to order the county clerk to file that plat for record. The City would be made a party to it and in my opinion the plat would be ordered filed as submitted whether it met any of our criteria regulations or the guarantees for the installation be improvements.

DR. CISNEROS: Now, let's talk about the situation in which there is a recognized designated general plan, what does that change?

MR. PARKER: Well, if you have a land use plan, as such, if that's what you're talking about the land use plan inside the City then you may have a basis to reject a plat. Outside the City you have no land use control of what the nature of that land is to be used for and consequently I don't think outside the City a land use plan can be used as a reason for a denial of a plat.

DR. CISNEROS: So you're saying that under no circumstances then does the municipality have sufficient control in the EPJ to reject a plat. Is that what you're saying?

MR. PARKER: No, no, we have the control to reject a plat through the subdivision regulations if they do not meet the physical design. In other words, if it does not ...

DR. CISNEROS: Can the subdivision regulations be amended in such a way as to reflect protection of the Aquifer, protection of the water supply as one of those technical considerations.

MR. PARKER: If there is any basis of actual proof that would be admissable as evidence. Yeah, I think...

DR. CISNEROS: Does the answer lie then in the subdivision regulations?

MR. PARKER: The subdivision regulations. If you have a valid set of regulations and a reason backed by some type of admissable evidence to support it other than speculation.

DR. CISNEROS: I think I understand.

MAYOR COCKRELL: All right, yes Mr. Hartman.

MR. HARTMAN: To carry that just a bit further, Jim, in the case where you had a land use plan, the land use plan would indicate the types of use of land within the planning area which would include first of all, what?

MR. PARKER: If you're talking about, it'd be like residential or commercial, industrial.

MR. HARTMAN: You're misreading me, I'm saying what if the planning area of the land use plan, what is the area of its....

MR. PARKER: Of its planning?

MR. HARTMAN: Of the land use plan, what would be extent of its coverage?

MR. PARKER: Actually I think the land use would be inside the City limits, because outside the City limit you can come in with a plat. This is a age old problem we've had around here for years and it's going to be here until the legislature meets again.

MR. HARTMAN: The point I'm trying to get to, Jim, is how you get to the point where you stated earlier and, of course, it's recognized to reject the plat on the basis of its nonconformance would subdivision regulations presumably one aspect of subdivision regulations would be compliance with a plan of the City or its development. Okay, where do you tie those two things together, in other words, where do you get to the point where it has to be in compliance with a City master plan, if you will, and.....

MR. PARKER: It would be at whatever point-inside the City we got no problems, really-the part that's outside the City because we don't have the land use control outside the City to say what the use of the land is going to be. In other words, you come in with a subdivision out there, you plat to the minimum 6,000 square foot lot you don't know whether that thing is going to be used for an ice house, whether it's going to be used for a beer joint, whether it's going to be used for a washateria, you have no control over it, over the use of that land. All you have is a piece of land that is so many square feet that has utilities to it.

MR. HARTMAN: But Jim, how do you translate the fact that where the law says that in the subdivision regulation, for example, you would say that this plat is or is not in compliance with the plan of the growth of the City.

MR. PARKER: Well, basically Glen, they're talking about the physical facilities to support it. They're talking about what the size of the sewer line would be, what the size of the street where...

MR. HARTMAN: Outside City limits?

MR. PARKER: Outside the City limits, cause you don't have land use control. Inside the City limits you do and through a combination of that plus your zoning, your master, your zoning district and the land use plan inside the City would then be directed really to the zoning. We don't have zoning outside the City, I mean that's the whole...

MAYOR COCKRELL: All right, Mr. Alderete.

MR. ALDERETE: Jim, what if the subdivision regulations were undergoing change? Let's say we were going to implement it. Can you still obtain a writ of mandamus?

MR. PARKER: If it's not acted upon in thirty days. It's one of these mandatory thirty days. It's gonna be the same thing, say, I make another analogy. In some of the federal court decisions where the speedy trial aspect, if you don't trial the guy when it's so many days, boom, it doesn't make any difference whether he was guilty or not guilty, he's cut free, because you did not bring that case forward speedily. He was denied a speedy trial. And that's the same theory that the courts would have to follow here, because the statutory says thirty days, period. It doesn't say thirty days unless you're doing something else.

MR. ALDERETE: Even if it's for the protection of the welfare of the citizens, it doesn't matter what?

MR. PARKER: I don't think where is it, 30 day mandatory it doesn't have an option. It doesn't have a period of delay. See there's no requirement that you enact any regulation. It just says whatever regulation you enact, and so if you're in the process of wanting to change it then you have to follow the statutory procedure, have a public hearing, and then enact it. Now we have another compounded fact by virtue of the Charter provision that then you have to work both in relation to 934A plus the Charter to try to....

MR. EURESTE: Mr. Parker, you have advised the Director of Finance of the possibility of numerous law suits. First of all, I would like to know how many law suits and the total number of dollars that's involved and then I would like to know if those law suits pertain to each of the items that we're talking about here today. In other words, is there a potential for a law suit that you've heard about with regards to zoning moratorium, with building permits moratorium, with the extension to connection to sewer, water, gas and electrical service or are they concentrated in one area. Are the law suits, the potential law suits concentrated in one area?

MR. PARKER: Well, the law suits the ones that I have direct personal knowledge that were directed or comments were directed to me by attorneys representing other people are primarily based in the area of the utility extension and the building permit. They're not really concerned about the plat, because they know they're going to beat us there. They're really not concerned about the zoning because they're not in that particular stage. But the ones that did contact me, and there were three, they're talking about law suits in figures that look like we're dealing with something in the federal debt area.

MR. EURESTE: So how many law suits are we talking about, because it seems to me that the advice that we're getting is based on advice that you've given others with regards to the law suits. I'd like to know how many law suits are we talking about and the amount of money that we're talking about.

MR. PARKER: Well, I cannot tell you that. I can tell you that there are 3 law suits mentioned by, 3 attorneys, separate firms of attorneys, and their dollar value within the hundreds of millions of dollars.

MR. EURESTE: Hundreds of millions?

MR. PARKER: Yes, sir.

MR. EURESTE: How many?

MR. PARKER: If I recall correctly, five hundred million dollars total.

MAYOR COCKRELL: All right, Mr. Parker, in other words you are saying that you've been personally been contacted by firms who have been retained by clients and who state that they, as of now, have the intention of filing suit. You have given the figure that in the hundreds of millions of dollars, possibly five hundred million, and if the suits are filed as the attorneys have advised you they are potentially going to do then specifically that's what you're talking about and that's what the City Manager is talking about in terms of the threat to any bonding ability we would have to sell any bonds.

MR. PARKER: That is correct.

MAYOR COCKRELL: Mr. Eureste.

MR. EURESTE: Yes madam, are the people that are threatening us with law suits in this amount of you're saying close to half a billion perhaps or five hundred million dollars are these people residents of San Antonio?

MR. PARKER: I have no idea who the clients or the people were, all I know is the law firm themselves.

MR. EURESTE: But, what I'm trying to get at is that, it's very possible that they could be residents of San Antonio and that they might own property and that they would be willing to put the City in a position where it would not be able to let out any bonds.

MR. PARKER: Well, let me - I can only answer you this way. If I am threatened with a financial, if I was representing an attorney representing a client and that client comes in and says this has happened, what is my recourse? As an attorney all I can tell my client is these are your options, here is your recourse. If you are being forced into a position where you are going to cost you x number of dollars that you can furnish me with some kind of evidence that will bear out that damage as a result of an action that is beyond the scope of any legal action of a body that would give you a cause of action and I think anybody in that position is going to bring their law suit.

MR. HARTMAN: With regard to the lawsuit that had been indicated from the contacts you have had, you indicated that they pertained to the utility extension area and the permit area.

MR. PARKER: Now, it could be, it depends on what is passed, I don't know. It would be as a result if the entire set of ordinances were passed, at that point of time they were looking at the complete moratorium or the different aspects of the moratorium. I would think it would be extremely difficult for anybody to make an assessment of what they would have to eventually file a law suit on, but it's on what the Council actually does. I think that their concern in certain areas and the concern of those two main areas could be such that maybe one would bring a suit and maybe one would not, it depends on what it passed.

MR. HARTMAN: Would you care to indicate what the nature of the defense would be if either the extension utility areas or the matter of the building permit.

MR. PARKER: Well, with the building permits your defense would have to be solely based on City of Dallas vs. Crownrich and the basis that we're primarily looking at the safety of drinking water and that we have not got in mind any land acquisition whatsoever because if we get off into that little jewel, we're going to be right in the big middle of Garrett Bros.

MR. HARTMAN: How about the defense on the extension of utilities?

MR. PARKER: There, I think we are in very shaky ground by virtue of the fact of contractual commitment.

MR. HARTMAN: What would be our defense, Mr. Parker?

MR. PARKER: Our defense with that, it'd still have to be on the basis of what we think is something to the safety of the drinking water of the City of San Antonio.

MR. HARTMAN: Is there any case law to support that?

MR. PARKER: Not to my knowledge.

MAYOR COCKRELL: Yes, Dr. Cisneros.

DR. CISNEROS: Mr. Parker, who would it be that would sue us on the extension issue?

MR. PARKER: It would again depend on what you really ultimately pass, if it's a complete blanket moratorium again you got several people that I can conceive immediately. You would have a subdivision that's already been approved and that individual may have let contracts for the work to be commenced and so as a result of that if he is then stopped for a period of time then you've got a anticipatory breach of contract because it is a contract agreement in effect between the City and that individual that they will install those public improvements.

DR. CISNEROS: Can you think of any way that we could get around that problem?

MR. PARKER: Just bring money because we're going to have to ..inaudible..

DR. CISNEROS: Is there such a way that the extension moratorium could be written in such a way that those that where contractual obligations already exist...

MR. PARKER: That's what I prepared at one, well, in effect, that would - now on the other we would have to prepare something similar to that, I only have so many hours in the day I can only work.

DR. CISNEROS: In your mind, what would that do? Could you have a section like that in the one on extension?

MR. PARKER: I really don't know the full extensions that are going on and what the full contractual commitments are and until I have a better grasp for that I would just be guessing.

MAYOR COCKRELL: Let me say that we will hear from Mr. Steen, then were there any other presentations from staff?

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MR. HUEBNER: No, I'd just like to make some closing remarks.

MAYOR COCKRELL: All right, fine and then we've stated that we would hear citizens up to 30 minutes for each side, so we'll hear Mr. Steen at this point.

MR. STEEN: Thank you, madam Mayor. I just want to express our appreciation to the City Attorney because every question that's been asked here today has been asked of him at least several times when I've been present. He's very patient, he's answered all the questions time and time again and we really appreciate everything he does for us. Everything we asked is really a matter of speculation. He really doesn't know what's going to happen exactly so when he says we're involved in a half a billion dollars worth of lawsuits that could be a billion dollars worth for all we know. It is just a matter of speculation but I would certainly like to get on with it. The City Manager would make a closing statement and then if we could hear the citizens it would be great.

MAYOR COCKRELL: All right, Mr. Manager.

MR. HUEBNER: All right, one of the things that I certainly hope we don't lose sight of here today is what the objective is. The staff does now and always has urged the protection of the Edwards Underground Aquifer. What we're talking about here is the means by which we protect that Aquifer. It is our collective judgment here in the City staff with the variety of department heads that I've been working with each coming from his own special expertise that the route of using a moratorium on building permits, utility extensions and subdivision planning is not the best route to take. It is the one that has the most legal problems involved in the one in which we think the practical effect will be simply to move development out of the incorporated limits of the City into the unincorporated area where we cannot exercise our own controls over the development or the utilities, will see the existence of private sewer systems, etc. So we oppose it on two basis. One is legal, the other is the practical affect. But let me remind you, as I said last Tuesday night, the staff vigorously supports the modification of the extension policies of the City Public Service Board, the Water Board, and our own sewer policies. We think these are most important. We think these are the tools which have the clearest and almost the unquestionable legal, sound legal ground as well as having the best practical effect. We also support the revision of subdivision regulations so that the time limit that presently amounts to about 6 years is reduced in order to reduce the incentive for speculating on land on the northside of town.

Madam Mayor, this has been an extremely difficult question for the staff. It's one in which there are a lot of emotions. We have given you what is our best judgment from the standpoint of the total concerns of this City. Thank you for listening.

MAYOR COCKRELL: Thank you very much, Mr. Huebner. All right, at this point we had said we were going into the citizens, was there something you needed to bring up before that?

MR. PYNDUS: Yes, madam. The ordinances as drawn up with reference to the utilities. As drawn up you said it had the soundest legal grounds and the best practical way to go with the extension policies of the utility, the City Public Service Board and the water and the sewer. Would these ordinances as drawn up accomplish that or should they be changed? That are being proposed today?

MAYOR COCKRELL: Those will come up next. In other words....

MR. PYNDUS: All right, because it meets a modification, Mayor, I'm just wondering what that meant.

MAYOR COCKRELL: Well, today I believe we have the City Public Service Board modifications that are pending for discussion today. Now in addition to that we're going to advertise on the City Water Board's extensions that I think require a change in the subdivision regulations and this is just a first step because there are some additional steps that the prior Council at least thought needed to be changed and if they are not carried through so we're going to look at those. Then in addition he said sewer changes which are not at this point pending before us but the City Public Service Board changes that you're talking about will be up today but after the moratorium. I think he was not endorsing the blanket freeze on extensions. He was, in the alternative, supporting the change in the regulations and the tightening up in the regulations.

All right, any other questions. All right we're going to start then with the Citizens to be Heard and we will allow up to 30 minutes per group of citizens for and against. I'm going to have to use my best judgment here to decide since persons didn't all sign for or against to try and identify which side they prefer to speak on. We'll start with Father Rufus Wheatley, does he wish to be first or Mrs. Beatrice Gallego are you with Father Wheatley first, fine.

CITY CLERK'S NOTE

At this point a number of persons spoke in favor of a complete moratorium of building permits, zoning applications, plat approvals, extension of gas, water and sewer lines over the Edwards Aquifer Recharge Area insisting that the City Council should protect the water supply. They stated that the moratorium would be in effect until the Metcalf and Eddy Study is completed and a final report is completed. The proponents did not feel that a delay of 18 months would seriously hamper developers or cause any economic distress but that the moratorium would be in the best interest of the citizens:

Father Rufus Wheatley  
Father Al Benavides  
Mrs. Beatrice Gallego  
Mr. Lanny Sinkin  
Mrs. Karen Owsowitz

\* \* \* \*

MAYOR COCKRELL: All right, there are five minutes left. And is there anyone else who was not called on, over looked or anything on this. I believe, to the best of my knowledge, the persons who have all indicated wishing to speak against, would you like to summarize Mr. Sinkin?

LANNY SINKIN: Well, I'd just like to take the five minutes to answer any questions the kind of opportunity we've had once before.

MAYOR COCKRELL: All right. Let me ask Mr. Sinkin. Frankly, the Council is in a very tough position, at least I think we're in a tough position. On the one hand, I think many of the Council members really, I would say all of the Council members really very earnestly want to do everything they can to protect that water supply. Now then, on the one hand we have to make the possible risk and try access that of what building might take place without a moratorium in place and evaluate that on the one hand. And on the other hand, we have to evaluate, the risk - none of us knows for sure about the situation on these lawsuits, but let's assume that the reports or the threats or whatever we want to call them, let's assume it does take place and let's assume that even though, maybe in the long run they can never get \$500 million in damage, they can at least file suits in that amount. It would have to be reported in bonds prospectus.

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Now, that's one thing we have to face honestly and say is the, is there any potential problem that could occur from a limited amount of development that will occur, I'm sure, if there's no moratorium, is that - how do you balance off those two things? And it's a policy, it'll end up being a policy judgment and it's a tough thing.

MR. SINKIN: All right, let me try to respond to that. First of all we have to deal with the history. And I think Mrs. Owsowitz's point is very well taken that a small plot of land was zoned for an apartment complex up in the northwest corner from Mr. Bender. The Public Works Department responded by building a huge sewer line out 1604, a huge sewer line up to Mr. Bender's tiny little plot. And while they were at it, they built a lateral sewer line off the one they built on 1604. Essentially sewerage a very large area of the Recharge Zone. This activity has been going on for years, despite the continuous public outcry about protecting the Aquifer. The City departments, the same people who came to testify before you today, have taken it upon themselves to build in capacity for development. I think that they should - and the Water Board ignores your resolution about extending water lines outside the City. The moratorium on extension of utilities is absolutely essential. On zoning, you have the same problem. Every time - that's your first line of defense. If you let your zoning go and the utilities are already there then you're going to grant the plat then you're down to the building permit. By the time they get to the building permit it's more difficult to deny than it was before. So, I think a moratorium on zoning is perfectly in order. A moratorium on building permits and that's what you're talking about, I guess the 800 units. I find the 800 units figure pure speculation...

MAYOR COCKRELL: I'm sure it is. Nobody could be sure.

MR. SINKIN: It could 1500 units and we don't know where those units are when we're talking about the sensitive areas of the Recharge Zone, the areas we have proposed for public purchase. We don't know that those units are precisely in those areas. We don't know that when Metcalf & Eddy finishes and say well that's actually only a 1,000 acres of sensitive and they should be purchased. It happens to be the thousand acres you've just let happen. And it's beyond our capability now to even think about purchasing. Because you didn't protect them ahead of time. Finally, on the idea of the lawsuits. I think Mrs. Dutmer hit it on the head. If these are essential irresponsible members of our community who will file hundred of millions of dollars of lawsuits knowing full well they're destroying the bonding capability of this City, well you can't be responsible for their actions. And you can't pretend you almost insult them as far as I'm concerned to assume they will be so irresponsible. I prefer to assume that they will follow Dr. Cisneros' advice and restrain themselves.

MAYOR COCKRELL: But that's not answering the question. If we have to assume that it could happen in those, facing those two alternatives.

MR. SINKIN: I assume that it will not happen. I assume that these same people have finally decided that the community has spoken and that they will wait the 18 months which is not an excessive amount of time before they proceed to their development. Beyond which you're also talking about a potential situation where you have committed enough development to pollute the Aquifer severely. We still don't know what that figure is. It's continually bandy about there's been no pollution of the Aquifer. Well, that's not quite accurate. United States Geological Survey found more than 30 wells with bacteria which comes from human sewage in the Aquifer area. Now, they will tell you those wells were improperly cased, or they were improperly built. Fine, there are reasons for it, but they are polluted. The well in Leon Valley sticks in my mind, gasoline three inches deep on top of that well every day for months and they never found the source of it.

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Federal investigations went to look for it and never found it. It was some gas station out somewhere that had been bulldozed and covered over.

So, we're talking about small indicators of what could happen if there were greatly increased development. We don't know that, that greatly increased development won't happen. We do know that there were requests outstanding at the time we moved this moratorium request. There were requests outstanding for sewer lines to serve 175,000 people living in the Recharge Zone of the Edwards Aquifer in addition to those who could be served by sewer lines and water lines already in place. That would be a major jump in development if that took place, I think we could kiss the Metcalf & Eddy Study goodbye. It would be relatively useless. Its purpose would be to tell us how soon we have to spend millions of dollars to build treatment plants.

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A number of persons then spoke in opposition to a complete moratorium stating that there would be a loss of jobs, cause more development outside the city limits, have a serious detrimental effect on the City's ability to issue bonds and in general create havoc.

- Rev. Paul A. Grout, Woodlawn United Methodist Church
- Mr. Quincy Lee, Developer
- Mr. Holt Atherton, Greater San Antonio Chamber of Commerce
- Mrs. Barbara Condos, 8606 Village Drive
- Mr. M. M. Hughes, Developer
- Mr. L. W. Kratovil, 706 Balfour

The discussion then continued as follows:

MAYOR COCKRELL: Thank you very much. That concludes the time for those in opposition to the moratorium. We now are ready for either any further Council statements action on any of the pending resolutions.

DR. CISNEROS: Madam Mayor, I'd like to try to get a work agenda laid out, if possible, but I wonder if you'd be so kind as to call the whole Council back so we're not in and out.

MAYOR COCKRELL: This is a call to the entire Council to return to the Chamber. The Citizens to be Heard portion has been concluded. We're putting in a call to all Council members to return to the Chamber.

DR. CISNEROS: I'd like to, Mayor, if I may pass out some material. Mayor, what this represents is a program that has had some review by the City Attorney and some refinement and adjustment over the course of the last couple of days. It's slightly different, actually it's different in a large measure from what we discussed Tuesday night. I'd like to propose this as something to work from and the Council can make decisions about what priority, what order, what decisions. Let me talk to them because I think these are the things that we either agreed to do Tuesday night, or we agreed were already on the agenda.

First of all, if you'll turn to page 1. An ordinance setting July 14, 1977, for a joint public hearing with the Planning Commission to consider amendment of the subdivision regulations relating to adoption of the San Antonio land use plan. Now, what I'm suggesting here is that we acknowledge the position of the Planning Commission that it would be less than useful for them to have an interim growth sketch designation because of the very nature of the growth sketch and acknowledging both Mr. Hunter and the rest of the Planning Commission positions that they will be far better served by having a useful land use plan completed. So, acknowledging that I'm suggesting that we try not to make the change to an actual plan until we have the land use plan to work with and that we set a date of July 14 for the joint public hearing on that land use plan to become the interim general plan and to have those subdivision regulations made.

MAYOR COCKRELL: Let me ask a question at this point and that is this is not just adopting the land use plan, but it is actually going the next step and saying that it is the interim general plan. Now, it was my understanding that they thought that by working very hard and very fast they could within 30 days come up with the land use plan. I was not sure if that meant the final action by Council or what. Just as a legal matter may I ask if the City Attorney has seen that.

DR. CISNEROS: Mayor, may I ask at least the lay out of the whole thing and then we'll get into this specifics of some of that as we debate each individual ordinance.

MAYOR COCKRELL: Okay, fine.

DR. CISNEROS: Item two relates to the setting of a public hearing to consider amendments to the Water Board extension policies and these are some matters that

the City Attorney has indicated are doable. I would have also included at this time an ordinance dealing with the CPS extension policies except for the memo that we received from the City Attorney indicating that he recommended a separate work session on that before we have an actual ordinance indicating what our position is. And it has to do with our responsibilities under the Public Utilities act, but this is at least this much, the water portion of it that the Council can relate itself to.

Item number 3 is the moratorium on zoning, and it's very straight forward. It has been reviewed by the City Attorney and so it is in its present form as you saw it Tuesday night.

The next one is somewhat more complicated. It's the moratorium on building and zoning - rather on building permits. It has, the Council has some decisions to make on this one, that is to say that there are some options about this one. Section one of the ordinance deals with the moratorium on permits. Section two, three and four give qualifications which the Council may or may not want to address itself to.

Section two, for example, deals with the fact that we would allow the issuance of permits despite the general moratorium, allow the issuance of permit for the construction of fences, additions or alterations of existing structures that would not require the extension or size alteration of any public utility. That's to say that if somebody wanted to put a fence on their back lot or somebody wanted to add a den or something like that it doesn't change the potential for the pollution because of no additional utility that would be permitted.

Section three, again notwithstanding any of the provisions of section one which is the full moratorium on building permits. Permits may be issued for the construction of a governmental facility. Now, presumably this would relate to UTSA or others and again this is one that the Council would have to debate and make a decision about.

Section four, is the one that would be the most difficult to decide about, and we'll have to have some factual assistance. Notwithstanding any of the provisions of section one, the Director of Building and Zoning may issue permits for the construction of any facilities, structure, utility or improvement for which a valid contract obligation existed between any governmental entity and any other party prior to the passage of the ordinance. Now the question that needs to be answered by the Council on this point is, A) What is a valid contractual obligation and B) once we define that how many cases, how many obligations are we talking about that would be forgiven, that would be exempted, if you will, from the moratorium because of this clause here on a previous contractual obligation. Two questions, one is a legal question and the second one is a question of fact that only someone like the Planning Director could answer for us, of course.

The fifth item of this program is the moratorium on construction and installation of sewer, water, gas and electric service extensions. And again on this one if you'll look on the second page of it, now that is the same clause notwithstanding any of the provisions of Section one, City departments, City-owned utilities may construct and install sewer, water, gas and electric service extensions connections where valid contractual obligations exist between such governmental entity and any other party prior to the passage of the ordinance. Again, This is one that is going to require a decision on the part of the Council as to whether we want to deal with it. The trade offs are on one hand we free ourselves of a - we certainly free ourselves of a certain amount of legal liability but on the other hand until we answer the question A) What is the contractual obligation and B) What does it mean in terms of actual potential construction. Not until we deal with those questions do we know whether to include these sections.

The final two are resolutions, one dealing with the improvements being considered by the Texas Department of Highways and Public Transportation in the

area along 1604. The second one is a resolution urging the Environmental Protection Agency to issue those guidelines that Congressman Gonzalez covered in the amendment to the safe drinking water act which calls for guidelines be issued so as to prevent federal involvement in sufficient protection to the Aquifer were not considered. Those have been pending for some time and have not been forthcoming.

What is presented here, Mayor, basically is an overall program that has the intent of preventing danger to the water supply during the time that the Metcalf and Eddy study is being completed. It is submitted in such a way that is as legally binding as possible and as safe in terms of keeping us from liability but on the other hand it does represent a substantial protection program. I think that one of the advantages of it is that even if there are clauses of it that would be more dangerous in terms of legal liability than others and they were, for example, enjoined from being implemented, and they went down the rest of the program would still stand up without taking the whole program down as might happen if we acted with one sweeping stroke on an overall blanket moratorium. It has that advantage. I think that this is a suggestion and that perhaps the Council may want to proceed in dealing with these at a minimum will help structure the debate this afternoon.

MAYOR COCKRELL: Let me just make this one comment and that was that I think that we should first deal with all of those relating to the moratorium as a group because that was primarily the thrust of the first part of our discussion. For example, on the one of the transportation issue there's still another citizen to be heard on that issue, and I think we said we would handle those following the action on consideration of any of the moratorium.

DR. CISNEROS: But will it be today?

MAYOR COCKRELL: It will be today immediately following, so the only thing I would suggest to you would be just to select out first for discussion and consideration those relating to the moratorium. In other words your item three, four, and five are the three involved.

DR. CISNEROS: But one and two also.

MAYOR COCKRELL: They would come immediately following in that, I think, there is some additional testimony perhaps on those others. If that's agreeable, yes, sir.

MR. ORTIZ: Before we get to a vote on the moratorium could we take a five minute recess?

MAYOR COCKRELL: We certainly may and let me get Mr. Hartman's comment.

MR. HARTMAN: Well, Madam Mayor, if we're going to take a recess I'd like to defer and be permitted the opportunity to have the floor at the time that we reconvene. I'd like to go through a thought process, that I think basically relates to what Dr. Cisneros has laid out and then also some other considerations I think relates to the general discussion.

MAYOR COCKRELL: All right. There will be the opportunity at that time for any Council member to speak on and raise additional questions. So unless there's . . . .

MR. PYNDUS: The ordinance that have been proposed by Dr. Cisneros were not the resolutions that we had before. Would we consider these . . .

MAYOR COCKRELL: I think they were just slightly changed, is that correct?

DR. CISNEROS: The resolutions are exactly the same, the only thing that is different is on item 3 which is - item 4 which is the one directing a moratorium on building permits. Mr. Parker has written some caveats or qualifiers. And Section 5, the one dealing with the suspension of sewer, water, gas and electric service extensions, I wrote in that qualifier which the Council may want to decide on itself.

MR. PYNDUS: Would this be considered, not necessarily to post.

DR. CISNEROS: It would not in my understanding because they are in the form of treatment of something that is generally posted.

MR. HARTMAN: Mayor, technically on that procedural point there is a problem with regard to number one, Henry, inasmuch as I grant you that this is a rewrite of the growth sketch which we discussed the other evening, and we changed this now to land use plan. I'd like to ask the City Attorney what this action, is this consistent with the procedure of the adoption of the land use plan.

MAYOR COCKRELL: Yes, that was along the lines of the question that I had asked earlier about the adoption of the land use plan.

MR. HARTMAN: My understanding is that a land use plan has to actually be adopted by the Planning Commission and submitted to the City Council. This indicates that . . .

DR. CISNEROS: Before what, Glen.

MR. HARTMAN: Before it could actually establish for a public hearing, because we're talking here about a land use plan dated January 1977, there is no such thing.

DR. CISNEROS: No, I'm not saying that. That section ought to come out of there dated January, 1977. I'm talking about a new document which would be available 15 days prior . . .

MR. HARTMAN: Okay, but to my question that I asked the concern would come back again, is this the procedure by which you adopt a land use plan?

MAYOR COCKRELL: I think there are two procedures, aren't there? In other words, the first is the procedure to adopt a land use plan. The second would be designating the land use plan as an interim master plan.

CITY ATTORNEY PARKER: Well, it takes two separate actions. It takes an action by the Planning Commission to do something, and then pursuant to that recommendation then the Council acts on it. If that's the question.

MR. HARTMAN: It would have to be a separate action by the Planning Commission first, and then the Council acts on that, is that correct?

CITY ATTORNEY PARKER: Yes.

MR. HARTMAN: Well, that was what I thought and that was my concern with Item 1.

MAYOR COCKRELL: Allright, at this time we will take a 10 minute break.

77-30 The meeting was recessed at 4:10 P. M., and reconvened at 4:35 P. M.

77-30 The discussion continued as follows:

MAYOR COCKRELL: At this time the Chair recognizes Mr. Hartman.

MR. HARTMAN: I would like to, Madam Mayor, for my own edification to go through a series of questions, and I would like to have the particular attention of the City Attorney and also if the City Manager's around to get these questions answered to see what we're really talking about. Is the City Manager around or is he coming in?

MAYOR COCKRELL: Is Mr. Huebner returning, please?

MR. HARTMAN: Mayor, I think we can proceed with the City Attorney.

MAYOR COCKRELL: Fine, while we're waiting for Mr. Huebner to return.

MR. HARTMAN: So, let me proceed, Madam Mayor, in asking some questions to see if we really understand what we're trying to do and at the same time recognize what is proposed will do, what we are hoping it will do. Let me go through the process, first of all, as to where you start in the whole development process.

The first step is plat approval. That's the first thing you have to do is get a plat approved. Plat approval is governed by state statute 974A DECS which delineates precisely the procedure by which plats are approved. It says that they must be submitted within 30 days approved if they comply with the subdivision regulations that are at that time extent. If we were to impose a moratorium on plat approval, if the City Council were to impose a moratorium the standard procedure would be for a writ of mandamus if that would even be necessary, to say, in effect, City Council this is none of your business. This is governed by state statute and the state statute would continue. Is that correct, Mr. City Attorney?

CITY ATTORNEY PARKER: That would, in all probability, that would be what would happen and what they would probably do would be submit a plat and let it sit for more than 30 days and then six months or a year from now could come in with that mandamus action.

MR. HARTMAN: Okay, but the point is though that the governing legislation is a state statute 974A which is totally over and above anything within the power of this City Council. Is that correct?

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: Okay. Item number two, there is proposed a moratorium on zoning which as the City Attorney has said we can accomplish. There is legal precedent for it. Let me call the attention to this Council as to exactly again what we're talking about when we talk about a zoning moratorium.

First of all it would be applicable within the City. We have all discussed that.

Secondly, I would like to point out that the zoning, as was pointed out during the City Manager's presentation, approximately 90 some odd percent of the land is now zoned. The bulk of it R, 1, 2, 3, 4, 5 and 6, a good portion of it in business and some small amount in industrial. Okay, if we were to impose a zoning moratorium the effect that that could have would be in the realm of upgrading the zoning. Okay, we would upgrade for example from an R-1 to perhaps a B-1, 2 or 3. That would be assuming that the person wants to build a business versus residential or whatever the case might be. It would upgrade the level of zoning. But, let me remind the Council that there is existing an Aquifer overlay that precisely identifies

certain functions which cannot be established over the Edwards Aquifer, and secondly the fact that there are other uses that are spelled out in the overlay that if they're to be approved it requires specific City Council approval. Is that not correct, Mr. City Attorney?

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: So, in effect, the zoning ordinance while we could impose it would have little or no effect on actual zoning pictured within the Aquifer area?

CITY ATTORNEY PARKER: Well, the area of the Aquifer that we have control over as far as zoning is a very small percent.

MR. HARTMAN: That's right, but even so within that area the zoning change would be minimal.

CITY ATTORNEY PARKER: I would think it would be as I recall correctly there's only been 8 cases, 10 cases or 7 cases in last year for zoning changes as such.

MR. HARTMAN: That's right. And these have been changes where there's been an upgrade from R-1 to B-1, 2 or 3. The highest was B-3.

CITY ATTORNEY PARKER: Well, I would call it downgrade but . . .

MR. HARTMAN: Okay, but upgrading in terms of intensity of use.

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: Okay. So the zoning moratorium would have little or no effect, and it would be limited as to area.

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: The third step is to get utilities into the area. Now, we have discussed the moratorium on utility extensions. Now, within the City of San Antonio this would be operative, is that not correct?

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: Okay, but the utilities extensions that we have prime concern over though would be those utility extensions beyond the City limits, within the service area or the area of necessity and convenience which is prescribed and which is governed over by the Public Utilities Commission. Is that not correct?

CITY ATTORNEY PARKER: For the most part, yes.

MR. HARTMAN: Well, and there would also be then contractual obligations that would need to be fulfilled in which lawsuit could be brought. Is that not correct?

CITY ATTORNEY PARKER: Yes.

MR. HARTMAN: So, in effect, a moratorium on utility extensions is virtually nullified by the fact that the Public Utilities Commission has domain over the actions on the extension of the utilities?

CITY ATTORNEY PARKER: In our particular situation, yes.

MR. HARTMAN: Okay. The fourth moratorium that we're talking about and this is the fourth step in getting land developed and that is to the point

where you finally ask for building permits. You've gotten your plat approved, you've gotten your zoning, you've gotten your utilities extended, and then you ask for a building permit, true, we are proposing a moratorium on building permits, but I might point out that although there would be a delay on building permits that a building permit is issued and the building must take place under the rules set out in your building codes and insofar as any impact on impact of building on the Aquifer that building permit would require that building to be built in accordance with the zoning and in accordance with the plat that has been approved previously. Is that not correct?

CITY ATTORNEY PARKER: Yes, that's because the building permit is only to be inside the City again.

MR. HARTMAN: Okay. So, in effect, then the building permit would mean holding up development but once that moratorium - whatever time it would run out that builder would then be in the position to go back and build?

CITY ATTORNEY PARKER: Provided that he still owns the property at that time.

MR. HARTMAN: Okay, but if he did not own the property the whole process would go over again. So, in effect, the building permit, what we would like to do here is to hold back on that action, but the point is that again, under the way that, unfortunately, the whole situation is structured there is nothing we can do except temporarily hold off that action. Is that not correct? There's no way that could be changed. Now, let me postulate the possibility that if there were any information developed under the Metcalf and Eddy study that would relate to the possible threat to the Aquifer that still could have no impact or is this true, impact on the building codes and if so in what area would that be true?

CITY ATTORNEY PARKER: Well, the City could enact regulations - in a building code you can enact regulations that would then be imposed upon existing structures as well as the new structure. That would be an upgrading of whatever is there.

MR. HARTMAN: Okay, so that would be a basis then that you would have an upgrading of existing building and any buildings following thereafter. Okay, so, Madam Mayor, what I have the horrible dilemma with is simply this, I have total and complete sympathy with what everyone is trying to do. I think my record speaks for itself in this regard. But, I am totally and completely frustrated by the fact that all four actions that we contemplate here, two of them can be ignored because they're superceded by State legislation, and two of them would have little or no impact. And that is my dilemma, Mayor, and I simply do not see what we're accomplishing by the moratorium.

MAYOR COCKRELL: All right. Let me ask a question or two of the City Attorney. One of the areas that I am frankly very concerned about is, I think, we have to look very seriously at the potential liability of the City. I think that all of us are very concerned about being very interested in bond issues, not only the major bond issue that many of us have committed to try and work for, but also such bond issues as may be pending for sewer, for water, for coal plants, for all of the things that are needed. I would like to ask to try and get a handle or a better limit on the handling of the suits and how this would effect our bond rating. Now suppose the ordinances were passed either as a package, or individually, or however today on these moratorium issues and suppose that some of these lawsuits materialized in a substantial amount. At that point I'd like to outline and see how long it will take us, what would be our alternate routes of trying to dispose of the lawsuits so we would then be free to move forward with the bond program. Could we - what are the various routes that we could take and how long would each take us to try and work out the legal situation?

CITY ATTORNEY PARKER: Well, I don't think we would work out of the legal situation for a period of two to five years. From a practical standpoint depending on who won or who lost or who decided to appeal in any event your trial I would not anticipate to where there were monetary damages would take place. If a suit is filed or suits would be, I would say sometime in the early part of next year where they would be presented to a trial court by the time you get your discovery in and the minute pleadings and various other things. They would then, whoever won or lost, it would probably be the loser to appeal. That process would take approximately six to nine months to get to the court of civil appeals. I would not anticipate - the normal route of about two years through the Texas Supreme Court. Then, I'm sure in some instances there might be resort to the federal court rather than the state court.

There the process would be somewhat longer. I would strongly suspect that the ultimate resolution of all law suits which might be filed as a result of that - we'd be looking at a time period of a minimum two years and maximum of five years. I would say probably in the neighborhood of three.

MAYOR COCKRELL: All right, now these are primarily, what I'm primarily interested in this line of questioning are the ones relative to potential damages because they would be the ones that would impact on the bonds. That's the main thing I'm looking at from this - and those you feel would take . . .

CITY ATTORNEY PARKER: Well, I - it depends on the nature of what kind of suits that you can anticipate. I would strongly suspicion, just nobody said they file I've not had any comment of anybody on tax suits, say, for instance. But from a practical aspect, I try to put myself in what any property owner out there would file, and if I owned property out there I would be darned if I wouldn't come down and file a suit to have my taxes reduced in some X number of dollars. Now, what the taxes of that property are out there, I don't know. I could come up with a wild guess but it would be only that. It would be in the several hundred of thousands of dollars. That's enough to attract an attorney to represent you, I'm sure. It would be the same thing if we got into that Loop 410 exercise last year that cost us about a half million dollars or more.

MAYOR COCKRELL: Yes, Mr. Hartman.

MR. HARTMAN: Mayor Cockrell, thank you again, I just would like to say that what I stated earlier for four basically empty cups that I come up with here within each of the four moratorium that are proposed and that's basically what I was - where my dilemma stems from.

But let me turn this around in a positive fashion. The other actions, particularly those that encompassed in Dr. Cisneros' proposal. Number one, the action initiated to adopt the land use plan; Number two, the action initiated to adopt the CPSB extension policy; Number three, the initiation of action to adopt the City Water Board extension policy change with regard to on site materials which I've been wanting to do since the eighth of July of last year; Number four, the resolution to the EPA saying get off your duff and give them some regulations pertaining to the Edwards Aquifer. Those are four very positive steps that would go a long way toward doing some of the things we want to do. And to say nothing of the fact that we want to improve and upgrade our subdivision regulations so they finally have some teeth in them. Right now the fact that there's a six year period that a developer can go in and get a plat approved and then speculate for six years is absolutely atrocious. And that needs to be changed. These are the positive areas, Madam Mayor, where we can make some changes, the others, we accomplish nothing

MAYOR COCKRELL: All right -

CITY ATTORNEY PARKER: On the - further on the damage part, I can't tell you where if somebody files on a \$500 million damage suit, I don't think that there's that much liability. My own personal opinion of it. I don't think there's anywhere near that kind of potential liability. But I would have to see what in each individual case, somebody comes along and files a lawsuit. The ones that concern me most and the ones that we're going to have to face up to or it's going to have to be faced up to if such ever occurs, and I would strongly suspicion these will be is the inverse condemnation and . . .

MAYOR COCKRELL: Would there be a point in which they, say that someone picked an unreasonable figure way, way out of line of reality, but yet it was impacting on our bond sales. Could we go in and say somewhere . . . get a motion to reduce the amount?

CITY ATTORNEY PARKER: No, Madam. I can claim. I can go and file a lawsuit today if I've got \$36, I think it is still and ask for a billion dollar damage suit against the City, but that doesn't mean that there's that much liability. And I think in anybody's evaluation from a financial structure standpoint or a financial group is going to look at the nature of the suit. They have their own attorneys, and they're going to evaluate on top of that. What we're called upon in the City Attorney's office to do is in any disclosure we have to make a disclosure statement. And I'm going to protect myself from an ethical standpoint as well as a legal standpoint in that type of representation and I want - I'm going to have to make full disclosure, a full and honest disclosure, otherwise I'm going to get in trouble with FEC and I don't want that. And so, to that degree I will have to what, - or whoever is the City Attorney at that time, is going to have to make an assessment of what they think the legal liability of the City in that thing could be. And they're going to have to say it. And what that will have on the bond market, I don't know. It would depend on the facts of what each individual suit, if there are any to file, would be.

MAYOR COCKRELL: Okay, Mrs. Dutmer, I think . . .

MRS. DUTMER: Mr. Hartman, some of the things you've said have made good sense. As I get it, now, you see that two of the things we're trying to do are unenforceable.

MR. HARTMAN: That's right.

MRS. DUTMER: And the other two don't mean anything.

MR. HARTMAN: That's correct.

MRS. DUTMER: What time frame would you say it would take us to get on with a land use plan and the adoption of a master plan and subdivision regulations.

MR. HARTMAN: In terms of the land use plan, the Planning Commission has indicated to us a thirty day period, I think, for the completion of the land use plan. And it is the Planning Commission which has to call the public hearing. Is that not correct?

CITY ATTORNEY PARKER: Well, the Planning Commission has to have a public hearing on the land use plan. They would have to call their plan.

MR. HARTMAN: Okay, concurrently with that, Mr. Parker, would it not be possible also for the Planning Commission to propose these long overdue subdivision regulations and have a public hearing on that?

CITY ATTORNEY PARKER: I would say yes. They can act upon anything in that subdivision regulation that they think need that some change and come forward with a recommendation to this Council.

MR. HARTMAN: So, in answer, Helen, I think we're looking at a period of about - well, and let me go one step further, the CPSB changes could be done in the same public hearing, could they not?

CITY ATTORNEY PARKER: Not the CPSB, because the CPSB relates to rates. And the Water Board, we can control the Water Board still in the ETJ and right now we've got that thing, for good or bad, tied in the subdivision regulations. Now, it may be that the Council want to take that part of it out of the subdivision regulations.

MR. HARTMAN: But the point is, though, CPSB submitted extension policy that has been approved by the Planning Commission as of January 5.

The action can be started to have that into effect within a period of say, not to exceed two or three months.

CITY ATTORNEY PARKER: Well, the CPSB thing, the information that I talked to them this morning, would be the first of August when they propose those regulations would be effective.

MR. HARTMAN: Okay, that would be the certain time frame.

MAYOR COCKRELL: Allright - did that answer your - or did you have more questions?

MRS. DUTMER: I had some more. A time frame between the time the Planning Commission would draw up these plats or rather, I can't even think anymore.

MAYOR COCKRELL: The subdivision regulations.

MRS. DUTMER: The subdivision regulations for the public hearing. The public hearing must be posted how many days before you can have that Public hearing? If it takes them 30 days, how much longer would it take?

CITY ATTORNEY PARKER: Well, the normal publication is 15 days before the public hearing.

MRS. DUTMER: In other words, we're looking at about six weeks, six or seven weeks.

CITY ATTORNEY PARKER: Oh, you could have a public hearing posted as long as your notice of a public hearing of what you're going to conduct a public hearing about is published 15 days before the hearing.

MRS. DUTMER: Oh, all right.

CITY ATTORNEY PARKER: And so, if you have the hearing say, scheduled for the 15th of July, you only have to really call and publish a notice of that the last day of June, actually. You'd have to have some kind of action.

MRS. DUTMER: All right, and on a writ of mandamus, approximately what time frame on that?

CITY ATTORNEY PARKER: A writ of mandamus - pardon?

MRS. DUTMER: Whenever the judge decides to do it?

CITY ATTORNEY PARKER: No, you'd get a hearing on that rather quickly because that is a - from the time you file your pleadings, whatever proof is going to be very narrowly, you either did or you did not do something. And it would, I would say, in those type of proceedings you would probably be within - oh it would depend on how fast you wanted something from a plaintiff standpoint. The defendant usually never sets anything because you never want anything tried. The plaintiff would be the one that would really control that, I'd say three to six months. And it may not be, you may not even file it at all because unless it's some benefit to you that you wanted recorded immediately. Because if that plat is submitted and no action taken on it for thirty days, I can come in a year from now and ask for a mandamus to have that plat I submitted then recorded. It wouldn't have to be filed immediately.

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MRS. DUTMER: All right we'll let go of that one and I'll ask you one that sounds sort of loaded, I suppose but I'd like an answer if you can give it to me. If you were to have to defend an ordinance, would you rather have an ordinance that contains all of the things under it at one time at one whack or would you rather defend an ordinance that deals with one subject at a time?

CITY ATTORNEY PARKER: It wouldn't make any difference, actually, because the one I've prepared - the other one had a severance clause in it that if any provisions is held unconstitutional or illegal, it doesn't invalidate the others, so it doesn't really make that much difference.

MRS. DUTMER: It wouldn't make any difference to you really which way you went. All right, it's my thinking that if we went ahead and put in all of the things including the plat the person that is putting in the subdivision would have to go to the Texas Water Quality Board for a permit to put in their sewage disposal and I seriously doubt it as many dum-dum things that I think they've done, I doubt that they'd allow something that could go against a city of 800,000 people and federal law whereby we'd have to clean up our water rather than pollute it some more.

CITY ATTORNEY PARKER: Well, I think right now, actually, any plat that goes over the Edwards is submitted to the Water Quality Board for their comments prior to the time that the plat is approved by the Planning Commission. I think that's part of the present process.

MRS. DUTMER: All right, in other words, if they put in their own utilities then they would have to go up there and meet the same stringent requirements that the City of San Antonio is going to have to meet.

CITY ATTORNEY PARKER: The Water Quality Board is the one that imposes the type of sewer facilities, the air type facilities and everything that have to be constructed over the Edwards.

MRS. DUTMER: Yes, I know, but we have a federal law on the books now that that water has to meet a certain standard. Would they also have to meet that standard?

CITY ATTORNEY PARKER: If it pertains to stream standard but there's no discharge. I don't know how you, from a practical standpoint, unless you have a pipe rupture of some kind, where you have an airtight system, how are you going to introduce anything into or out of that system other than in some point...

MRS. DUTMER: This is exactly my point. They have to discharge that water somewhere, they can't hold it off forever.

CITY ATTORNEY PARKER: It's going to go downstream. If it's gravity, it's going to go downstream wherever downstream is.

MRS. DUTMER: Well, this is exactly my point. Thank you.

MR. STEEN: Thank you, Madam Mayor. I'd like to ask the City Attorney, if we do pass the moratorium and if we have these tremendous lawsuits filed against the City, and if they do receive tremendous judgments, are we as individual Council people liable for any of that?

CITY ATTORNEY PARKER: Not unless you are engaged in some illegal activity pertaining thereto. If you were engaged in some type of fraud or, if you were one of the parties that engaged in an illegal meeting or something of that nature regarding it, then potentially it could if there were any damages opened or ordered. I would seriously doubt that you would have any personal liability.

MR. STEEN: Thank you.

CITY ATTORNEY PARKER: There is also an ordinance that the last Council passed too, that the City assumes the obligation of that and it's also a part of the Charter, actually.

MR. PYNDUS: I think that in order to provide a move toward consensus I would like to support Councilman Hartman's approach to it. I think that the areas that he's pointed out has been done very articulately. I think your concern about the financial status and integrity of the City should have a first priority when tied in with Mr. Hartman's comments. I think that we're making a basic assumption that disturbs me, and this assumption is that in 18 months our problems will be solved with the Metcalf and Eddy report. I don't think we can make, base all of our actions on this 18 month period. I don't think that's going to be the end of the rainbow. As Councilman Steen has pointed out, it could be a three- and four- and five-year period. I think we all can see the legal complications that we would have with suits, with the bond issue and also with reduced tax base. Certainly a moratorium in that area would cause a reduction in our tax base and that has to be taken into account.

I think we will also eliminate the possibility of upgrading our zoning in that area and also it would perpetuate some nonconforming industrial uses that are being performed right now.

I would support Mr. Hartman's approach to ignore the moratorium as proposed. I think that the items we're discussing, Item Number 4, the moratorium on building permits, I would like to vote against that if it needs a vote. The ordinance directing suspension of all sewer, water, gas and electric extensions, I would certainly like to vote against that. The moratorium on zoning and the Aquifer, I feel that that would contribute to the points, derogatorily to the points, made by Mr. Hartman; and I would like to see if we have a consensus. I'll make the motion if it can be a clear motion if the Council will agree or if there's other discussion, I'll make the motion afterwards.

MAYOR COCKRELL: Let me make this statement. As a matter of procedure, I think we have to move on one of the proposed ordinances and then vote for them or against them. I think we do have to have some pending ordinances and I think that the Council will have to take them-- there was one that included all the various components in one ordinance and then we have a series of ordinances relating to the individual aspects.

Now, some of the recommendations that Dr. Cisneros made were relative to possible changes in the language of the ordinances that were being considered and, at this point, I think the Council will have to decide what it's going to do.

I will just make this statement. I have been among those who have considered very seriously the matter of a moratorium; in fact, I already voted for it once. In the last City Council, I was one of three persons supporting a moratorium on zoning and it was certainly my intention to move forward with the moratorium. But I will say that I am very much concerned about the future financial situation of the City. I don't see any way that we can afford to have or be in a position where we could not issue bonds and I think that that is a very serious concern and I would just have to say that that is very much on my mind.

Now, I think that it's difficult to weight and assess what the real situation is. In other words, with its advice, our City staff has, two persons who have testified to us stated that they have a very serious concern about it. The City Attorney has given us his opinion. The Planning Commission has given us a recommendation and, although my feelings were prior to this very strongly lying in the direction of the moratorium, I will have to say that I think these are very serious concerns that have to be taken into account. I do not see how I could support a blanket moratorium under these conditions. Yes, Mr. Ortiz.

MR. ORTIZ: Madam Mayor, before we proceed to take a vote I would like to comment on all the speculation and comments that were made here today. It seems to me that we've been warned and threatened regarding our bond rating, our loss of jobs and economic development, sending our workers to welfare and food stamps. What I'd like to say is that developers do not have to sue the City--if they hurt San Antonio, they will also be hurting themselves and I'm sure they realize this. I think the length of time that it will take to implement the necessary regulations to protect the Aquifer makes it even more imperative that we implement the moratorium which is an Edwards Aquifer protection ordinance, in reality, not merely a moratorium which connotes death. I think that this Council has no greater responsibility than to protect the safety, the welfare and the well being of the citizens and next to a nuclear holocaust there can be no greater threat to the safety and health of our citizens, present and future, than the defiling of their sole source of water and that concludes my remarks.

MR. HARTMAN: Madam Mayor, I want to state again, in all candor, if there is one member of this Council who can show me one positive thing that is done by any of the four moratoria, I'm eager to hear it. I went through the four earlier, the plat approval will be ignored because it's a function of state law, the utility extension will be largely ignored because that's under the Public Utilities Commission, the zoning moratorium would be basically ineffective because we're not dealing--the zoning is not the problem and the building permits--we would result in holding up the building for maybe a year, or a year and a half, two years and then they would be built. I fail to see where there is one single forward step out of any of the four moratoria that are proposed.

MR. EURESTE: Madam Mayor, I'm going to be voting for a moratorium, and I also, along with Mr. Ortiz, would like to say that I've never been exposed to such a one-sided presentation as we were exposed to here this afternoon. We have staff that presented and, I think they went way above the requirement as far as their official positions and responsibilities, you know, for the City and for the people of San Antonio. My feeling is that their positions were very one-sided; they went from one speculative notion to another and just escalated. Their presentation is no more gloomier than that that was presented by the developers here as to the future of San Antonio if we have a moratorium over the Edwards Aquifer. I'm concerned with regards not only to the Aquifer, but I'm concerned about the leadership that we have in this City, and I'm going to be looking at the leadership we have in the administration of this City government over the long run. I have grave reservations, Madam, about making the kinds of decisions that are necessary here knowing full well that there is some hesitancy among some

staff people that are supposed to be working for us; some hesitancy about our position and our posture as we make these decisions we have to make. From the Attorney to the Finance Director to the City Manager, they all seem to be taking the position that is against the majority of this Council is going.

MAYOR COCKRELL: Let me just say, let me just say this to you all. The City Manager and his staff are not employed by the City for the purpose of submitting reports that they think reflect the majority view. Now, that is not their responsibility. Very seriously, they are employed to develop substantive reports that reflect their best judgment as that, now once the Council receives their report you have the privilege of accepting them and acting on them, or you have the privilege of overriding their recommendations, but they still have the responsibility of not just trying to second guess, what does the Council want us to say, but they have the responsibility of saying what they feel is right and an accurate recommendation. Now, in their report, I think they have pointed out that there are a number of actions that they recommend, that they feel will go a long way toward protecting the water quality, and they have outlined a number of those and, in fact, I think most of us are in agreement whether we are for or against the total moratorium. I think we think that the recommendations they're making are in many ways very constructive ones in tightening our subdivision regulations and adopting the tighter policies of extension policies and so forth. Now, then so what I'm saying is that staff has this responsibility, and it's not, it's just their job to say what they really feel is the fact and then it's our privilege as elected officials to say we agree with their point of view on it, or we disagree from our own perspective.

MR. EURESTE: I think it goes beyond that, Mayor, I really do, and I'm going to be looking at it very carefully because I am an elected official, you know I come from District 5 whether other people like me or not, I am representing the views of the people that elected me from that area. I'm the one that is going to have to take the risk, you know, of making decisions like this, but, in taking that risk and in making those decisions I want the best advice possible and I don't want advice that is tainted, that is slanted, that is one-sided, which is what we got this afternoon.

MR. HARTMAN: Madam Mayor, I would like to state this, and Councilman Eureste, I am absolutely sincere in this request, you heard me state earlier my concerns about the fact that each of these for moratoria--I couldn't see what would happen if they were passed, and I asked if anyone could show me what will be done in a positive way with any of these four. I would be all ear to hear it. I would repeat that again, if you could show me where there is one single forward step taken by any of these four moratoria, I will certainly go along with it. Number one, plat approval--the point is that is government by state statutes and if we put the moratoria on plat approval, we will be totally ignored. On utility extensions--that's the Public Utilities Commission action and, whether we like it or not and there's nobody that dislikes it perhaps more than I do because we don't have control over our utilities, that one will be ignored. The zoning--the matter of zoning is not the problem, the fact is the zoning has essentially been, has essentially covered the entire area and the question of zoning, of upgrading the intensity, we have the right to turn down as we have and with regard to the building permit--by the time we get to the building permits, those buildings will eventually be built in accordance with the plat that was approved in accordance with the zoning that was approved. To my point, it's very simple from a standpoint of frustration as to what we do when we go through these four exercises.

MR. EURESTE: May I respond to that?

MAYOR COCKRELL: Yes, certainly, Mr. Eureste.

MR. EURESTE: I think we have all missed the main point, perhaps, we are trying to address here and that is that the City of San Antonio, the tenth largest City in this country with 800,000 people, is taking a position with regards to its water supply; we're taking a position--this is a symbolic gesture. We cannot guarantee that we can protect, you know, everything that's out there; but, we are making

a symbolic gesture in the best way that we know how. We can never, we can never answer all the legal questions that can arise as a result of us making this decision. We can never get to that point, sir. And I'm telling you that, if we go one way or the other, the question is going to be there; are we legally sound or not. I would prefer to stick to the issue and to take a position to protect our water supply, that we are a significant City, that we have enough population here and that the people that elected us into office are asking us to help them protect their water supply. I think this is what the issue is about, sir.

MAYOR COCKRELL: Let me urge that we not get into just a two-way debate. I think we need to just work around and give everybody a chance to state their position; and, Mr. Hartman, we'd love to hear from you, but I'm going to call Mr. Webb at this time.

MR. WEBB: Thank you, Madam Mayor. For the past several weeks, we've sat quietly and listened and listened intently to the legal ramifications and also the different sides of the issue at hand. I find myself almost in the most awkward position that I've ever been in my life in order to make a decision. But I want you to know that I only have one thing in mind--that is for my children's children and my people and my constituents to drink pure water the rest of their lives. However, I do not--however, I do not speculate in land, and I do not own any land on the Aquifer, and I do not represent any of the people who are in that district at this present time but it seems that I do when it comes down to making it a City, a total City, issue. I think here and now we need to draw the lines where we are going; how long will it take us to get there? Will 18 months make a real big difference? Will all of these people go broke like they've intended? Will they really--really seriously--bring liability suits against us, against the City of San Antonio? Are they really citizens of San Antonio? If these ordinances that we are contending to pass have no meaning--they have no significance; then let's go ahead and pass the moratorium and then, as we see it necessary to remove some of the restraints, let us do so. I'm saying to you that I do want you to know that I am for the moratorium.

MAYOR COCKRELL: Let me see, I'm trying to think who was next.  
Mrs. Dutmer.

MRS. DUTMER: I just want to make a statement also that, when I do vote, it will be what I feel is from the bottom of my heart is the best for the City of San Antonio. Maybe I have a little bit of an advantage over some of the other Council people being that I have seen a viable city die because its water was polluted. I view this with very mixed emotions to be perfectly honest with you. All I can say is when I do vote it will be from the bottom of my heart.

MR. PYNDUS: Mayor, I think we've talked this over and out; and I would like to move on the first ordinance. I'd like to call the question on the ordinance that you choose for some action.

MAYOR COCKRELL: We'll have to decide which one, we'll have to read a caption; and we'll have to decide in just a moment which one to move forward with first. I think it has to go in some order, Yes, Mr. Alderete.

MR. ALDERETE: Well, you know, if that's the case then I think Phil has a good point. Let's pick an ordinance. And I would like, at this point to introduce the motion that we adopt the ordinance that was presented to us last Thursday.

MAYOR COCKRELL: All right, there was a package, I think. Are you referring to the first one, the all inclusive one.

MR. ALDERETE: Yes, Mayor.

MR. PYNDUS: Is that the total moratorium?

MAYOR COCKRELL: Yes, this is the total moratorium.

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MR. ALDERETE:

Would you please pass this out.

CITY ATTORNEY PARKER:

That would have the "Whereas" clauses in it.

MAYOR COCKRELL:

ask--just one second.

This is the amended--is that correct? Let me

MR. WEBB:

Was that a motion.

MR. ALDERETE:

Yes, it's a motion.

MR. WEBB:

Second.

MR. HARTMAN: You have to read the Caption first.

MAYOR COCKRELL: All right, the ordinance has been distributed. I think as a matter of procedure we would need - if a number of the Council Members wish to go on the all encompassing ordinance - we would need to read the caption of the one that was posted and then amend it through the procedure of inserting all of these "whereas." Fine. So will you read the encompassing ordinance.

The Clerk read the following Ordinance:

AN ORDINANCE 48,106

DIRECTING THE DIRECTOR OF BUILDING AND ZONING TO REFRAIN FROM ISSUING ANY PERMITS OF ANY NATURE FOR ALL AREAS SITUATED OVER THE EDWARDS AQUIFER RECHARGE ZONE OR ITS DRAINAGE AREA UNTIL DECEMBER 31, 1978; DIRECTING THE ZONING COMMISSION TO REFRAIN FROM FURTHER PROCESSING OR MAKING ANY ZONING CHANGE FOR ANY LAND SITUATED OVER THE EDWARDS AQUIFER RECHARGE ZONE OR ITS DRAINAGE AREA UNTIL DECEMBER 31, 1978; DIRECTING THE PLANNING COMMISSION TO REFRAIN FROM FURTHER PROCESSING OR APPROVING ANY PLAT FOR ANY LAND SITUATED OVER THE EDWARDS AQUIFER RECHARGE ZONE OR ITS DRAINAGE AREA UNTIL DECEMBER 31, 1978; DIRECTING THAT THE CONSTRUCTION AND INSTALLATION OF ALL SEWER, WATER, GAS OR ELECTRIC SERVICE EXTENSIONS OR CONNECTIONS TO ALL LAND WITHIN THE EDWARDS AQUIFER RECHARGE ZONE OR ITS DRAINAGE AREA IS TO BE SUSPENDED UNTIL DECEMBER 31, 1978; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY SO AS TO MAKE THIS ORDINANCE EFFECTIVE IMMEDIATELY UPON PASSAGE.

\* \* \* \*

MAYOR COCKRELL: All right.

MR. ALDERETE: What would be necessary, Madam Mayor to....

MAYOR COCKRELL: Someone would first have to move the adoption of this ordinance and then there would have to be a motion to amend by the insertion of the other paragraphs.

MR. ORTIZ: I move adoption of the ordinance.

MR. EURESTE: I second the motion.

MAYOR COCKRELL: All right, we have a motion and a second for adoption of the zoning ordinance that encompasses all of the different provisions.

MR. HARTMAN: This is a zoning ordinance?

MAYOR COCKRELL: Excuse me, the ordinance encompassing all of the different moratorium items. Yes, Mr. Alderete.

MR. ALDERETE: I said would it be appropriate at this time to amend it to include the whereas's?

MAYOR COCKRELL: Yes.

MR. ALDERETE: I move that the ordinance be amended to include the whereas's.

MAYOR COCKRELL: All right. The motion has been made to insert following the first paragraph, the caption paragraph, the whereas's as have been distributed to the City Council.

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MR. EURESTE: I second the motion.

MAYOR COCKRELL: This one sheet of whereas's, that motion is seconded. All right, is there any discussion on the insertion of the whereas clauses? Mrs. Dutmer.

MRS. DUTMER: I would just like to know if you'd like to have another amendment to it. There's one part here that I can't relate to and that is "refrain from entering any permits of any nature for all areas." I have a hard time with this.

MR. ALDERETE: Where is that at, Helen?

MRS. DUTMER: In this very first paragraph. First sentence of the ordinance, it says, "Directing the Director of Building and Zoning to refrain from issuing any permits of any nature for all areas situated over the Edwards Aquifer Recharge Zone or drainage area."

MR. ALDERETE: How did you want it?

MRS. DUTMER: I would like - there are some things that could safely be - such as maybe an extension or a fence as Dr. Cisneros has suggested. I think any is a little stringent.

MR. ALDERETE: Okay, well might I ask, then, of the City Attorney, Madam Mayor, how we could encompass such an amendment that Mrs. Dutmer has suggested.

MAYOR COCKRELL: Do you have any...

MR. ALDERETE: ...and still have, and still have the meat of it.

CITY ATTORNEY PARKER: Well, I don't know. It is what to be excluded means...The way I read it in the draft is you know...It is my understanding we were supposed to draft one - it was, you know, wham and that's the way it was drafted. Now, if you want to amend it to include or to exclude the issuance of certain types of permits then you would have to be specific as to what type of permits could be issued. That was one that I drafted up....

MR. ALDERETE: Well, I would accept the amendment if you know if there was specifics to it.

MAYOR COCKRELL: All right, is there any specific language proposed?

MRS. DUTMER: I would encompass the language in it that Dr. Cisneros, under Section 2 of page 2, "notwithstanding of any of the provisions of Section 1, the Director of Building and Zoning may issue permits for the construction of fences, as well as for the construction of additions and/or alterations of existing structures not requiring the extension or size, alteration of any public utility." In other words anything that doesn't require the upgrading of the public utility.

MR. EURESTE: I would second it.

MR. ALDERETE: I would accept that amendment.

MAYOR COCKRELL: All right, did you get that wording to the City Attorney? All right, we had a motion, excuse me, have we voted on the substitute or the insertion of the whereas's yet? If that was agreeable with the person who made the amendment to include. Did you include in your motion, then for the insertion of the whereas's clauses to also include the amendment that Mrs. Dutmer suggested?

MR. ALDERETE: That's correct.

MAYOR COCKRELL: All right, fine. We had a motion and a second on including the whereas clauses, plus the change in wording as suggested by Mrs. Dutmer. Any discussion on that motion? All right, all those in favor of that motion say aye. Any opposed no.

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MR. STEEN: Madam Mayor, I would prefer a roll call vote.

MAYOR COCKRELL: All right, fine. This is simply on the amendment.

MR. ALDERETE: Yes.

MR. PYNDUS: No.

MR. HARTMAN: This is merely to amend the Ordinance that is before us. I have no problem with amending it. That does not influence my vote later on. I would say Yes.

MR. STEEN: No.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes,

MR. WEBB: Yes.

MRS. DUTMER: Yes.

MR. WING: Yes.

MR. EURESTE: Yes.

MR. ORTIZ: Yes.

CITY CLERK: Motion carried.

MAYOR COCKRELL: All right, we now come to the main motion as amended. Is there any further discussion on the main motion? All right, I would like to say I feel, as the mayor, I have to say this one more time. I, regardless of the fact that I know the popular sentiment, I can see the strong feeling on the part of many citizens. I think to pass the ordinance in this form over the advice of the City Attorney, against the recommendation of the Planning Commission, against the recommendation of all the staff. And in the face of the potential threat to the City's financial security, I'm sorry I just can't vote for it. And for that reason I am going to be voting no. I would have been willing to consider voting for the zoning ordinance as a separate thing, but I just can't vote for this packet. Mr. Hartman.

MR. HARTMAN: Madam Mayor, I would likewise like to state that I will be voting contrary to what many of my friends and associates for a long period of time, are saying. I probably will be voting contrary to the wishes of a majority of my district. But, I have no doubt the fact that from a superficial standpoint the majority of the citizens of District 9, will probably be in favor of a moratorium. Madam Mayor, this is very complex. It's one that has to be looked at in every facet, in every way and I was very sincere a few minutes ago when I said if someone could show me one single positive thing to come from any of the four moratoriums, I would be very willing to listen. The answer I got was that this was a very symbolic gesture. And, Madam Mayor, I simply am not going to put the position of the City of San Antonio in jeopardy for the sake of a symbolic gesture. I will vote no.

MAYOR COCKRELL: All right, any other comments? Yes, Dr. Cisneros.

DR. CISNEROS: Madam Mayor, I think in answer to Mr. Hartman's position there are some very positive things to come from the individual thesis of the ordinance. For example, with respect to zoning--I think it's much more than a symbolic gesture. We had last year a case in which a super mall was presented for a zoning change and we were able to, by a very complicated process which included a referendum as such, defeat that particular zoning. But clear indication of a moratorium on any acceptance of the zoning in that area is an honest in that area is an honest sign to investors and the business community that for 18 months we are not going to zone any properties in the Aquifer area. And, I think there is a good reason for having a zoning moratorium. I don't

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agree that it's going to draw and drive businesses and such outside of the Extra-Territorial Jurisdiction.

With respect to the moratorium on building permits--there are now subdivisions, entire subdivisions, which are suggested for building over the Aquifer. And I refer to them, such as Encino Park, for example, and some of the others. The moratorium on building permits would help us significantly in that area. It is my belief that, if it can be held up legally and that for 18 months because we're doing it for a fixed period of 18 months, it is a doable proposition.

The ordinance directing suspension of all sewer, water, gas and electric service extension is much more complicated. But, in my opinion, given the particular mix of state law, etc. I think it can be held up and is warranted.

The plat approval is a more complicated one, and I would prefer to see us handle that by giving ourselves the legal framework, that is to say, by giving ourselves a general plan from which to work. For that reason, I will continue to support a more technical, I think somewhat more intricate, but, hopefully, more legally binding position for the City. One, which, I hope, doesn't put us in the same legal position. That is a step-by-step approach to this think. I have difficulty with the ordinance that is being proposed now because it includes the platting as well, and I'd like to see that separated out but I will not try to amend the motion. We'll have a vote on it. I plan to indicate that because I favor a different approach--I will abstain on this vote because I do favor a moratorium but not this particular way. I think we're working here with something that is extremely sensitive. It requires surgical tools and not a sledgehammer; and that's why I abstain on this particular vote.

MR. EURESTE: Madam Mayor, I just wanted to say that I will be voting for the moratorium. And, in response to Mr. Hartman, and I know that we are not supposed to get into a one-for-one debate here; but I am concerned about the way he goes about trying to put his responsibility on to somebody else. I am not here to try to convince him. I don't think I could convince you or anybody else as to how to vote. That decision is yours alone. I said that the protection of the water supply of the City of San Antonio is one good thing that can come out of this. We can make efforts to move in that direction. We cannot guarantee everything with regards to that protection but we can move in that direction. I feel that this is one of the best ways to go about it. This thing has been kicked around for quite a number of months now, as a matter of fact, years. I'm saying that it's time that we sit down and come to some decision on this matter.

MR. HARTMAN: Madam Mayor, I just want to ask the question: How is the water's security going to be protected by this moratorium?

MAYOR COCKRELL: I don't think we are ever going to get to the end of the discussion. So let me suggest, at this point, that we proceed with the roll call. This is on the adoption of the ordinance. The Clerk will call the roll.

AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete.

NAYS: Pyndus, Hartman, Steen, Cockrell.

ABSTAIN: Cisneros

ABSENT: None

MAYOR COCKRELL: All right, at this time. All right. Let me make one final comment at this point. I know the citizens are very happy who here here. You've worked very hard and let me just say this. I think even those of us who did not vote for the moratorium concur with your desire to protect the water. And let me say for myself, I hope very much that my concern and fear about our bond issue doesn't prove to be the reality. I hope that we're able to move forward with both. We'll have to wait and see. We'll move on. All right, we have several other issues relating to this same issue that we want to move forward with.

MR. WEBB:

Madam Mayor.

MAYOR COCKRELL:

Yes, do you want a recess?

MR. WEBB:

No, I want to speak for one moment.

MAYOR COCKRELL:  
speak.

Fine. Just a minute. Mr. Webb would like to

MR. WEBB:

I want to thank all of the citizens for coming down this afternoon. Especially those from my district and all the rest of the members. I would like to make one other observation. We'll see who the real citizens are now.

MAYOR COCKRELL:

Fine. Thank you. We'll want just a moment while the citizens have an opportunity to clear before we proceed.

MR. ORTIZ:

Madam Mayor, could we take another recess?

MAYOR COCKRELL:  
until 5:45 P.M.

It would be fine. Sure. A five minute recess

77-30      The meeting recessed at 5:35 P. M. and reconvened at  
5:45 P.M.

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77-30 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Wing, Ortiz, Hartman.

A RESOLUTION  
NO. 77-30-43

URGING THE ENVIRONMENTAL PROTECTION AGENCY  
TO ISSUE GUIDELINES RELATING TO THE REVIEW  
OF FEDERAL FINANCIALLY ASSISTED PROGRAMS  
ON ACTIONS WITH POTENTIAL IMPACT UPON THE  
EDWARDS AQUIFER.

\* \* \* \*

77-30 The Clerk read a proposed resolution expressing the concern of the City Council regarding certain improvements being considered by the Texas Department of Highways and Transportation in the University of Texas at San Antonio area.

Mr. Gaines Voigt, representing the San Antonio Chamber of Commerce, addressed the Council requesting that the Council allow the proposed improvements on the highways in the University of Texas at San Antonio area to be completed. He said that the improvements will be constructed in increments as needed. If the City should reject the project, it would not be possible to divert the funds to another project.

Mr. Hartman said that he was not completely satisfied that the project will be needed.

Mr. Stewart Fischer, Director of Traffic and Transportation, explained to the Council the way the project would develop and the time interval it would cover.

Mr. Robert Hunter, Director of Planning, explained the position of the Planning Department and the Planning Commission which had recommended the project.

After a thorough discussion of the matter, Mr. Pyndus moved that this item be withdrawn from consideration to allow time for Mr. Fischer to meet with the Planning Commission to review the project further and go over its schedule and report back to the Council. The motion was seconded by Mr. Steen and was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

The resolution was withdrawn from consideration.

77-30 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Hartman, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Webb, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Dutmer.

AN ORDINANCE 48,107

SETTING JUNE 30, 1977, FOR A PUBLIC HEARING  
TO CONSIDER AMENDMENTS TO SEC. 36-13 WATER  
OF THE CITY CODE RELATING TO WATER SUPPLY  
AND DISTRIBUTION SYSTEMS AND REGULATIONS  
APPLICABLE THERETO AS RECOMMENDED BY THE  
CITY PLANNING COMMISSION RESOLUTION OF  
MARCH 30, 1977.

\* \* \* \*

The Clerk read a proposed ordinance setting a date for a joint public hearing before the City Council and the Planning Commission to consider adoption of the San Antonio Growth Sketch as an interim general plan for the development of the City.

Mr. Hartman said that the land use plan is now under consideration by the Planning Commission and suggested that this ordinance not be considered to allow time for completion of the plan. The Council concurred with Mr. Hartman's request and the ordinance was withdrawn.

BARBARA MILLER

Barbara Miller, Masseuse, again made a plea to the City Council to revise the Massage Parlor Ordinance and cited the problems she has encountered in attempting to register for courses which would meet the educational requirements of the Ordinance.

City Attorney Jim Parker said that he is working now with Councilman Webb on possible revisions to the Ordinance and invited her to lend her assistance.

HUNTLEIGH PARK COMMUNITY

A large group of residents from the Huntleigh Park area appeared before the Council to protest the selection of a site in their area for the construction of a public housing project for older citizens. They said that the Housing Authority of San Antonio made the selection without their knowledge and had refused to reconsider their decisions. They asked that the City Council do whatever was possible to reverse that decision.

Those speaking to the Council were:

Gertie Williams  
Nick Nichols  
Lloyd M. Barnes

In answer to a question City Attorney Jim Parker said that the City Council has no authority to control decisions of the Housing Authority.

Councilmen Webb and Eureste urged that some action be taken at once.

After discussion, it was agreed that Mayor Cockrell would write a letter to the Housing Authority expressing the concern of the City Council. It was also requested that a resolution on this subject be put on the Council Agenda for next week.

Mayor Cockrell asked that a joint meeting of the City Council and the Housing Authority be arranged in the near future.

FAIRCHILD PARK

Mrs. Carol Kelly Bedford and Mrs. Georgalon Price, representing the Y.W.C.A., told the Council that the previous Council had made a commitment that Community Development Agency Funds would be allocated to the development of Fairchild Park. It was a pre-commitment and not official. They asked that this Council make an official allocation of funds.

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Mr. Cipriano Guerra, Director of Community Development, said that the other Council really expressed their desire and agreed that it was not an official allocation. It will be necessary to follow established procedure in having public hearings and setting of a budget before the funds can be allocated.

C.P.S.B. GRIEVANCE PROCEDURE

Mr. Sam C. Alvarado, representative of Local 219 AFSCME, complained to the Council that the City Public Service Board refuses to allow a union representative to present a grievance for an employee. He said that this is an illegal procedure and asked that the Council take steps to correct the situation.

After discussion, the City staff was asked to obtain a report from the City Public Service Board on its grievance procedure. Mayor Pro-Tem Cisneros also advised Mr. Alvarado that this subject would be discussed with City Public Service Board in a forthcoming meeting.

MR. KARL WURZ

Mr. Karl Wurz criticized the City Council for meeting behind closed doors at lunch time. He also said that it was not proper for City staff to have lunch with Council members.

MR. WAYNE POGUE

Mr. Wayne Pogue played a tape recording taken during the showing of a movie at Witte Museum. He said that some of the language in the film is profane and asked the Council to instruct that it be deleted from the film.

MR. CARL HENRY

Mr. Carl Henry called attention to a rundown, burnt-out, old building on Malone Street which now has turned into a dumping ground. He asked that the Council instruct that the area be cleaned up.

The City Manager said the matter would be looked into.

Mr. Henry then told of the difficulty in getting taxicabs to pick up persons at grocery stores and asked if that matter could be alleviated.

Councilman Webb agreed that it is difficult to get cabs to go to super markets and related some of the problems. He said there really is no solution except to continue to call the cab dispatchers.

77-30 The following Ordinances were read by the Clerk and after consideration, on motion duly made and seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman.

## AN ORDINANCE 48,108

GRANTING PERMISSION TO CITY FENCE COMPANY, ON BEHALF OF SAN ANTONIO COCA COLA BOTTLING COMPANY, INC., TO CONSTRUCT APPROXIMATELY 1223 LINEAL FEET OF 8' HIGH CHAIN LINK SECURITY FENCE CONTAINING THREE STRANDS OF BARBED WIRE AT 162 EXPOSITION, NCB 10234.

\* \* \* \*

## AN ORDINANCE 48,109

GRANTING PERMISSION FOR THE ADDITION OF THREE FEET TO AN EXISTING SIX FOOT HIGH PRIVACY FENCE AT 4800 CLEMSON. (Mr. Harvey D. Haufler)

\* \* \* \*

AN ORDINANCE 48,110

GRANTING PERMISSION FOR THE ERECTION OF APPROXIMATELY 734 LINEAL FEET OF 10 FOOT HIGH CHAIN LINK FENCE TO ENCLOSE TWO TENNIS COURTS AT 151 SUNSET ROAD.  
(Mr. Robert W. Opitz, P.E.)

\* \* \* \*

AN ORDINANCE 48,111

AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH BEXAR COUNTY TO THE CRIMINAL JUSTICE DIVISION FOR FUNDING FOR CONTINUING THE METROPOLITAN PLANNING UNIT AND THE BEXAR METROPOLITAN CRIMINAL JUSTICE COUNCIL, FOR AN ADDITIONAL ONE YEAR PERIOD.

\* \* \* \*

AN ORDINANCE 48,112

MANIFESTING AN AGREEMENT TO EXTEND FOR TWO YEARS THE CURRENT CONTRACT WITH MELVIN WILLIAM O'BRYANT FOR OPERATION OF THE JOHN R. McFARLIN TENNIS CENTER.

\* \* \* \*

AN ORDINANCE 48,113

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO CLOSE-OUT NEIGHBORHOOD DEVELOPMENT PROJECT NDP TEX. A-8.

\* \* \* \*

AN ORDINANCE 48,114

AUTHORIZING AN ADDITIONAL CONTRIBUTION TO THE MONTERREY PARK IMPROVEMENT PROJECT IN THE AMOUNT OF \$3,878.05 FROM 1970 PARK IMPROVEMENT BOND FUNDS TO INCREASE THE REQUIRED MATCH FROM LOCAL FUNDS TO THE AMOUNT OF THE COST CONTRIBUTED FROM A GRANT FROM THE BUREAU OF OUTDOOR RECREATION.

\* \* \* \*

77-30 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 48,115

AUTHORIZING THE OPERATION OF THE SUMMER YOUTH CONSERVATION CORPS PROGRAM FOR THE EMPLOYMENT AND TRAINING OF 18 YOUTHS FOR EIGHT WEEKS COMMENCING JUNE 13, 1977; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; ESTABLISHED A FUND AND ACCOUNTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS AS PRIME SPONSOR FOR THE PROGRAM IN THE AACOG AREA FOR ALLOCATION OF \$10,787.26 TO THE CITY IN SUPPORT OF THE CITY'S PROGRAM.

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## AN ORDINANCE 48,116

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS AVAILABLE UNDER THE TITLE VI EMERGENCY JOBS PROGRAM OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA); ESTABLISHING A FUND AND ACCOUNTS; ADOPTING A BUDGET; AND AUTHORIZING AGREEMENTS WITH CITY DEPARTMENTS AND THE ALAMO MANPOWER CONSORTIUM AGENCIES FOR THE OPERATION OF PROGRAMS.

\* \* \* \*

77-30 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

## AN ORDINANCE 48,117

ACCEPTING AWARD OF THE AMOUNT OF \$1,754,299.00 FOR USE FOR PUBLIC EMPLOYMENT JOBS UNDER THE PRESIDENT'S ECONOMIC STIMULUS PROGRAM UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973, ESTABLISHING A FUND AND ACCOUNTS AND ADOPTING A BUDGET AND AUTHORIZING AGREEMENTS WITH CITY DEPARTMENTS AND ALAMO MANPOWER CONSORTIUM MEMBERS FOR OPERATING EMPLOYMENT PROGRAMS.

\* \* \* \*

## AN ORDINANCE 48,118

RESCINDING ORDINANCE No. 48084 OF MAY 26, 1977 PERTAINING TO THE METHOD OF PAYMENT TO THE SAN ANTONIO RIVER AUTHORITY FOR CONSTRUCTION OF UNIT 6-1, EAST FORK OF MARTINEZ CREEK.

\* \* \* \*

## AN ORDINANCE 48,119

APPROPRIATING THE AMOUNT OF \$160,000.00 FOR PAYMENT TO THE SAN ANTONIO RIVER AUTHORITY TO BE DEPOSITED IN AN ESCROW ACCOUNT FOR CONSTRUCTION OF UNIT 6-1, EAST FORK MARTINEZ CREEK CHANNEL IMPROVEMENT PROJECT AS REQUIRED BY THE ESCROW AGREEMENT FOR UTILITY RELOCATION BETWEEN THE U.S. CORPS OF ENGINEERS AND THE SAN ANTONIO RIVER AUTHORITY.

\* \* \* \*

## AN ORDINANCE 48.120

ACCEPTING THE LOW QUALIFIED BID OF R.L.JONES CO., INC., IN THE AMOUNT OF \$499,842.34 FOR CONSTRUCTION WORK ON THE KENNY ROAD SANITARY SEWER RELIEF MAIN PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD PUBLIC WORKS CONSTRUCTION CONTRACT COVERING SAID WORK; APPROPRIATING \$568,076.00 IN FUND/PROJECT NO. 52-006038; AND AUTHORIZING PAYMENT AS HEREIN PROVIDED.

\* \* \* \*

77-30 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 48,121

APPOINTING AND REAPPOINTING MEMBERS OF THE CITY COUNCIL TO POSITIONS ON VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS, TO SERVE WHILE MEMBERS ON THE CITY COUNCIL DURING THE PRESENT COUNCIL TERM.

\* \* \* \*

Alamo Area Council of Governments  
Bexar County Criminal Justice Council  
Executive Committee  
City-County Appraisal Board  
Centro 21  
Council Planning and Policy Development Committee  
Criminal Justice Information System Board  
of Control  
Metropolitan Youth Agency  
Firemen's and Policemen's Pension Fund  
Board of Trustees  
State Board Selection Committee for  
Mental Health-Mental Retardation  
Planning Commission  
Executive Committee of the River  
Corridor Commission  
Urban Renewal Agency  
San Antonio-Bexar County Urban Transportation  
Study Steering Committee  
St. Paul Square Advisory Board  
Advisory Committee for Wastewater Facility Planning  
Free Trade Zone Advisory Committee  
Manpower Planning Council  
Long Range Economic Development Committee  
Housing Task Force Committee  
Emergency Medical Service Advisory Committee

\* \* \* \*

AN ORDINANCE 48,122

REVISING THE THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION SO AS TO DELETE CERTAIN ITEMS FOUND INELIGIBLE BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING UNDER THIS PROGRAM.

\* \* \* \*

77-30 The Clerk read the following letter:

June 3, 1977

Honorable Mayor and Members of the City Council  
City of San Antonio, Texas

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

June 1, 1977

Petition submitted by Mr. Albert Richter, requesting permission to erect an eight (8) foot decorative iron, open fence on his property at 1428 South Presa.

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/s/ G. V. JACKSON, JR.  
City Clerk

June 9, 1977  
nr

There being no further business to come before the Council,  
the meeting adjourned at 8:30 p.m.

A P P R O V E D

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*Lila Cockrell*

M A Y O R

ATTEST:

*G. V. Johnson*  
C i t y C l e r k