

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 5, 1975.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: NONE.

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75-31 The invocation was given by The Reverend Eric E. Wagner, Redeemer Lutheran Church.

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75-31 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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75-31 The minutes of the Special City Council Meeting of May 25, 1975 and Regular City Council Meeting of May 29, 1975 were approved.

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75-31 DELEGATION FROM COSTA RICA

Mayor Cockrell recognized a delegation in the audience from Costa Rica.

Mr. Martin Raine, spokesman for the delegation said that the group is composed of mayors, city officials, and government officials who are on a grant from Texas A & M University to study city governments in Texas. He expressed appreciation for being given the opportunity to sit in on both formal and informal Council discussions and also praised the citizens of San Antonio for their warm reception. He then introduced the visitors.

Mayor Cockrell welcomed the delegation to the City and offered the full services of the City while they were here.

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75-31 The Clerk read the following Ordinance:

AN ORDINANCE 45,316

ACCEPTING A GRANT OF \$63,296.00 FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR OF TEXAS FOR UPGRADING THE POLICE DEPARTMENT'S CENTRALIZED COMMUNICATIONS SYSTEM SWITCHER; APPROVING A BUDGET AND PERSONNEL COMPLEMENT, AND APPROPRIATING FUNDS FOR THE PROJECT.

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The Ordinance was explained by Police Chief Emil Peters who said that this \$63,000 grant will continue an ongoing program using two mini-computers which are referred to as switchers which ties the City's system into the Texas Criminal Justice system and the National Crime Information System in Washington.

Mr. Pyndus said that he was aware of previous grants received under this same program and would like some explanation.

Chief Peters then explained the other projects which are included in the Police Communications System in a step by step manner. He also explained how the communications system is being coordinated with the County's system.

After consideration, on motion of Mr. Rohde, seconded by Mr. Cisneros, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-31 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mr. Billa, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,317

AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD PROFESSIONAL SERVICES CONTRACT WITH ARCHITECTS - ENGINEERS GROUP, INC. TO PROVIDE ARCHITECTURAL SERVICES AND PREPARE PLANS AND SPECIFICATIONS FOR REMODELING THE AIRPORT ADMINISTRATIVE OFFICES; APPROPRIATING \$5,012.50 IN FUND 804, ACTIVITY 80-40-01 AND AUTHORIZING PAYMENT.

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75-31 The Clerk read the following Ordinance: *75-31*

AN ORDINANCE 45,318

AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD PROFESSIONAL SERVICES CONTRACT WITH HENSLEY-SCHMIDT, INC. FOR THE PREPARATION OF A DEFINITE PROJECT REPORT FOR PHASE II OF THE OLMOS DAM REHABILITATION PROJECT; AND AUTHORIZING PAYMENT OF \$86,100.00 IN CONJUNCTION THEREWITH.

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The Ordinance was explained by Mr. Mel Sueltenfuss, Director of Public Works, who said that in July, 1974, a final stability report was received on the Olmos Dam. The report states that the dam is safe for a flood of 100 year frequency. If there were a maximum type flood there would be two problems - one, the possible overturning of the dam and two, the water could go over the top of the dam. If the dam were stabilized, all the gates could be kept closed. This would eliminate

3000 cubic feet per second of water out of the downtown area. Conversations have been had with the Corps of Engineers to get them to do the work at the dam since this would effect a big savings on channel work in the downtown area. The Corps asked that the City proceed with a preliminary design study which would be incorporated in the Corps request for funds. This ordinance provides for those preliminary plans for stabilizing of the dam and provision for a spillway. A study is also being made for a holding basin north of Hildebrand Avenue.

After consideration, on motion of Mr. Rohde, seconded by Dr. Nielsen, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mayor Cockrell asked Mr. Sueltenfuss to prepare a summary report of these plans for Olmos Dam and send it to the office of Congressman Henry Gonzalez who is very interested in this project.

75-31

EMERGENCY REPAIR TO TAINTER GATE

Mr. Sueltenfuss informed the Council that the Tainter Gate which controls the level of the river has had a failure of some parts. A firm price of \$5,900 has been received. He asked that the Council waive the standard bidding procedure in this emergency and allow purchase of the parts. A confirmation ordinance will be prepared later.

After consultation, Council agreed to this emergency procedure.

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The Clerk read the following Ordinance:

AN ORDINANCE 45,319

ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF AGRICULTURE FOR OPERATION OF THE CITY'S 1975 SUMMER NUTRITION PROGRAM; APPROVING A BUDGET FOR SAID PROGRAM; APPROPRIATING FUNDS AND PROVIDING TEMPORARY FUNDING FOR SAID PROGRAM.

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The Ordinance was explained by Mr. Ron Darner, Director of Parks and Recreation, who said that this is acceptance of the grant from the Department of Agriculture for carrying out the Summer Nutrition Program. He recommended adoption of the ordinance.

Mr. Cisneros again spoke of complaints received on previous contracts of this type and asked that this program be closely controlled.

After consideration, on motion of Mr. Teniente, seconded by Dr. Nielsen, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

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75-31 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Director of R.O.W. and Land Acquisition, and after consideration, on motion of Mr. Rohde, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,320

ACCEPTING DEDICATIONS, STORM DRAINAGE EASEMENTS, UTILITY EASEMENTS AND CONSTRUCTION EASEMENTS OVER CERTAIN LANDS, IN CONNECTION WITH PROJECT F. M. 1976 (WALZEM ROAD).

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75-31 The Clerk read the following Ordinance:

AN ORDINANCE 45,321

AUTHORIZING EXECUTION OF A MUNICIPAL CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY AND THE TEXAS HIGHWAY DEPARTMENT FOR CERTAIN WORK AT THE INTERSECTION OF CULEBRA ROAD AND CALLAGHAN ROAD.

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The Ordinance was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that this project is for channelizing the intersection of Culebra and Callaghan Roads and installation of new traffic signals.

After consideration, on motion of Dr. Nielsen, seconded by Mr. Cisneros, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mr. Teniente asked Mr. Fischer to give the Council a report as to plans there might be on improvements to Culebra Road from 24th Street to McMullen or beyond.

Mr. Fischer said this area has been under study for some time and he would provide a report on it.

75-31 The Clerk read the following Ordinance:

AN ORDINANCE 45,322

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF LABOR FOR A GRANT OF \$7,567,589.00 FOR FUNDING OF THE SECOND YEAR OF THE CETA PROGRAM UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973.

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The following discussion took place:

MR. SAM DOMINGUEZ: This follows up the briefing that I gave the Council in "B" session last Thursday. There's been a change since the briefing that I gave you the last time. We have an additional allocation of \$143,792.00. This change is reflected on the slide here which increased allocation of the original planning allocation with \$7,423,797.00. Also the change from the briefing that I gave you at the last meeting was the fiscal year '76 Summer Youth Program reserve. As a result of the president's veto on the bill, Manpower bill, and also the Congress failed to override we have had to change our proposal in that we're just going to set aside the \$548,792 for next year's summer program. That's at the bottom of the slide. These are the two most significant changes that were made since I briefed you last Thursday.

MAYOR LILA COCKRELL: All right, I have a few questions for the Council.

MR. PHIL PYNDUS: For clarification purposes, this morning the President vetoed and was sustained the cancellation of federal funding regarding some of the jobs program.

MR. DOMINGUEZ: Yes, sir, there are about 10 categories, 10 different types of categories in that bill. One of them was Emergency Jobs which will be Title VI.

MR. PYNDUS: This is Title VI. It would not affect this?

MR. DOMINGUEZ: It would not affect this one, no, sir. Title VI the Emergency bill - Emergency Jobs bill.

MR. PYNDUS: Now, if I understand this ordinance, this is a request to submit an application and it's not appropriation of money yet. - Is this true?

MAYOR COCKRELL: Is that correct?

MR. DOMINGUEZ: That's correct, yes. The Department of Labor has given us a planning allocation which is what brought up \$7,423,797 plus the additional money that we got yesterday so an application to the Department of Labor for this money, yes, sir.

MR. PYNDUS: So, we will have an option to review before we appropriate?

MR. DOMINGUEZ: That's in conjunction with the briefing that you will have this opportunity before we contract with the different agencies and we're reviewing the proposals now, yes, sir.

MAYOR COCKRELL: Specifically that money that was - that is now not available because of the veto and so forth, is that money, when will that have come into our program?

MR. DOMINGUEZ: It would have been this month. I can't give you any more exact time because this was, of course, contingent upon the president approving that bill but we already had a planning allocation on that one. That was \$2,571,057.00. The Department of Labor had given us instructions to plan for this money.

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MAYOR COCKRELL: What plans had we initiated on it?

MR. DOMINGUEZ: From the staff level, other than what we proposed here to set aside for next summer, we're just going to go ahead with the current summer program which is the one in effect now. Beyond that we have no other recourse from our staff to set aside or to continue or expand the summer program unless we get those summer funds.

MAYOR COCKRELL: All right, yes, Mr. Cisneros.

MR. HENRY CISNEROS: I have a couple of questions. One of them is that when the Comprehensive Employment and Training Act passed the legislative intent was to put the onus for planning and analysis and so forth of local labor market conditions on the local government. I wonder whether you feel that our local government has geared up enough to do a realistic job, an accurate job of assessing labor market conditions because they are basically important to what kind of a plan is put together, whether you think we've done an adequate job of understanding what's going on on the local labor market and then tailoring our programs to meet those needs.

MR. DOMINGUEZ: One of the approaches that we took on this was to do it through the Manpower Planning Council. We are also in the Manpower Planning Council establishing a subcommittee, a labor market advisory committee which will be coming forward to the Manpower Planning Council chairman for his designation of people that will be represented of the Texas Employment Commission, businessmen and so forth, so that we can have that subcommittee to work with the Manpower Planning Council to make recommendations.

MR. CISNEROS: The second question, if I may, is kind of a long term question and it relates to the question of whether you think it's realistic to try and match what we're doing in this effort, the CETA effort, the Manpower Power effort, with what our Planning and Priorities Committee is quickly identifying as some Economic Development considerations. In other words, we'll be moving on one front to try to create jobs and we have this ongoing activity and it's our responsibility to try and train people for jobs, whether it's realistic to think that a match between those two different kinds of City efforts can be made or whether we've got such a kind of bureaucratic empire here that it's just a kind of self-feeding thing that doesn't react to what we're going to try and do.

MR. DOMINGUEZ: This is certainly the intent of the act itself and certainly it should be a role of my office and if you can coordinate with the City Council's instructions in your committee in using the Manpower Program as it is to help the economic development of the City. In other words, if we have so many proposed jobs, training so many welders, if we have some input either from your committee or from the local market advisory committee, then we can have - we have the capability, we have the flexibility to change that time, to change our priorities with the type of training that we need to do.

MR. CISNEROS: At the moment, no coordination of that sort exists.

MR. DOMINGUEZ: There is the coordination through the Manpower Planning Council through the representatives on that Council who have tried to get the diverse group of representatives on that Council but at this time we're using that mechanism as a form of coordination.

MAYOR COCKRELL: Mr. Teniente was next.

MR. RICHARD TENIENTE: Yes, Mrs. Cockrell. First of all, I would like to compliment Sam Dominguez for the report he has presented to the Department of Labor and I don't know if Mr. Watson is here. Mr. Jerry Watson is the regional representative from the Department of Labor from Dallas and has been very, very helpful. If he would be here, he is supposed to be here this morning, I'd like to recognize him at this time. He has been real good to the.....

MR. DOMINGUEZ: He is in town. I think he is back at my office right now. I don't know if he's here in the Chamber or not.

MR. TENIENTE: Okay, I just wanted to recognize him.

MAYOR COCKRELL: All right, Mr. Hartman.

MR. GLEN HARTMAN: I was just wondering, Sam, with regard to your flexibility in training, what is this particularly categorized as to - what is your flexibility?

MR. DOMINGUEZ: The flexibility is such that the Department of Labor leaves it up to the prime sponsor to change and all they require from us is to send them a modification as such. The flexibility would be involved in the planning staff coming forward to the Manpower Planning Council and City Council and identify certain changes, certain things that need to be done. It's a matter of taking the time, staff work and making those kinds of presentations. You have the flexibility from the Department of Labor as a prime sponsor.

MAYOR COCKRELL: Other questions?

MR. PYNDUS: Just a comment. I feel that there will be a trend of reduction of these funds. With that in mind not only from an economic, efficient standpoint, I think that to do well in our monitoring and evaluating these programs for us to take the ones that work the best in preparation of a reduced appropriation in the years to come, and certainly work with those that are performing. I think that your critique of this operation is most important if we are to get our dollars.

MR. DOMINGUEZ: Yes, sir, we have that in mind. We have a monitoring and evaluation capability. We'll keep presenting that to you as we go along.

MAYOR COCKRELL: Reverend Black.

REV. CLAUDE BLACK: While I recognize, as Mr. Dominguez has indicated, an advisory committee that represents the job possibilities of the community, it seems to me that one of the tasks of the Council is to try to encourage the business community to give that kind of support. The fact is that every manpower program that I know that's happened in San Antonio has at some time or another sought the cooperation of business interests. But in many instances it has not been that productive. The real key to an effective program, as you've indicated, is the relationship of that training to the industry in the City. The program cannot be successful unless the business community actually relates to what is being done in this training program. There is no possible way because they're not job makers, really, they're simply there to prepare people for jobs and if there are no jobs in the community, then they are automatically going to be a failure.

So it seems to me that as a Council, we have the tremendous responsibility of trying to encourage the business interests to look to this agency and to offer advice and counsel to this agency in the kind of preparation that they are making for the men. This has been a very tense matter because all of us have been concerned about developing. I know in the early eras of Manpower Programs that this community you would develop people and then they would go out and be frustrated because there's no job out there for them, totally frustrated.

MAYOR COCKRELL: This is a very good point, I know that there is a lot more that could be discussed on this issue, may I encourage the Council now to wind up as quickly as we can in the interest of time. We have a long agenda.

MR. CISNEROS: Mrs. Cockrell, I'd like to make one final comment and that is that perhaps, I'm not sure if I should be directing the comment to Mr. Dominguez or to the members of the Council who serve on the Manpower Commission but I think we ought to be working toward something like a recognition of a joint responsibility for economic development on one hand and job creation at the same time are Congressionally mandated responsibility for Manpower Development job training and that if that means for the moment because we have no such joint operation, if that means for the moment that Mr. Dominguez, his staff and City Council members of the Manpower Planning Council meet regularly with the Chamber of Commerce, with the Economic Development Foundation, the Northside Chamber of Commerce and other organizations that have dedicated themselves to job creation and for the moment that's what it has to mean hopefully looking to a longer run prospect of some kind of a well coordinated joint effort.

MAYOR COCKRELL: I might comment, I did call one such coordinating meeting prior to the end of the last Council term and I will visit with Mr. Teniente, who serves on the Manpower Council, and visit with him about that meeting and that he perhaps might like to take the role of serving in this capacity in an ongoing effort for coordination.

MR. DOMINGUEZ: Mr. Teniente is still on the Manpower Council.

MAYOR COCKRELL: Fine. Are there any other discussions?

MR. PYNDUS: I will cut it off but there's a lot to work to be done in this area. We have some governmental programs particularly during the summer where we hire youths at \$2.10 an hour and that amount of salary, as small as it may seem to you, certainly torpedos to the cooperation of business people with this Manpower Act which is so good. I think that Rev. Black has hit it on the head and I think that, Sam, if you could direct, if you could reach above just the training of these people and reach into the business sectors, there are some problems that could be solved if we use imagination and we could eliminate some of the government regulations.

MR. DOMINGUEZ: Yes, sir.

After consideration, on motion of Mr. Teniente, seconded by Dr. Nielsen, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Rohde.

75-31 The following Ordinance was read by the Clerk and explained by Mr. Bill Donahue, Director of Human Resources, and after consideration, on motion of Mr. Teniente, seconded by Rev. Black, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,323

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE GOVERNOR'S COMMITTEE ON AGING FOR FINANCING THE METRO SAN ANTONIO COMPREHENSIVE NUTRITION PROJECT FOR THE THIRD YEAR, NOVEMBER, 1975, THROUGH OCTOBER, 1976.

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Mayor Cockrell recognized County Judge Blair Reeves and invited him to the podium to speak.

The following conversation took place:

JUDGE BLAIR REEVES: Mayor and Council, I like your dress. Maybe we can do the same thing over at Commissioner's Court. I'd like to present Dr. Harver Connolly, who is also with me this morning.

Mayor and Members of the Council, you know this is the first opportunity that I have had to address the Council. It is not exactly a happy occasion. It's not an unhappy occasion either. I wrote you about it and told you I was coming but it is necessary that I come and talk to the City Council just a brief moment. You know Mayor, reasonable people can differ over reasonable things and the County has a problem on the utility bill that we have and the 14 per cent charge on the gross receipts in lieu of taxes is, according to our contention, really a tax. As one general government to another, it is the County's position and the hospital district's position that we should not pay this 14 per cent not only on that but also on the fuel adjustment charge, 14 per cent on the fuel adjustment charge. Even if it is considered a return on the investment, then we say that since the investment has been paid, it is excessive. We would like for you to give us our 14 per cent tax back and quit charging us that in the future.

MAYOR LILA COCKRELL: Well, thank you very much for your comment. Let me just say and I'll know that you will be happy to learn that you really are not paying 14 per cent any more. That has been reduced overall. It apparently is taking the news to really permeate in the community completely. The Council, the last Council, did take some action reducing the 14 per cent so there is not that 14 per cent total figure still standing. As of August 1, the Council budget projection overall is a 10 per cent approximately. Approximately 10 per cent instead of 14 per cent. Other than that some of these matters of course I read in the newspaper that there were some of these matters that were addressed in one way or another in the utility bill that has passed. The Council has not yet had a briefing on the legal implications of the utility bill. That is one thing in connection with hospital districts that we will have to be briefed on by our attorney. Then overall, I would have to say that we would simply receive your request.

May I ask the City Manager if he would care to summarize very briefly for Judge Reeves the points that were made in the Manager's memorandum covering the background of the City's deriving revenue from its investment in the City Public Service Board and the overall relationship to the City budget.

CITY MANAGER SAM GRANATA: If I understood your question correctly, it is what is going to transpire on August 1?

MAYOR COCKRELL: No, not quite. Just the background of when the City Public Service Board was purchased as an investment by the citizens - the philosophy.

CITY MANAGER GRANATA: The philosophy was to purchase it and try to derive from it sufficient income to keep the ad valorem tax at the lowest possible level that we could. That went right along as long as we enjoyed low gas rates as you well know. Then about 1971, some changes began to take place and really the rates have been pretty low and are still low even though the previous Council awarded a 19 per cent rate increase for rates. What is killing, is as you know, is the fuel pass through...the cost of the gas. The indenture allows that we collect - I don't recall the three things. One is "in lieu of taxes" which is about \$6 million for the City as part of the 14 per cent. That's to pay for our street lights and our own utility bill which by the way has gone up to about \$2 million too because of the added cost.

The other we can use as cash for other governmental items which is much less than would be profit if it were a public utility which would be able to earn up to 8 per cent.

Now, because of the cost of energy these amounts could go on and on. The projected figures from CPS if the Council had not taken the action that it has taken, which will begin in August, we could get huge sums of money. Our next allocation would have been \$41 million for next year. But we will only get \$29 million. The Council has taken steps. From now on we have pegged our take at \$29 million. Anything above that will be given back - not given back - we will forego the collection of, for example, all of the pass through on gas we will no longer collect that. On the amount of fuel necessary to generate electricity, we've pegged the cost of the fuel at \$1.20. Anything that CPSB pays above that we will forego receiving our 14 per cent on that.

Also, the first 300 kilowatt hours for everyone we will forego that to all of our people. That's where it's been cut from 14 per cent to 10 per cent and then I'm like Mrs. Cockrell on the bill. I read one story on the front page yesterday of the same paper that was completely different from the one that I read this morning about what's happened in Austin about whether or not the schools, whether the utility bills eliminated the 14 per cent for the schools and the public hospitals and I'm confused. It's a 57 page document.

JUDGE REEVES: Mayor, speaking on behalf of the hospital district and the County, too, this is something as you realize that we would have been remiss if we had not done this in lieu of all the circumstances. We extend you our best of luck and my sincere desire that we are going to continue to work together in areas such as bond issues, perhaps, for buildings and things of this nature. I want to tell you that the reappraisal program that we spent so much time and money on jointly over the last couple of years is working great except the Board of Equalization is killing us over there but I'm happy to say that the reappraisal is working very well and it shows that it was much needed and we look forward to working with you all in the future in any way we possibly can.

MAYOR COCKRELL: Thank you very much.

JUDGE REEVES: Thank you very much.

DR. NIELSEN: I think, Mr. Granata, that because I read that one paragraph, I remember reading it and it said specifically, school districts and hospital districts, it didn't say anything about all hospitals.....

CITY MANAGER GRANATA: That's correct. I've seen that and then I saw one that said just public hospitals....

MAYOR COCKRELL: So, I think that what we need to do in relationship to utility bills is have a thorough briefing from our attorney. Thank you very much.

75-31 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 45,324

AUTHORIZING APPLICATION TO THE GOVERNOR'S OFFICE FOR TRAFFIC SAFETY FOR A REFUNDING GRANT FOR THE SYSTEMS MANAGEMENT FOR TRAFFIC SAFETY PROJECT.

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75-31 The following Ordinance was read by the Clerk and explained by Mr. Jim Parker, Assistant City Attorney, and after consideration, on motion of Mr. Billa, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Rohde.

AN ORDINANCE 45,325

APPROPRIATING THE SUM OF ONE THOUSAND SEVEN HUNDRED TWENTY-SEVEN AND 50/100 (\$1,727.50) DOLLARS OUT OF DRAINAGE IMPROVEMENT BONDS 1970, FUND NO. 409-01, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANTS NAMED IN CONDEMNATION CAUSE NO. C-1238 IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR THE PAYMENT OF COURT COSTS IN SAID CAUSE FOR THE ACQUISITION OF A PERMANENT DRAINAGE EASEMENT AS WELL AS TEMPORARY CONSTRUCTION EASEMENTS NEEDED IN CONNECTION WITH THE CATALPA - PERSHING DRAINAGE PROJECT.

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75-31 The following Ordinance was read by the Clerk and explained by Mr. Jim Parker, Assistant City Attorney, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Rohde.

AN ORDINANCE 45,326

APPROPRIATING THE SUM OF ONE THOUSAND SEVENTY THREE AND 50/100 (\$1,073.50) DOLLARS OUT OF STREET IMPROVEMENT BONDS, 1970, FUND NO. 409-02, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANT NAMED IN CONDEMNATION CAUSE NO. C-1237 IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR THE PAYMENT OF COURT COSTS IN SAID CAUSE FOR THE ACQUISITION OF THE FEE TITLE TO CERTAIN REAL PROPERTY NEEDED FOR THE 24th STREET IMPROVEMENT PROJECT.

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75-31 The following Ordinance was read by the Clerk and explained by Mr. Jim Parker, Assistant City Attorney, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,327

APPROPRIATING THE SUM OF EIGHT THOUSAND SEVEN HUNDRED TWENTY EIGHT AND 50/100 (\$8,728.50) DOLLARS OUT OF STREET IMPROVEMENT BONDS, 1970, FUND NO. 409-02, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANTS NAMED IN CONDEMNATION CAUSE NO. C-1240 IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR THE PAYMENT OF COURT COSTS IN SAID CAUSE FOR THE ACQUISITION OF THE FEE TITLE TO CERTAIN REAL PROPERTY NEEDED FOR THE 24TH STREET IMPROVEMENT PROJECT.

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Mayor Cockrell announced that today is the birthday of Councilman Al Rohde and congratulated him. Each of the other Council members then congratulated him.

75-31 The Clerk read the following Ordinance:

AN ORDINANCE 45,328

APPROPRIATING \$12,000.00 IN ADDITIONAL FUNDS FOR THE BICENTENNIAL COMMITTEE.

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The Ordinance was explained by Councilman Al Rohde who said that this addition to the Bicentennial Committee's fund will carry it through the end of this fiscal year. He urged approval of the Ordinance.

After consideration, on motion of Mr. Rohde, seconded by Mr. Billa, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mayor Cockrell then recognized Mrs. Winfield Hamlin, Chairman of the Bicentennial Committee and Mr. Chuck Snyder, also on the committee.

In answer to Reverend Black's question, Mr. Rohde said that there will be an announcement made soon about what citizens are going to do with their own funds to enter into the Bicentennial celebration. It is a people program and all citizens are urged to participate.

75-31 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,329

ACCEPTING THE LOW QUALIFIED BIDS OF GENTEC HOSPITAL SUPPLY, MEDI-CENTRAL, ROCKFORD SAFETY EQUIPMENT CO., SCHERER MEDICAL SCIENTIFIC AND STANLEY SUPPLY CO., INC. TO FURNISH THE CITY OF SAN ANTONIO WITH EMERGENCY MEDICAL SUPPLIES FOR A TOTAL OF \$8,742.03.

* * * *

AN ORDINANCE 45,330

ACCEPTING THE LOW BIDS OF TECHLINE, INC. AND AUTOMATIC SIGNAL DIVISION TO FURNISH THE CITY WITH TRAFFIC SIGNAL CONTROL EQUIPMENT FOR A NET TOTAL OF \$15,017.40.

* * * *

AN ORDINANCE 45,331

ACCEPTING THE LOW QUALIFIED BID OF WATSON DISTRIBUTING CO., INC. TO FURNISH THE CITY OF SAN ANTONIO WITH MOWING EQUIPMENT FOR A NET TOTAL OF \$10,500.00.

* * * *

AN ORDINANCE 45,332

ACCEPTING THE LOW BID OF CLOSNER
EQUIPMENT CO., INC. TO FURNISH THE
CITY OF SAN ANTONIO WITH A TOWED PAVER
FOR A NET TOTAL OF \$4,850.00.

* * * *

75-31 The Clerk read the following Ordinance:

AN ORDINANCE 45,333

ACCEPTING THE LOW QUALIFIED BID OF
CLARKE PRINTING CO. TO FURNISH THE
CITY OF SAN ANTONIO WITH VISITOR
GUIDES FOR A NET TOTAL OF \$11,453.97.

* * * *

The Ordinance was explained by Mr. John Brooks, Director of Purchasing, who said that this is an annual requirement for a brochure used by the Convention and Visitor's Bureau. There will be 300,000 of them ordered. All bids met the specifications and he recommended award to the low bidder, Clarke Printing Company.

Mr. Rohde said that he would vote for the Ordinance but wants to be certain that some Bicentennial information is included in the brochure covering the coming year's program.

The Council instructed that the Convention and Visitor's Bureau be advised to be sure that Bicentennial activities are reflected in any tourist information being distributed.

After consideration, on motion of Mr. Pyndus, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-31 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Teniente, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Billa.

AN ORDINANCE 45,334

EXTENDING THE CURRENT CONTRACTS BETWEEN THE
CITY OF SAN ANTONIO AND ARMSTRONG ENTERPRISES
TO FURNISH THE CITY WITH ITS GASOLINE AND
DIESEL FUEL REQUIREMENTS THROUGH DECEMBER
31, 1975.

* * * *

The Clerk read a proposed Ordinance approving and adopting the 1974 "Report on Master Plan Supplement for Water Works Improvements" as part of the Master Plan of the City of San Antonio.

The following discussion took place:

MAYOR LILA COCKRELL: All right, Mr. Van Dyke, before we start on this item, I have had some indication from some of the Council members that they really wanted to have maybe a type of briefing that would be scheduled in a "B" session and let me just stop at this point to get the Council's wishes. There were several who had indicated to me that they wanted a little bit more thorough or in depth review than possibly could be done in a regular Council session.

MR. HENRY CISNEROS: Mayor, I would ask to put in a form of a motion to postpone action on this item for a couple of reasons. One of them is that it obviously is a master plan. It sets forth a plan of action for capital improvements, etc., water extension and so forth over the next few years. At the same time dated June 3, we have here a report on capital improvement programs and financing plan for such capital improvements which we will be getting soon which proposes monthly rate hikes reported to be of 30 per cent, monthly rate hikes, and which will also include provisions, for example, of continuing present Water Board policies as respects to refunds to developers, and also the Community Development Fund. It also addresses the subject of considerations with respect to surface water.

It seems to me that action on a master plan independently of what that means in terms of the monthly rate hikes, independently of what that means in terms of the overall capital expenditure program, what it means in terms of the refunds to developers and the Community Development Fund, and in terms of what it means in terms of the overall discussion between us about surface water with the foolhardy. Second, what we'd be doing we would be setting ourselves up to passage on a master plan that later we would be called upon to pay for, and which we might want to make some more fundamental decisions about what's entailed in it in light of what it will cost.

MAYOR COCKRELL: All right, motion has been made. Is there a second?

MR. PHIL PYNDUS: I'll second.

MAYOR COCKRELL: It has been moved and seconded. Is there additional discussion?

MR. PYNDUS: With regards to the time frame, I was the one that said I wasn't prepared, Mayor Cockrell, and certainly Henry has some volume there that needs going through. I would like to ask Mr. Van Dyke as he stands before us with regards to the decision time wise, how will this effect your plans if we put this off for a 30 day period?

MR. ROBERT VAN DYKE: It won't effect them at all.

DR. FORD NIELSEN: Let me just say, Henry, I know that you are aware that this is the supplement to a master plan already adopted. I think we postponed this once before. I assume what you're mainly going to deal with is simply the supplement. Right, Bob. In light of the fact that I got a strong indication from the Manager the other day that you would prefer that in "B" session we deal particularly with our own staff problems and particular things like this

should be dealt with here or in a special hearing or whatever you want to call it. Well, in light of that, I would just, I guess I would speak against your motion at this point. To deal with this we do have to get into the whole thing. You're right. I'm not so sure that we can put this off. It updates the master plan that I may have some problems with. I don't know if we're going to correct all the problems of that master plan over night and to accept the supplement as I see it, although I haven't looked at it that much, I don't know if there is anything in direct conflict between what is presented there and this.

MR. RICHARD TENIENTE: The rate hike....

DR. NIELSEN: No, this is a pretty thorough little addendum. There's no question about it. I was fascinated to read it to be very honest.

MR. AL ROHDE: I must confess I haven't read it.

MAYOR COCKRELL: All right, we have a motion and a second. The motion was that this be postponed and be discussed in "B" Session.

MR. CISNEROS: It doesn't matter. Whenever we have enough time.

MR. TENIENTE: I'd like to ask Mr. Van Dyke his presentation at this point, is a prepared presentation or were you here to answer questions or both?

MR. VAN DYKE: We're prepared to make a presentation if you wanted it. If not, we'll come back later.

MR. ROHDE: How long would your presentation take?

MR. VAN DYKE: Five minutes.

MR. TENIENTE: I think that if we are going to postpone, we ought to hear from him now so that we can....

MR. ROHDE: I'd rather do that, Mayor, hear the five minutes but not vote on it. I have not read the document. I must confess. I'd like to read it. It's a very important item to the citizens.

MAYOR COCKRELL: All right, we have first the motion and then the separate question of it the motion passes we want to hear the five minutes any way. So let's take the questions in order. The motion pending is that we postpone until it can be scheduled for an in depth discussion.

AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Rohde, Cockrell.

NAYS: Nielsen.

MAYOR COCKRELL: Now, then the question is, would you like for Mr. Van Dyke to give you a capsule summary of five minutes possibly now that would be an introduction at least to the subject? All right, it is by common consent then, we won't take a vote then. All right, if you will then Mr. Van Dyke give us kind of a five minute summary and then this will serve to stimulate our own additional research until we get it scheduled for the in depth session. Thank you.

MR. VAN DYKE: Yes madam. I'm Robert Van Dyke, General Manager of the City Water Board. The master plan supplement which has been given to you basically was drawn up to deal with that portion of the City of San Antonio that has grown beyond the expectations of the master plan report which was prepared in 1971. On the map that

you see here, the red line basically includes that area that was included in 1971 and we have seen that there is growth in our metropolitan area beyond that border that we considered in 1971 and so therefore as developments take place it is necessary for us to have some type of an orderly plan for the developments that are taking place in that particular area.

In general, the problems that we are running into are the very hilly country on the northern edge of the City. Of course, this makes a different pressure level a problem because of the different elevations. One of the main things that is concerned in here is raising the pressure on the water mains in those particular areas from the present pressures of 35 to 110 PSI on up to a working pressure of 35 to 150 PSI and with a maximum of 175. By doing this, we can have less pressure levels in that particular area and will make it more efficient for our operation and will require less facilities than we have in the present time with the lower pressures in the levels.

The plan was adopted by the Water Works Board of Trustees. It is in being and it's going to be whether you act today or not. It has been approved by the Planning Commission but, as you know, we do have a master plan for the City of San Antonio and all we were trying to do was to have this updated so that your own plan is current with what the Water Board is doing. I might point out to you that in addition to dealing with these pressure levels up there, we are concerned about fire flows, domestic flows, the future booster stations that are going to be needed to move water up into that area, the future storage tanks and then those mains that would be required to go.

The master plan as adopted by the Water Works Board of Trustees is based upon the report and it's in full accordance with the regulations which are in effect at the present time as adopted by the Water Works Board of Trustees and so beyond that, I think that's the capsule.

MAYOR COCKRELL: All right, are there any further questions? So the, we will appreciate, I know the staff will be in touch with you about scheduling this more in depth briefing and....

DR. NIELSEN: Does the substance of Henry's motion now say that when we get into the full rate hearing, we're also going to go in depth into the whole "master plan"?

MAYOR COCKRELL: I think he wanted to go in depth into the master plan and get a picture of the whole to see in effect what we're obligating ourselves to in the master plan that would in the next step be reflected in the financial plan.

MR. TENIENTE: This is what I was thinking. Could we set this up for next week so that whenever the Water Board comes to talk about the rate hike, we would have at least this background?

MR. CISNEROS: That's what I'm trying to do. I'm trying to establish the relationship. So we can justify to the citizens when we are asked, as we will be, for a 30 per cent a month rate hike, what they're paying for.

MR. TENIENTE: Would you be available next week?

MR. VAN DYKE: No.

MR. CISNEROS: When do you plan on bringing the rate hike to us?

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MAYOR COCKRELL: That has just been given to the Water Board this week but no action has been taken. It was given as the first step to study and I presume by the next session perhaps there would be further discussion.

MR. CISNEROS: It seems to me to be impossible to set a time not knowing when this would come to us because this is what I want to relate to the master plan.

DR. NIELSEN: That's why I had hoped because I don't see that there's any conflict between the two that we could deal with this.

MAYOR COCKRELL: Well, let me, may I speak to this. Let me just speak to this issue. The City also has master plans for parks, drainage, many different issues. Then when the funding comes, usually through bond issues or other issues, we select from the master plan items to be funded and so I think the fact that we have adopted a master plan does not commit to the immediacy of the funding of all portions of it.

MR. CISNEROS: If I may, Mrs. Cockrell, I'm talking about a practical political situation. Two points, one, if we approve something, it could always be used against us later on if we approved it. Therefore, we should be prepared to pay for it and so forth. And I don't want to approve it without knowing what it is. Number two, if the Water Board wants us to approve something that they want for statutory reasons, then I think our relationship with our utilities at a time when rates are being hiked all over the place, and citizens are being asked to bear the cost, we ought to establish an adversary relationship but at least there ought to be some quid pro quo. And this is one way to get quid pro quo. They want this approved and we want some changes on a rate hike and in order to get this approved, they are going to have to make certain concessions to us. That's all I'm trying to do is establish a quid pro quo.

MR. VAN DYKE: Ladies and gentlemen, let me correct, if I may, the erroneous supposition that apparently you believe. The City of San Antonio needs a master plan in order to get any Federal funds from anything. You have adopted our master plan to fulfill that requirement. It makes no difference to us whether you adopt it or whether you don't. This is your bailiwick. So, we're not asking you to do anything. We're merely trying to supplement this so that your master plan will be up to date. If you wish to adopt it, that's fine. If you don't, that's fine too.

DR. NIELSEN: Okay, what Henry is asking, I guess, regardless of the political aspects of it involved, if we reject it or want to modify it, we can do that but what does that in effect do to you in terms of going back to your Board.

MR. VAN DYKE: Not a thing. All this report is is an engineering study that sets out the engineering principles that will guide the development of the water system. It has nothing to do with the rates, it has nothing to do with politics, it has nothing to do with anything but engineering. It is the guide that is being used and it will be used. If you want to adopt it, that's fine, and if you don't, then we'll be happy to make a presentation to you later.

MAYOR COCKRELL: Fine, all right, so we will have a presentation in something like two weeks?

DR. NIELSEN: I'm still not sure whether we ought to tie this directly in terms of briefing, discussion, our vote or consideration directly with that.

MR. ROHDE: Henry, I can see that there are two separate things. There is no tie.

DR. NIELSEN: I think there might be a tie. I'm just not sure whether we ought to do both at the same time.

MR. PYNDUS: Are we committing ourselves to a mere delay, Ford, or are we committing ourselves to a specific approach to it. I have not done my homework on that item. I'd like to read it before I approve it. I would call the question.

MAYOR COCKRELL: All right, the vote has already been taken on the postponement and so at the time we schedule it for a "B" session, how soon could that be done, Mr. Granata? In terms of our schedule for "B" session.

MR. SAM GRANATA, CITY MANAGER: It would take longer than a "B" session. If Van had to brief you for everything, it would take longer than 45 minutes I know. Maybe not on this one item but on the related items.

MAYOR COCKRELL: Well, let's say a "C" session.

MR. GRANATA: A "C" session any time. I could schedule it any time you all are available. We've got lots of items and we had to pull two this morning.

MAYOR COCKRELL: All right the "B" session ordinarily is continued after the other work is done if there's time.

MR. GRANATA: Today, though, we have the hearing on Revenue Sharing. Then we've got two items on "B" session that we'd like to do after that but how long that will be this afternoon, I don't know.

MAYOR COCKRELL: Would two weeks from today be convenient for you?

MR. VAN DYKE: We would be delighted.

MAYOR COCKRELL: We'll be back in communication with you.

MR. GRANATA: The next meeting is zoning, of which we don't have a "B" session.

MAYOR COCKRELL: You mean two weeks from today is zoning?

MR. GRANATA: Yes, two weeks from today is zoning, yes madam.

MAYOR COCKRELL: It would be three weeks from today until we held a special session.

MR. GRANATA: Unless you called a special session.

MAYOR COCKRELL: All right, the Council will address itself to setting the time, so we will get that done before the day's out and be back in touch.

MR. VAN DYKE: Please advise us and we'll be happy to come and make any presentation that you'd like to hear.

MAYOR COCKRELL: All right fine, thank you sir.

* * * * *

The following conversation took place:

MR. MEL SUELTFUSS: You will recall that the City Manager, about six months ago, appointed a task force to study development policies for the City of San Antonio over the Edwards Recharge Zone. The question related primarily around some postponed cases that were pending over the recharge zone. We had five committee meetings. We have reached a conclusion. I want to interject at this point that one of the members has requested to make a minority report. She could not be present this morning. I told her at the option of the Council, she could probably make her minority report at a later date. But she did request that she be given that opportunity. I'm going to hurriedly go through the report, and then concentrate a little bit on the recommendations and conclusions.

The first Roman numeral I are statistics relating to the recharge zone, and I think once and for all we've all agreed on some statistics. We have them all on one place here. If the task force didn't accomplish anything else, I think we've done something here that's of value. I think very significantly Bexar County has only eight and one-half percent of the total recharge. I think that's a significant figure.

MAYOR COCKRELL: Is that by area or by volume?

MR. SUELTFUSS: This is by area. Only seven-tenths of one percent presently is within the present City limits and the other City limits such as Hollywood Park and these have two-tenths of one percent. San Antonio's ETJ has 5.8 percent, and the San Antonio City limits and ETJ is 6.5 percent if you relate to that 8.5 percent. Most of the area is inside of the City and the ETJ. There are some other statistics that are compiled that I won't go through. I think the other interesting point is at the bottom of the page the average annual recharge. This is the thing I think you related to, Mrs. Cockrell, Bexar County has 57,600, the west of Bexar County 351,000 and east of Bexar County 122,000, so the recharge by volume in Bexar County is.....

DR. D. FORD NIELSEN: How did you arrive at these figures?

MR. SUELTFUSS: Well these are statistics through the USGS. These are primarily U.S. Geological, the committee didn't determine these. These were - but I think we basically decided let's agree on some facts, before we draw any conclusions. And I think this is the reason why the factual data is submitted.

The next page shows the urban development on the recharge of Bexar County. I think this is significant. There are a total of 81,920 acres. There are 6,144 existing development areas. That's without San Antonio Ranch In Town and Encino Park which are actually not developed yet, or about seven and one-half percent of the area if you add the San Antonio Ranch In Town and Encino Park, you end up with an additional 11.75 or total existing and we call it committed development, assuming these other developments go, you have a total of 19.25 percent of the area on the recharge development. Now, this means including streets and everything. This is total area as opposed to maybe lot size. I want to make that distinction.

Now, the existing zoning on the recharge zone, I won't go through all that. You'll see that about 30.6 percent of the land within the recharge zone in the City of San Antonio has been rezoned. Now, you see some "R-A" rezoning here. As you know everything that came in the City limits at the time of annexation, was zoned "R-A" or is automatically given a "R-A" zoning. Some people have requested rezoning on a permanent basis, gone through the Commission. That's why those 300 acres are requested. You'll see there is very little "I-1". There are 77 acres of "I-1" presently zoned on the recharge. We also discussed the drainage area that relates to the recharge zone. Those numbers are there.

DR. NIELSEN: You know that's 3,500 acres out of 81,000, is that right now?

MR. SUELTFUSS: Yes, that's right.

DR. NIELSEN: About 3,500 acres.....

MR. SUELTFUSS: Out of the total Bexar County area, yes.

DR. NIELSEN: Is that the 81,000 acres?

MR. SUELTFUSS: Yes, 81,000 right. I'm sorry I don't have the percentage breakdown on that. All right, the committee reached other conclusions. I'll go over these rather hurriedly then. We'll get into the recommendations of the committee report. The first conclusion generally is the type of thing that it's the only source of drinking water and it's an extensive reservoir and these sort of things. I think that it generally discusses some general conclusions related to the Aquifer. The second one I think is very substantial. I think it's a very important conclusion. That the strong and substantial evidence that the water entering the recharge in Bexar County has little or no effect on the reservoir from which San Antonio obtains its water supply. There has recently been a tritium report, a very complicated thing, I won't go into the details, but it basically concludes that water recharging in northern Bexar and Comal counties does not mix with water from the west of the Edwards, but rather flows to the east in a subsystem of its own and discharges in part in Hueco Springs, but primarily in San Marcos Springs. I think that point is significant that even though we may do all the controls we have over Bexar County we may not still be protecting our own water, and we need to rely on the other people also to do something. I think it's a very significant.....

DR. NIELSEN: Quite a few people rely on us?

MR. SUELTFUSS: That's right, and the point I'm making is that if we do everything here that still doesn't give us possibly the real security that we need. The next thing concerns the Texas Water Quality Board order and it says that if it is strictly enforced, it should provide adequate protection. It says it recommends that the City Council take particular measures to assure the most stringent enforcement of these provisions. Until the provisions have been proven inadequate, administrating agency should be allowed to carry out their responsibilities.

The next one relates to the fact that to date studies have failed that the fact Edwards Aquifer has ever become polluted or it

shows any likelihood if reasonable protection measures are taken. Now, the third thing is the fact that we had some discussion relating the possible flooding of development over the recharge zone on downstream problems. The most significant thing there is that almost all of the Edwards recharge development would go into either the Salado or Leon Creek. Just a very, very small portion of it goes into the Olmos in San Antonio. These creeks are generally large watershed type creeks. We do have flood plain protection in those and we feel that the flooding problem per se is not very significant. Also, it involves, if this same philosophy is carried on you couldn't relate that just to the recharge. You would have to relate that to areas all over town.

DR. NIELSEN: You say not very significant.....

MR. SUELTFUSS: Not very significant because of the fact that the Leon and Salado Creeks basically are undeveloped along the creek beds.

DR. NIELSEN: We do have some problems in Salado Creek at several points.

MR. SUELTFUSS: But what we're saying generally is that, generally yes, certainly, the point, the other point is that if we applied this philosophy say over the recharge, we can't say that we can't apply that same philosophy any where where development occurs upstream from something. The point is that the problem, I don't think is as severe as it may look on the surface because of the fact that most of these streams do have large stream beds, and we do have flood plain protection on them.

DR. NIELSEN: That's generally speaking.

MR. SUELTFUSS: Yes, that's right, now there may be some isolated cases, but generally speaking, also we had a summary on the discussion of the existing laws and regulations. I think there's a very pertinent point there that number one the City through zoning obviously has control only in the City limits. We have no zoning outside the City limits.

MAYOR COCKRELL: May I ask on that point - that cities could if they wished exercise some zoning in the ETJ. Are any of you familiar with just exactly what?

ASSISTANT CITY ATTORNEY JIM PARKER: Not under Texas Law. Under Texas law you have to look to primarily to 970A and 974 A as to what our authority is in that area. Outside of the City we have only planning authority under 974A. That does not go through the zoning authority or the use of the land. It only goes through the planning, which is the roads, the streets, sewers, water, utilities, that type of thing. But, it doesn't go through we can't say you can't build a store there, we can't say you can't use a rock quarry there.

MAYOR COCKRELL: I may have misunderstood the article. I'll have to get back and find it again. Thank you for clarifying that.

MR. SUELTFUSS: Of course, we get into the County controls. The County has no zoning. They do have subdivision control within the entire County beyond that portion that we have of the ETJ. We have subdivision control within the ETJ but again it does not relate itself at all to building permits or any land uses. Strictly the matter of the original subdivision construction itself. I think it's a very significant conclusion because it certainly limits I think the authority and the powers that the City may have in this matter.

DR. NIELSEN: So, finally the real authority or control in our ETJ is in terms of services that would be provided, streets, sewers, water, etc.

MR. SUELTFUSS: We don't maintain streets or anything. We approve the plans, and inspect the construction. We also had a large discussion on the sensitive area. I think this is a problem that everybody has talked about. It was the conclusion of the task force, based on the evidence presented to it, the purchase of any of the so-called sensitive areas would not be effective since it would not be possible to prevent waters from entering these sensitive areas from the drainage outside of these areas. And, generally speaking, the sensitive areas are in flood plains and we do have the flood plain control there. But the thought was that if sensitive areas were bought and isolated if you couldn't keep the run off or all the waters, and they all end up from getting there, purchase of those probably would not be effective.

The recommendations and conclusions of the committee very hurriedly again. Number one, the conclusion was that the Water Quality Board order is that its effect is adequate. It recommends that the Council take particular measure to assure the most stringent enforcement of these provisions. The second recommendation and this is on the last page now, is that the task force recommends that all concerned with the Edwards underground water supply should pursue a course that has the following two elements: One, to cooperate to achieve a master plan in the ETJ of which we have control and authority that enables the City to determine utility policy. We had considerable discussion on what utilities should be extended by the City. We feel that a master plan is necessary to address this. Two, we should cooperate with the legislative delegation to create a City or County zoning plan outside the City limits. That's one, for clarification, should probably be in there for pursual in the next legislative session. As you know, we've made an attempt as a committee project to try to get this at the last session of the legislature but we were a little late with that.

Three, the recommendation of the task force that the City staff be instructed to recommend to the Planning Commission that a change in zoning regulations include a new zoning area known as the Edwards Recharge Zone. This is like the military overlay district and to enumerate certain prohibited uses and those that should possibly be approved only by the City Council. Now, we have legal authority to do this and this would have to have some staff work on it, and it would have to be an amendment to the zoning regulations.

Number four, it is recommended by the task force that no "I-1" or "I-2" zoning designations be granted over the recharge zone within the next 120 days. We feel that this would be ample time to work out this overlay district and at that time we could come back and possibly eliminate if possible any uses in "I-1" and "I-2". Also, it is the recommendation of the task force that the City adopt a recharge map of the Texas Water Quality Board as its official maps for the zoning overlay.

I might say that we had a very active committee. I have never served on one where we had as good attendance as we did. We had three members of the City Council serve on that committee. Mr. Pyndus, Mr. Cisneros and Mr. Hartman, and I appreciate all the efforts of the committee members. This concludes my report.

MAYOR COCKRELL: May I ask you two questions. First, going back to page 4, at the bottom of page 4, where it says it is recommended that the City Council take particular measures to assure the most stringent

enforcement of these provisions. What do you recommend?

MR. SUELTFUSS: All right, let me address that. We had for the last two months, I mean six weeks we have been meeting with the people of the Texas Water Quality Board, trying to set up procedures. I guess this is as good a point as any to explain to the Council what happened in the pending lawsuit. I feel like I should tell my side of the story. We were meeting with the Texas Water Quality Board in an effort to work out these procedures. For example, how the plats come in because we can play a very important part in aiding enforcement. We are the first people that come in with the plats and everything. So, we were working out this procedure. During the course of this working out of this procedure, it came to my attention that we had not submitted plans on one project. The other was not under construction yet. So, we volunteered this information to the Water Quality Board. We self confessed and the next day we were sued over it. But that's the very basic thing that happened there. I do want to explain it. They didn't stumble on to it. We did tell them about it.

DR. NIELSEN: More specifically as to what she's driving at, what are you really recommending in terms of stringent enforcement? Water Quality Board is going to enforce their regulations or are we supposed to enforce them?

MR. SUELTFUSS: I think what we can do, and I think the mechanics of the City's role in this have been worked out as a result of these two meetings that we've had as far as subdivision plat approval. We will hold any subdivision plat approval just as a matter of cooperating until the Water Quality Board has approved it - really City Council role in this, I guess, is to make sure that the staff does everything involved to cooperate. I think I would like to write a summary to you just for your information on what steps we are taking to enforce it. Because I am an advocate of enforcement and needless to say that situation was embarrassing.

MAYOR COCKRELL: Right, well, let me just say this. If it takes our violation, technical violation, I, in this case, I'm sorry we had to be sued but on the other hand, if it indicates that the Texas Water Quality Board is going to be real tough about their provisions, I am perfectly willing for us to be the first public example. Because I want everyone else to be on notice that that's what is going to happen.

MR. SUELTFUSS: I feel the same way about it.

MAYOR COCKRELL: Right, but we love you any.

MR. SUELTFUSS: I think the fact that we volunteered information indicates that we were willing.....

MAYOR COCKRELL: Right, okay.

MR. GLEN HARTMAN: There is one point I would like to underscore and that is the point with regard to cooperating with the legislative delegation to create a City/County Zoning Plan for pursual at the next legislative session. This is something that we have to get on with very soon. We found ourselves in the very awkward position of not being able to do much homework because of the nature of the session being near its end. I think we need to take some action very soon to work with the delegation. So that in the next session of the legislature we will be in a position then to have this information ready and to pursue. I think it's most important and I think that we have laid some of the groundwork for this by virtue of our participation. I think this has to be underscored.

MAYOR COCKRELL: All right, Mr. Rohde.

MR. AL ROHDE: Madam Mayor, I want to make the Council aware that we did make some commitments to some zoning cases that are pending that we would try to dispose of this thing. I'm not sure we want to do it today, but I see no reason. But do we have citizens to be heard and also I'd like to hear Mr. Van Dyke's views on this thing and whether he thinks this is a good recommendation and so forth, while he is here, it is a matter of courtesy because this will affect the policy of the City Council to comply with the Zoning Commission's request that they ask us to rule on that. It's a very vital thing, and it sets the policy from here on in.

MAYOR COCKRELL: I do have two citizens signed to speak to this issue of the agenda.

MR. ROHDE: Could we ask Mr. Van Dyke, maybe, to comment on it?

MAYOR COCKRELL: Do you have any comments that you would like to make at this time?

REV. CLAUDE BLACK: And will we be able to ask Mr. Sueltenfuss?

MAYOR COCKRELL: Mr. Sueltenfuss, don't run away.

MR. ROBERT VAN DYKE: I'm Robert Van Dyke, Manager of the City Water Board, I served on your task force, and I am in full accord with the conclusions that were reached by the task force which are contained in this document which has been presented to you by Mr. Sueltenfuss.

MAYOR COCKRELL: Thank you. I will call now for Liz Davies of the Aquifer Protection Association to comment.

MR. PHIL PYNDUS: May I make one comment, Mayor Cockrell, as she's approaching. In working with Mr. Sueltenfuss, I found him to be energetic, intelligent and tolerant. He drew all talent together, and it was a pleasure and it certainly speaks well of his department and his personal ability. It was a delight to serve with you, sir.

MS. LIZ DAVIES: I am Liz Davies, and I live at 916 West Mistletoe. Today, I speak for the Aquifer Protection Association. You may know that the Coordinator of the APA, Fay Sinkin, is or you might say was a member of the City's Edwards Task Force. I was very privileged to attend the meetings as an observer. I'm addressing Council today to ask that if you are considering voting acceptance of these recommendations today, that you delay your vote regarding the Edwards Aquifer Task Force Report. I ask this in order that you may have time to receive and review minority reports from members of the task force. It was assured throughout the term of these meetings that minority reports would be accepted. And to us that meant that Council would also review these reports before voting. As you know, the Aquifer Protection Association is an all volunteer organization. It has no staff and with the kind of week on water that we've had we did not have time to get together our minority report for presentation today.

MAYOR COCKRELL: Thank you very much.

REV. BLACK: A question I'd like to ask Mr. Sueltenfuss in terms of what has been presented. It seems to me there are two basic assumptions by various groups in this community. One is that any movement, any building over the Aquifer threatens to pollute, almost any, that's one assumption. The other assumption is that there can be building over the Aquifer under proper control. Now, it seems to me that your report accepts that basic assumption.

MR. SUELTFUSS: That's correct.

REV. BLACK: There can be development over the Aquifer with proper control. Now, both of these are assumptions which have not been established in fact. And yet they are dealing with a very critical issue as far as the survival of the City, as far as a lot of other things involving the City. Did you discuss in your task force methods of monitoring your decisions, and what, I have been informed by some people that even the monitoring efforts that we talk about in terms of a recent development in which we take tests, are not really adequate. Now, was there a third discussion of monitoring this so that we can determine whether or not our decisions were right because it seems to me that we've got a great risk here, based upon assumptions that have not really been established and without some monitoring system it seems to me that any program that we propose could be wrong. It could be wrong not to have any development over it. You know, that would be the extreme attitude. That wouldn't necessarily be wrong because you wouldn't have any danger of polluting necessarily. But it would impose upon this community a restriction of land use that possibly the community could find very profitable and meaningful in terms of development. But, I do want to know if the task force actually discussed in any great detail methods of monitoring the pollution.

MR. SUELTFUSS: Let me answer the question this way. Monitoring was discussed. I guess whether it was in great detail or not, is a judgment factor, but very basically, the monitoring comes about in two forms. Number one, the Edwards order which has a certain amount of monitoring in it. I could go into detail. I think the second and most important as far as this area is concerned is the continual monitoring that's going on by the City Water Board and the Edwards Underground Water District through continuous water sampling programs in their wells, and then Mr. Van Dyke could probably elaborate much greater. He addressed that subject yesterday at the EPA hearing. On the continual monitoring that is going on. I think the important point that the way the task force looked at it is that through the monitoring the time that you have the slightest indication probably what you have is not effective. It's not a matter of going from here to here overnight. This is the only reason that I was concerned firstly with some of the heavy uses. You could have a petro-chemical plant, for example, on the recharge and have a large spill. I think you could go from here to here much quicker there than you could through possibly a, say, a leaky sewer line or something. I think that really the continual monitoring though of these wells, I think, is just the key.

MAYOR COCKRELL: Council, may I just say we do have one other citizen. Perhaps, we could have just one other citizen.

REV. BLACK: The only reason I had broken in was the fact that I wanted, I had asked about talking directly on this issue because it seems to me that the adoption of this proposal really rests with effective monitoring because it starts off with the basic assumption. And I would like really to know more about it. Because I have been informed that even as you test, you are not too sure that you're testing a whole area. That there are containments of water. I don't know whether that's true or not. I'm simply trying to seek information because to me a decision on this issue has more future significance that possibly many of the issues that we're going to discuss.

MAYOR COCKRELL: All right, we'll come back with some additional discussion, and I would like to call Rowena Rodgers who had also requested to be heard on this subject.

MS. ROWENA RODGERS: I am Rowena Rodgers, currently President of the League of Women Voters of San Antonio.

The League of Women Voters of the San Antonio Area, as you know, is most interested in the report to the City Council of the Task Force for Development Policies for the City of San Antonio over the Edwards Recharge Zone.

We would like to offer comment on Section VI, Recommendations and Conclusions, which we hope you will seriously consider in your deliberations.

A. We encourage the City Council to take particular measures to assure the most stringent enforcement of the provisions of the Texas Water Quality Board as was discussed earlier Order No. 74-0128-20 dated January 28, 1975 in whatever manner possible or procedures that are worked out.

B. We wholeheartedly agree with the Task Force recommendation that all concerned with the Edwards Underground water supply should pursue a course that has the following two elements:

1. Cooperate to achieve a master plan in the ETJ that enables the City to determine utility policy. Because storm drainage will be a significant source of pollution in the area, the League believes that the City's policy ought to address the problems involved in density by prohibiting extension of all utilities into the Recharge Area or in the water sheds that lead into the Recharge Zone, and the policy also ought to prohibit the future purchase by the City of utilities developed in the Recharge Zone or its water shed. An example of this type of pollution can be seen in Austin. The pollution level of Town Lake triples after each major rain as a result of street runoff. If you would like further information about this study, you may contact the Austin Environmental Resource Office. I think they are just completing the report on that study.

2. Cooperate with the Legislature to create a City/County zoning plan for pursual in the Legislative session. For many years the League has favored measures to make county government more effective. We would welcome a concerted effort to create a City/County Zoning plan and offer our cooperation.

C. We concur in the recommendation of the Task Force that City staff be instructed to recommend to the Planning Commission a change in the zoning regulations to include a new zoning area known as the Edwards Recharge Zone and enumerate certain prohibitive uses and those that should possibly be approved only by the City Council. The League had the opportunity to present its specific suggestions to the Edwards Task Force, and at this time we would like to leave copies of our statement with the members of the Council. In it we cite specific recommendations for supplementing the Order of the Texas Water Quality Board; as the Order itself states, it is designed to deal with health and water problems and does not address the land-use problems caused by density of development.

D. We agree with the recommendation of the Task Force that no I-1 or I-2 zoning designation be granted over the Recharge Zone within the next 120 days. We would hope that the City continue this designation indefinitely. Ideally, all zoning allowing intensive development would be prohibited, and the area would be zoned for low density uses such as for leisure or for ranch.

E. Finally, we also agree that the City should adopt the Recharge maps of the Texas Water Quality Board as its official maps for the zoning over-lay.

Thank you for your attention, and we hope our specific suggestions will be seriously considered.

MAYOR COCKRELL: Thank you. May I ask you a question, Mrs. Rodgers. You are in agreement with a number of things that you mentioned here. As I gather from listening to you, you, in effect, added some additional requirements. For example, in number one, the master plan, you indicated that you felt that the City should, did I understand you to say, that the City should refuse to extend its utilities or what was your position on that?

MRS. RODGERS: We ought to prohibit the future purchase by the City of utilities that are developed in the recharge zone or its water shed in the sensitive portion.

MAYOR COCKRELL: Are there any questions?

MR. HARTMAN: Yes, with regard to the I-1 and I-2, I think C and D have to be taken, of course, are taken together because we recognize that there has to be a whole new approach taken vis-a-vis the recharge zone. There are some uses, for example, you know boat storage, for example, which you know just storage which would be "I-1" which would not, you know, would not necessarily be a threat. You know, could not conceivably be a threat for example to the Aquifer. I'm using that as an example. I'm not saying that that would be the case, but I think that C has to be looked upon as being the solution of overcoming the present perhaps not properly applicable portions of the zoning law to the Aquifer. And I think therefore that permanent exclusion of all of any one category would perhaps be unnecessary if we have proper definition under C.

MRS. RODGERS: Perhaps so.

MR. HARTMAN: I think what we're really saying is that we need to be more precise in our definition of what uses and categories and so on.

MAYOR COCKRELL: Mr. Rohde.

MR. ROHDE: I have two questions. I'm wondering why the minority report is not here and this report is here and, in fact, this concerns me. Is this a delay tactic or what?

MRS. RODGERS: I can't speak for the minority report.

MR. ROHDE: Mrs. Davies, possibly can.

MAYOR COCKRELL: May I just comment - the only comment I can say is the committee completed its work on Tuesday afternoon, isn't that - Monday afternoon? I see. I was notified on Tuesday I guess that there would be a minority report, but I didn't get a definite time of when it would be completed. Mrs. Davies, do you have any information when the minority report might be concluded.

MRS. DAVIES: It will be completed by the first of next week, but the fact of the matter is Monday was the hearing and yesterday was the EPA hearing.

MR. ROHDE: Madam Mayor, what I'd like to.....

MAYOR COCKRELL: It would be the first of the week you say....

MR. ROHDE: What I would like to suggest out of respect to these fine ladies who've worked very hard on this and especially Mrs. Davies, who really has been with me on this since March 12, is that we postpone this a week with the understanding that the minority report reach us as soon as possible so that we can dispose of this matter next Thursday.

MAYOR COCKRELL: All right, let me refresh my memory. We did promise a definite decision on what our policy was going to be towards zoning by the next zoning day at Council. Isn't that correct and that will be two weeks from today. So, if this decision, if the action on this report were made next week, would that still be sufficient time.

CITY MANAGER SAM GRANATA: We can put it on the agenda for the 12th.

MR. ROHDE: I so move.

DR. NIELSEN: I second the motion.

MAYOR COCKRELL: All right there has been a motion by Mr. Rohde, seconded that the decision that this be placed on the agenda for decision for next week and at that time we will have received the minority report. Is there any further discussion?

MR. BOB BILLA: Mayor Cockrell, I'd like to say that if we don't adopt this report in the absence of County zoning, what we are going to do is force this development to occur outside the City where the City doesn't have the jurisdiction. We have that problem in many instances right now. I think Rev. Black addressed the fact that we don't have sufficient monitoring or something like that, but monitoring is occurring now and has been occurring for a long time and there is development over the Aquifer and the best information I can get is that no pollution has occurred as a result of some of these developments. They are even using septic tanks. So, I think the report is a good one and they certainly ought to keep in mind that we're just going to force development outside the City where we have no jurisdiction at all and that's where the real problem lies in pollution of this water supply that we're talking about, believe me.

MAYOR COCKRELL: All right, is there any further discussion, Rev. Black.

REV. BLACK: More about the monitoring - I'd like to know a little bit more of how you monitor the.....

MAYOR COCKRELL: May we do this, too, in preparation for the meeting next week, I think there have been two items raised that you suggest perhaps in an additional memo the method for enforcement that was one issue and then the monitoring procedures so that the Council members will have that in anticipation of their final action next week. Mr. Rohde?

MR. ROHDE: Rev. Black, I think the monitoring is really - it's a key thing, but I think the monitoring of our self-monitoring is not possible, because I understand the water would come over our own Aquifer we never see it. It goes to someone else. So, I think you better keep this in mind in this request because this is where the legislation is going to come in. You can have monitoring in San Antonio, but you are not monitoring the San Antonio water, you are monitoring probably Uvalde's water.

REV. BLACK: Then I want to know how we are going to monitor the San Antonio water. In other words, I can't get it to agree with the

problem. What I'm saying is the problem is that we have to have pure water.

MAYOR COCKRELL: Well, at any rate we will leave that to our staff and they will supply the information for your final decision next week. I am going to be out of the City next week, but I do want to just say that I congratulate the task force for a very careful, very good job they have done. One thing they have done is to assemble in one package, as you say, a lot of different data that has been available in pieces in other places, but I think it was a real good effort to bring all of the data together, and I think there are a number of very good, very substantial recommendations, and so I do want to thank you for the job.

REV. BLACK: I want to thank them for the figures too because everytime that I ask a group of people I got a different set of figures. So, at least we've got a document here that places the figures in which they seem to be common agreement, and I want to thank them for that.

MAYOR COCKRELL: Mr. Pyndus?

MR. PYNDUS: Within the time frame that we've set, if we would look at the last page of the task force report particularly Numeral C, "It is the recommendation of the task force that the City staff be instructed to recommend to the Planning Commission a change in zoning regulations to include a new zoning area known as the Edwards Recharge Zone." Will we have sufficient time in the period you have allowed to do that?

MAYOR COCKRELL: This is a good point to raise. My interpretation of this is that it would not delay any pending zoning while this was being done, while the overlay was being done. It would seem to me that while that was in process other than the "I-2" or the, in other words for the "I-1" or "I-2" was going to be held for 120 days anyway, but while the work was proceeding on the overlay it would not seem to me that having had this much delay that the zoning cases should be further delayed.

MR. ROHDE: Mayor, may I ask you, since you won't be here, how do you feel in general about the recommendation? Do you feel comfortable with them?

MAYOR COCKRELL: I think this is a very good report. I think everyone feels they should look at the minority report before giving their final decision.

MR. SUELTFUSS: I would suggest if the general concensus on agreement on Item C is something we need to get on with. Time consuming thing, and I mean if we could get that much direction today, I don't think there's any disagreement that we should proceed with this. We could get a week's jump on getting started on this.

MR. ROHDE: I'd rather go on D, Mayor, then C.....

MR. HARTMAN: Well, D is already concluded aren't they.....

MR. SUELTFUSS: Well, these are the decisions that you could make next week. C is something that is an ongoing study that we have to get started with.

MR. HARTMAN: I think out of the whole report, I think C and B-2 are probably the two most pertinent items here, I think we ought to really handle them.

MR. SUELTFUSS: I just mentioned it. We can get a week start on this.

MAYOR COCKRELL: Well, I think possibly that assuming that we will not delay pending zoning cases until this is completed.

MR. ROHDE: I think we ought to respect the minority report.

MAYOR COCKRELL: Then I think that we should wait until the final decision is made next week by the City Council. Dr. Nielsen?

DR. NIELSEN: Will you provide the monitoring and the other request would you at some point maybe next week show us the so called map of those sensitive areas. I keep hearing you have one and.....

MR. SUELTFUSS: Well, I'm in a box. I'm going to be on vacation next week, but I can get someone to present that.

MAYOR COCKRELL: All right fine, thank you very much. We are now at that point where we have Citizens to be Heard. We've already heard several in connection with pending matters.

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CITIZENS TO BE HEARDHENRY MUNOZ

Mr. Henry Munoz, Business Manager for Local 2399, said that the wage freeze announced by the City Water Board is a very serious matter. He claimed also that the rate for employee insurance was increased but employees cannot afford it without help.

EDITH MOLNAR

Ms. Edith Molnar, 1502 Jackson-Keller, owner of the Budapest Hungarian Restaurant, discussed with the Council the disruption of her business during the four Nights in Old San Antonio during Fiesta Week. The restaurant is located in the La Villita area. She described her disagreement with the San Antonio Conservation Society as to fees to be paid and method of operating during the four day period.

After consideration, Mayor Cockrell said that the problems could best be handled by discussing it with the staff who would be glad to help her. She was directed to contact the City Manager's office.

ROBERT VAN DYKE

Mr. Robert Van Dyke, General Manager of the City Water Board, distributed copies of an interhouse memo which was the subject of Mr. Henry Munoz's discussion earlier. Mr. Van Dyke denied allegations made by Mr. Munoz concerning the City Water Board and referred the Council to his memorandum for proof. He said that the lack of sales due to abnormal rainfall has contributed to the economic condition of the City Water Board and stringent measures are required to keep down expenses. He denied that any employee has had his wages reduced because of it.

MR. BENTON DAVIES

The following conversation took place:

MR. BENTON DAVIES: Mayor Cockrell, Council members. I'm Benton Davies, a practicing attorney here in San Antonio. I've been before the prior Council on several occasions on this same problem. I represent Mr. Frank Resnecker, who is a contractor who was solicited to build houses in the Model Cities area.

MAYOR COCKRELL: Excuse me, Mr. Davies, just a moment. I didn't know, you didn't sign the nature of your appearance. Does this refer to the litigation that is now in process?

MR. DAVIES: Yes madam.

MAYOR COCKRELL: May I ask the City Attorney for an opinion as to whether this should be heard by the Council.

ASST. CITY ATTORNEY, JIM PARKER: At this particular time, I would say no. The matter is pending and has been going on trial for several days and as I understand it, the court recessed yesterday to 2 o'clock today. I think, well I don't know the exact purpose of the court, but I understand was to give him an opportunity to contact the City Council about trying to get another settlement of this particular lawsuit which has been discussed by I think three prior City Councils or two City Councils prior to this time and negotiations in those

other proceedings were not accepted and so the matter is ready to go to the jury over there right now.

DR. NIELSEN: Strictly speaking, should he not go through the Legal Department for you to bring it to us then instead of coming directly to us. I'm just asking a procedural question.

MAYOR COCKRELL: Yes, I wanted to stop because I knew the lawsuit or, at least, I've heard right at the beginning of a trial....

MR. PARKER: We are in a very usual position in this particular matter because of the action of the court in this matter.

MAYOR COCKRELL: Well, the matter of litigation and lawsuits is ordinarily a matter to be discussed between the City Attorney and the City Council. I'm a little bit concerned that right in the middle of a lawsuit what in effect is an intervention in legal proceedings.

MR. DAVIES: May I just say one thing?

MAYOR COCKRELL: Yes sir.

MR. DAVIES: I am here to, I don't know whether you know it or not, but your attorneys are in court with no authority from this Council. They had prior authority from a prior Council for a sum. I will discuss this with you in an executive session or here at this time. I am here to ask a renewal of the authority or a compromise and settlement of this problem.

MAYOR COCKRELL: May I ask the City Attorney to comment on the point of whether...

MR. ROHDE: Mayor, I have a point of order.

MAYOR COCKRELL: Yes sir.

MR. ROHDE: Mr. Benton Davies is my attorney and I am disqualifying myself from debate and a vote on this issue.

MR. PARKER: Addressing again to Mr. Benton Davies, there was an authorization made for settlement terms for this particular litigation sometime in the past. That offer was rejected by Mr. Davies and/or his client, and we are the defendants in the suit. Anytime the City is the defendant in a suit, we are authorized, the City Attorney's office is authorized by the Charter to enter into and prosecute that suit. Now, as to, I don't know whether he is referring to try to get another offer now immediately prior to the time the case goes to the jury for a settlement again. I think he wants to secure what he has already rejected.

DR. NIELSEN: Well if that's the case, that still has to be done through the City Attorney not directly with the Council.

CITY MANAGER GRANATA: There is only one other way it could be done. It's unprecedented. You could recess immediately right now, go to an executive session, forget everything else that is programmed for today, listen to him to see if you want to give more money than the other Council had authorized or if the courts are going to give them any money at all.

MR. DAVIES: No sir, that's not correct.

MR. GRANATA: Or give any offer. The thing is they've been in court for three days, our attorneys are here and it's a result of,

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I don't know, it's like he said it's a move in the court. It is unusual.

MR. PARKER: I'm at a loss as to how we can make a decision on a matter of a technicality without any facts and certainly, Mr. Davies, this is a very legal matter that we do not have knowledge of and had we had your request before us at least we could have studied it and then give it some consideration if it belonged at the Council meeting rather than in our Legal Department. I'm at a loss as to what you want from us.

MR. DAVIES: I would like an opportunity to explain the situation to you very briefly to tell you what has happened. This is what I've been running into all through this lawsuit. Council places people in position with contracts that are inch thick to go out and deal with other members of the public and then the Legal Department, rightfully in doing their job as advocates for their client, hides behind the legalities of contracts that nobody can understand.

MAYOR COCKRELL: May I summarize this for the Council. This is a matter that has been pending before several previous Councils.

MR. PARKER: It has been before at least two.

MAYOR COCKRELL: Offers were made authorized by those Councils on behalf of the City, made through our City Attorney. The offer was rejected. The matter is now in court. It is ready to go to a jury. May I ask the Council, do you have any desire as a Council to intervene in effect or to have any further briefing at this point in the lawsuit?

MR. PYNDUS: It doesn't belong here.

DR. NIELSEN: Right, it's all open. The judge might have said come over and see what happens. I think with the advice of our attorney, which I hear you saying, we best not get into this. For a lot of reasons we better not.

MR. DAVIES: Dr. Nielsen, I've settled cases....

MAYOR COCKRELL: The consensus of the Council is that we do not feel that it is proper as a Council to intervene at this particular point in the lawsuit.

MR. DAVIES: May I say this, I have settled cases, after the case had gone to the jury and while they were deliberating with other people and other entities....

MR. TENIENTE: I think the point is, however, that you had not had the change in the people that you were addressing your suit to but you are talking to a whole new group of people here who have not had the background and understandably would be hesitant to go into anything other than that which our attorney who is representing us here, is telling us and this is what we are facing.

MR. DAVIES: Your attorney representing you, Mr. Teniente, is Mr. Hubbard, who incidentally is a very able trial attorney. You are lucky to have him.

MR. TENIENTE: We are glad to hear that.

MAYOR COCKRELL: Thank you sir.

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MISS ADELA NAVARRO

Miss Adela Navarro, representing the Texas Hispanic Institute, said that in 1884 the City Council by resolution changed the name of Milam Square, located at Broadway and Jones Avenue, to Maverick Square, and the name of the old cemetery just south of Santa Rosa Medical Center was named Milam Park. The area around the old cemetery is now being restored under the Rosa Verde Project of Urban Renewal. She asked that the error made in naming the old cemetery be corrected by renaming it Campo Santo as it was originally.

POLICE BRUTALITY

Mr. Marion Carson, attorney for Mr. John D. Ledford, Route 12, Box 458AA, said that on the night of May 23, 1975, his client was beaten by officers at The Trap Lounge, 4711 Pecan Valley Road. His jaw was broken and he pled to be taken to a hospital but instead was taken to jail. Mr. Carson said he had witnesses to verify these events and asked for a full investigation of the matter by the City Council.

Mayor Cockrell referred the matter to Police Chief Emil Peters with a request for a full investigation and report to the Council as soon as possible.

MARIA DOMINGUEZ

Mrs. Maria Dominguez again spoke to the Council about receiving a violation notice for not maintaining her alley but the inspector does not issue a violation to her neighbor. She said she has had a pile of branches in front of her home for seven weeks waiting to be picked up.

Mayor Cockrell said that the brush will be picked up shortly and that the staff will look into the alley situation and try to resolve it.

Mr. Cisneros commented that some service centers are as much as eight weeks behind in brush collection and this is a bad situation. He suggested that instead of the present three a week garbage collection, it could be reduced to two a week and use that equipment and personnel to pick up brush.

City Manager Granata said that that arrangement had been looked at before and determined to be unworkable.

Mr. Cisneros asked the City Manager to provide the Council with a general report on the subject of brush collection.

KARL WURZ

Mr. Karl Wurz had comments to make about City Council's actions in dealing with the legislative delegation in this last session. He called the Council's effort inconsistent and without heart.

GILBERT WAHL

Mr. Gilbert Wahl, 410 Bristol, said that a business is being operated out of 802 E. Harlan. It is a business having a number of

large dump trucks and they are a nuisance. This matter has been brought to the Council's attention before but nothing has been done about it.

Mr. Russell Lindley, Assistant Director of Building and Planning Administration, said that his office has received complaints and they have been investigated. It appears that the trucks are parked in the street at the end of a business day and they are not in violation. He said that it does appear that a business is being operated out of this residence.

City Manager Granata said that he would have this area checked on weekends by police officers and ask Mr. Lindley's office to determine if a zoning violation exists.

Mr. Wahl was asked to write down detailed information of various incidents as an aid to determining if there has been a violation.

75-31 The meeting recessed for lunch at 1:00 P. M. and reconvened at 1:40 P. M.

75-31 PUBLIC HEARING TO CONSIDER THE REVENUE SHARING BUDGET FOR THE ENTITLEMENT PERIOD JULY 1, 1975 TO JUNE 30, 1976.

Mayor Cockrell declared the Public Hearing opened and asked the City Manager to make his opening remarks.

City Manager Granata read a prepared statement outlining the budget. The total amount available will be \$10,173,479. Of this amount \$9,413,479 is the Revenue Sharing allocation for 1975-76 and \$760,000 in interest is anticipated to be earned off of it.

He said that most of the budget is for continuation of on-going projects. There are three new projects listed, namely:

1. Police and Fire Pension Fund	\$ 970,000
2. Equipment for Parks Department	200,000
3. Spanish Governor's Palace	81,500
	<u>\$1,251,500</u>

He recommended discontinuation of three projects, namely:

1. Home Rehabilitation Program	22,800
2. Youth Entrepreneurship Project (IMAGE)	80,000
3. Salvation Army Home for Girls	36,000

He then enumerated all of the programs being recommended and said that many of them are being recommended for less allocation than they requested in an effort to spread the funds further.

(A copy of the City Manager's statement is included with the papers of this meeting.)

Mr. John Rinehart, Operations Manager for Monitoring and Evaluation, distributed packets containing the proposed budget for all projects.

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The following persons then spoke on behalf of the programs they represented:

Col. Donald Peacock
Mrs. Carmen Badilla
Mr. L. Benavides

Mission Road Foundation
Citizens Organized for Public Service
Citizens Organized for Public Service

Mrs. Badilla complained that it was impossible for working people to be present at the hearing because of the time and requested that a hearing be held in the evening.

After discussion of this request, the Council agreed to have an extension of this public hearing Saturday night, June 7, at 7 P. M.

Others speaking were:

Mrs. Janice Navarijo
Mrs. Mary Tober
Mr. Genaro Cano
Mrs. Sybil Kane
Mrs. Gene Sprague
Mr. William Moll
Ernesto Gomez
George Ozuna
Juan Patlan
Oscar Villarreal
Mr. W. D. Barco
Dr. Robert Reyes
Al Abrego
Daniel Majul
Rolando Bono
Richard Moore
Richard Sanchez
Robert Mazer
Robert Galvan
Patti Raddle
Jesse Olivarez
Hettie Cook
Elizabeth Vaughn
Carmen Guerrero
Margarita R. Huartes
Joe Rodriguez
Charles Wallace
Dr. Walter Faggett
Charles Jones
J. E. Rawlinson
Cecilio Martinez
Lawrence S. Schoenfield
Dr. Thomas E. Williams
Dr. Thomas L. Buggs
Bessie Hodges
Sister Loundes Leal
Gloria R. Rodriguez
Sylvia Gonzalez
Dr. Aaron Libermann
Cadelerio Allejos
Lillie Webster
Charlene Ortiz
Rev. Alfred Perry

Marbach Road Improvement
Marbach Road Improvement
Drainage
Marbach and Pinn Road
Street Lights
Theater San Antonio
Centro Del Barrio, Inc.
Centro Del Barrio, Inc.
Centro Del Barrio, Inc.
Centro Del Barrio, Inc.
Citizens Advocacy Services
Youth Entrepreneurship Project
Guadalupe Community Center
El Puente
Community Housing Development Corp.
Eastside YMCA
Eastside YMCA
United Cerebral Palsy
Inner City
Inner City
Inner City
Fire Screen Promotion
Alcoholic Rehabilitation Center
Youth Guidance Program
S. A. Literacy Council
S. A. Literacy Council
Bexar County Anemia Assn.
Bexar County Anemia Assn.
Bexar County Anemia Assn.
Northside Ind. School District
Wolverines Help-a-Boy Camp
Crisis Center of San Antonio
Children's Cancer Clinic
Children's Dental Center
Transportation of Handicapped
Harry Jersig Center
Mother Training Program
Neighborhood Tutor Program
Bexar County MH/MR Program
Barrio Betterment Corp.
Renovate Old Fannin School
Drug Abuse Central
Ella Austin Community Center

Mayor Cockrell said that she will be out of the country when official action on the Revenue Sharing Budget is taken. She asked that the Council consider the request of the Salvation Army for \$36,000

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to continue its operation of the Peacock Home for Girls for a three month period. She said that she felt that this was the intent of the previous Council when it granted this organization interim financing.

Mayor Cockrell then asked if any Councilmen had any comments to make before adjourning the meeting.

The following conversation took place:

MAYOR COCKRELL: Are there any other little pitches before we adjourn?

MR. PYNDUS: Yes, I have a family, but before we adjourn I would like certain remarks to get into the minutes if I may. During this public hearing, it has opened to my eyes. It is my first attempt to give priorities to many needs and I find that there are certain bits of information that are missing in these applications. I would like for you to include them if possible on your application form. I would like for it to show whether it is a recurring operation, what per cent, what per cent is capital expenditures. I'd like to know if this particular application has been previously funded, and the names of all the funding agencies and the amounts and the length of time. I'd like to have two figures in their request. I find if we can shave in some areas, we can include more projects with the monies that are allotted to us and any other information that the staff feels that could be included in this so that we can act with a little more efficiency and intelligence because I don't if some of these agencies are funded by other appropriations. Thank you.

MR. TENIENTE: Mrs. Cockrell....

MAYOR COCKRELL: Yes.

MR. TENIENTE: May I just and I'm not taking issue with my colleague but in defense of our staff and Mr. Rinehart, I think you've done a commendable job knowing full well that they have...they're going to be the recipients of some bad news, or at least bad feeling from people who did not get funded. They do show previous funding. They do show several things in here that, perhaps, Mr. Pyndus has addressed himself to. The only thing I think I would also like to add in this application would be, perhaps, some information on the organization itself. For instance, I'm just looking at one here, it says Advance-San Antonio and that's all I know about this one, but I do know about this particular organization. I do know about it, but it would...perhaps, there's an organization on the west, east, or northside that I'm not familiar with and I'd like...better see the need or, at least, see how they're associated in the community and how they work. Maybe we can do that.

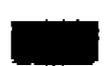
MR. PYNDUS: Or an identical function that is going on, but we might compare with it knowing that....

MAYOR COCKRELL: Mr. Cisneros.

MR. CISNEROS: My only point would be that I think, I'm not sure whether he mentioned it or not but I like to see the total budget beyond just Revenue Sharing money, the total budget, because that gives you an idea of how large a percentage of the organization we are supporting. Then relative to that would be the question of what are the sources of that larger portion of the budget. If we're only financing 10 per cent, what are the sources of the other 90 per cent? I think that's useful information.

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MAYOR COCKRELL: Fine, is there...there's no...yes, Mr. Rohde.

MR. RODHE: Madam Mayor, you are leaving us tomorrow to a foreign country and I want to wish you well and I think I can speak for your Council here, but God Bless You and take good things with you and ask these people to come back and visit San Antonio next year.

MAYOR COCKRELL: I will. I'll promise to publicize the Bicentennial when I go over there, Al.

MR. ROHDE: I hope...that was what I was indirectly saying.

* * * *

75-31 The Clerk read the following letter:

May 30, 1975

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

Madam and Gentlemen:

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

May 29, 1975

Petition submitted by Charles E. Williams, Sr., and signed by other citizens requesting the name of Nebraska Street be changed to Martin Luther King Drive, commencing at Hoefgen Street and extending eastward to the end of the proposed Nebraska Street.

/s/ J. H. INSELMANN
City Clerk

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75-31 There being no further business to come before the Council, the meeting adjourned at 6:25 P. M.

A P P R O V E D

Lila Cockrell
M A Y O R

ATTEST:

J. H. Inselmann
C i t y C l e r k

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