

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 2, 1975.

* * * *

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.

75-59 The invocation was given by The Reverend Roger Newton, St. John Berchmann's Catholic Church.

75-59 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

75-59 CORRECTION TO MINUTES

Councilman Hartman stated that the minutes of September 25, 1975, did not reflect the fact that a draft of a resolution concerning the Constitutional election had been distributed by him to other Council members to be acted on this week.

The Clerk was asked to make that correction and with that the minutes of September 25, 1975, as well as the minutes of the Special meeting of September 22, 1975, were approved.

75-59 The following Ordinance was read by the Clerk and explained by Mr. Cipriano Guerra, Director of Planning and Community Development, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,779

PROVIDING FOR THE RELEASE OF A CERTAIN TRACT OF LAND FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO AND CONSENTING TO ITS INCLUSION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF UNIVERSAL CITY.

* * * *

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,780

AUTHORIZING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO DEVELOPMENT AGENCY FOR IMPLEMENTING THE EMERGENCY REPAIR PROGRAM; APPROVING THE OPERATING PROCEDURES, AND ESTABLISHING A BUDGET FOR THE PROGRAM.

807

* * * *

The Ordinance was explained by Mr. Cipriano Guerra, Director of Planning and Community Development, who said that it had been postponed from last week's meeting to discuss certain aspects of it further. He said the Ordinance was discussed this week with the Council's housing task force along with representatives from San Antonio Development Agency. He said that he felt sure all questions had been resolved.

Mr. Teniente made this statement for the record:

"My concern on the project as it was proposed last time did not have any firm repay schedule or any recommendations on how the loans were to be repaid. Somehow, or other, five days after I had made that statement one of the local newspapers picks it up as a news item and brings it up and tries to discredit my attempt to try to show some sort of fiscal responsibility on the part of this Councilman toward the City treasury. I think that it is very important that the record be set straight that there is nothing that I will support that will not show any type of firm repayment schedule if it is indeed a loan. I think that I've gotten support from a lot of the citizens but somehow or other you can't quite convince everyone on the intent of my delaying the issue and I think that it is very important that the record be set straight. There is no one sitting on this Council that more strongly supports any program that would aid the poor but I would also want to make sure that when we do these things that we show some sort of responsibility that would show representation of all citizens of San Antonio and not just certain areas. I'm certainly supporting the program and have from the very beginning."

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

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,781

AUTHORIZING EXECUTION OF AN AGREEMENT
WITH THE STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION FOR THE RECONSTRUCTION
OF GENERAL MCMULLEN DRIVE.

* * * *

The Ordinance was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that this is a construction and maintenance agreement with the State for rebuilding and widening of General McMullen Drive from Culebra to Highway 90 Expressway. Total estimated cost is \$2,400,000. The City's share is \$496,000. In answer to questions from the Council, Mr. Fischer said that every known step will be taken to prevent upheaval of the subsoil but it will be almost impossible to overcome movement. He called attention to I. H. 37 South which has a similar subsoil problem.

Mr. Fischer said also that every attempt will be made to cause as little inconvenience to property owners as possible.

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

75-59 The following Ordinance was read by the Clerk and explained by Mr. Bill Donahue, Director of Human Resources and Services, 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 45,782

AMENDING ORDINANCE NO. 45461 SO AS TO
ADD ONE ORGANIZATION TO THE ADVISORY
COUNCIL OF THE CITY OF SAN ANTONIO
RAPE CRISIS CENTER.

* * * *

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,783

AUTHORIZING OPERATION OF THE THIRD YEAR OF THE METRO SAN ANTONIO COMPREHENSIVE NUTRITION PROJECT COMMENCING NOVEMBER 1, 1975 AND ENDING OCTOBER 31, 1976, APPROVING A BUDGET THEREFOR AND APPROPRIATING FUNDS, APPROVING A PERSONNEL COMPLEMENT, AUTHORIZING EXECUTION OF AGREEMENTS WITH PRIVATE AGENCIES FOR OPERATION OF SERVICE SITES AND ACCEPTING A GRANT OF \$1,074,586.00 FROM THE GOVERNOR'S COMMITTEE ON AGING FOR FULL FUNDING OF THE PROJECT.

* * * *

The Ordinance was explained by Mr. William Donahue, Director of Human Resources and Services, who said that it accepts a grant which will enable the Nutrition Project to continue another year. No local funds are required. There will be 24 sites providing 2,569 noon meals five days per week to needy elderly residents and will deliver 200 meals daily to those confined to their homes. Transportation is provided to the sites through Project Outstretch. He said the program has enjoyed wide success among San Antonio's senior citizens and he recommended approval of the ordinance.

Mayor Cockrell commented that she felt this to be one of the most highly satisfactory programs conducted by the City in terms of bringing great benefit to the citizens who participate in it.

Mr. Pyndus complimented Mr. Donahue on his excellent presentation.

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

75-59 The following Ordinance was read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion of Mr. Billa, seconded by Mr. Cisneros, was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: None.

AN ORDINANCE 45,784

GRANTING PERMISSION TO THE AL FRANZ FENCE COMPANY TO INSTALL 260 LINEAL FEET OF 8' HIGH CHAIN LINK FENCE AROUND THE SWIMMING AREA AT MINI SKOOLS OF TEXAS AT 2711 MOSSROCK DRIVE.

* * * *

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,785

CHANGING THE NAMES OF LINCOLN, GREEN VALLEY ROAD, ENCINO ROAD, AND OXFORD ROAD, STREETS IN THE CITY OF SAN ANTONIO.

* * * *

Mr. George Vann, Director of Building and Planning Administration, said that the Post Office had requested the following street name changes:

Lincoln to Abe Lincoln
Green Valley Road to Valley Green Road
Encino Road to Encino Park Road
Oxford Road to Davenport Lane

These streets are in a newly annexed area and mail delivery is just beginning there. A survey of the residents was made and the majority of those contacted were in favor of the changes. The Planning Commission had recommended to the Council approval of the changes.

Mr. D. R. Fullerton, a resident on Oxford Road, spoke in protest of changing that name to Davenport Road. He submitted a petition signed by 7 of the 10 property owners requesting that the name be changed to Oxford Trace instead.

Mrs. Sharon Rowcroft also protested the change to Davenport Road. She also asked that it be renamed Oxford Trace.

After discussion, Mr. Cisneros moved that the Ordinance be approved with the names recommended by the Planning Commission. The motion died for lack of a second.

Mr. Billa moved that the Ordinance be approved, provided, however, that Oxford Road be changed to Oxford Trace. The motion was seconded by Mr. Pyndus and on roll call, the motion, carrying with it adoption of the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Nielsen, Cockrell; NAYS: Cisneros; ABSENT: Rohde, Teniente.

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,786

AMENDING CHAPTER 30 OF THE CITY CODE
BY RE-STRUCTURING THE PLUMBING APPEALS
AND ADVISORY BOARD.

* * * *

The Ordinance was explained by Mr. George Vann, Director of Building and Planning Administration, who said that the Plumbing Appeals and Advisory Board is being expanded from seven to nine members and four ex-officio non-voting members. It gives a broader range of coverage in the various professional groups. He recommended approval of the Ordinance.

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

75-59 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Cisneros, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Hartman, Teniente.

AN ORDINANCE 45,787

PERMITTING SWEARINGEN AVIATION CORPORATION
A SECURED AREA AT SAN ANTONIO INTERNATIONAL
AIRPORT.

* * * *

75-59 The following Ordinances were read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 45,788

AUTHORIZING THE CITY MANAGER TO EXECUTE A
LEASE WITH DAVID E. BAER FOR A TERM OF TWO
YEARS FOR SPACE AT STINSON MUNICIPAL AIRPORT.

* * * *

AN ORDINANCE 45,789

MANIFESTING THE EXTENSION OF THAT CERTAIN CONCESSION AGREEMENT WITH MIDWEST INTERNATIONAL COMPANY EXECUTED PURSUANT TO ORDINANCE NO. 38676 OF JUNE 25, 1970, AT INTERNATIONAL AIRPORT FOR A FIVE (5) YEAR PERIOD.

* * * *

AN ORDINANCE 45,790

MANIFESTING THE CONSENT OF THE CITY OF SAN ANTONIO TO ASSIGNMENT OF THAT LEASE EXECUTED PURSUANT TO ORDINANCE NO. 44305 OF SEPTEMBER 12, 1974, FROM ROY SWANSON TO AIRPORT MAINTENANCE CORPORATION, AND EXTENDING SAID LEASE FOR AN ADDITIONAL ONE YEAR TERM.

* * * *

AN ORDINANCE 45,791

ACCEPTING FEDERAL AVIATION ADMINISTRATION AMENDMENT NO. 1 TO THE GRANT AGREEMENT FOR PROJECT NO. 8-48-0192-02 AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT FOR THE CITY OF SAN ANTONIO.

* * * *

75-59 The meeting was recessed at 10:25 A. M., and reconvened
at 10:35 A. M.

The Clerk read the following Ordinance:

AN ORDINANCE 45,792

AMENDING CHAPTER 42 (ZONING) OF THE CITY CODE SO AS TO ADOPT THE EDWARDS RECHARGE ZONE DISTRICT, AN OVERLAY ZONING DISTRICT DESIGNED FOR LAND LOCATED WITHIN THE RECHARGE ZONE OF THE EDWARDS AQUIFER, SAN ANTONIO'S SOURCE OF WATER, SO AS TO PROVIDE COMPATIBLE DEVELOPMENT, AND INSURE CONTINUED PURITY AND SAFETY OF THE WATER SUPPLY BY PROHIBITING USES WHICH MAY PRODUCE TOXIC, POLLUTED OR OTHERWISE UNSAFE SUBSTANCES OR RUN-OFF WHICH COULD BE INTRODUCED INTO THE WATER SUPPLY, ADOPTING A TABLE OF PERMITTED USES FOR SUCH DISTRICT PROVIDING FOR A PENALTY NOT EXCEEDING \$200.00 FOR VIOLATION HEREOF, AND PROVIDING FOR SEVERABILITY.

* * * *

The following discussion took place:

MAYOR LILA COCKRELL: All right. Will the staff present the report first or is Mr. Hartman going to do it?

MR. GLEN HARTMAN: Madam Mayor, I think, perhaps, inasmuch as the Planning Policies Objectives Committee worked with the staff, perhaps it would be appropriate if we would present the Committee's recommendations. I have here copies of the Committee report. The report is being retyped because of typographical errors, but I think there's sufficient accuracy I should say in this report to where we can proceed and the other copies should arrive momentarily provided we can find a Xerox machine that is working.

I would like to say first of all that the Planning and Policies Objectives Committee was asked by the Council to review the proposed ordinance to ascertain its consistency with the Edwards Aquifer Resolution of July 17, 1975, and consistent with that, we are submitting this report. I would like to say, first of all, that the report submitted by the Director of Public Works to the City Manager is, in fact, a part of our report inasmuch as we worked with the staff in developing our final report.

Just reading briefly from the report, the Committee's report under overall conclusions, the Committee concludes that the amendments to Chapter 42, Zoning, of the City Code as contained in the proposed ordinance are consistent with the direction and intent of the Edwards Aquifer Resolution of July 17, 1975. The Committee further concludes the adoption of the subject amendments, concomitant with the creation of the Edwards Recharge Zone District, the ERZD, will represent a positive and far-reaching effort by the City of San Antonio to protect the purity of its precious source of water. The Committee hereby endorses the passage of the proposed ordinance subject to the specific modifications set forth in the September 30, 1975 memorandum from the Director of Public Works to the City Manager and the further modifications recommended by the Committee which are outlined as follows:

Now, the changes that were recommended by the Committee basically dealt well, first of all, there was one change that the Committee is recommending in the second whereas changing the word major to sole, the rationale that's in the ordinance itself and the whereas, as of this date the Edwards Aquifer is for all practical purposes the sole source of the municipal water supply of San Antonio. The remaining recommendations pertain to the Table of Permitted Uses which is an attachment to the proposed ordinance, and I can go through those very briefly, if you wish, Madam Mayor.

Here's where we run into typographical problems, but in the first, first of all, the changes that are recommended in the Table of Uses to provide consistency with the policy established in the body of the proposed ordinance to reduce to an absolute minimum the chances of pollution by toxic, corrosive, polluted, poisonous, radioactive, unpalatable or other materials injurious to the public health. These changes were, therefore, recommended as follows: In the Table, the Committee would recommend the deletion in their entirety of the following activities, abrasive manufacture, alcohol beverage manufacture, alcohol distillation and storage, brewery, can manufacturing, packing and gasket manufacture, water proofing manufacture, transit vehicle storage and servicing, truck repair and maintenance, and wool pulling and scouring.

We would require specific City Council approval and by the way the arrangement here is the same as in the military airport overlay district where there is City Council action required in certain instances, and in order for these to be approved there would be City Council action required. Automobile muffler sales and installation, if it includes a fenced outside storage, canvass products manufacture, coal storage plant, felt manufacture cloth, garden specialty store, marine and boat storage, paint and wallpaper store, if it involves outside storage, plant nursery, sugars and starches manufacture, tile roofing manufacturing, tool rentals with outside storage and trade school commercial.

Finally, the Committee is recommending restoration to the permitted category the mill work and similar wood products manufacture, inasmuch, the Committee could find no reason why such activity would be within the definition that is pointed out here in the list of permitted use. Finally, the Committee with regard to Section 7 and 8 of the Resolution, the Committee recognizes the urgent need to identify and define the sensitive areas of the recharge zone within the City limits and the ETJ, and the City Staff is hereby urged to give this matter priority attention. We have a target date of 1 January, 1976, for the conclusion of that.

Finally, with regard to Section 8, the Committee also recognizes the severe limitations under current statutes for San Antonio to regulate security of its water supply and strongly recommends legislative action to permit County zoning.

There was some concern expressed during the Committee's discussion with regard to the inclusion of the drainage area. After a great deal of deliberation by the Committee, it was felt that inasmuch as the portion of the Aquifer that the City of San Antonio has control over, it would be difficult to adequately prescribe and to include the drainage area to really be meaningful in view of the fact that the City of San Antonio has such a large area outside of its jurisdiction which also involves and certainly impacts upon the pollution of the City of San Antonio's water supply. However,

the Committee felt that it would not be practicable to include that or to re-include that, and I would like at this time - Dr. Cisneros has asked for the opportunity to present the views pertaining to the inclusion of the drainage area, Madam Mayor.

MAYOR COCKRELL: Fine.

MR. HENRY CISNEROS: Madam Mayor, there were two points, that was one of them, and it was more a discussion of runoff and what we might be able to do about that, but there was another item which was discussed and agreed to, and I think will be found in Mr. Sueltenfuss' report, but it was agreed to by the Committee, and, that is that we'll be looking for the development on the management side of the City government of a particular focal point of accountability with respect to the Aquifer. That is to say at the moment, there is a responsibility in the City's Planning and Inspections Department and a responsibility in the Public Works Department. What we were trying to identify is a particular office or person or numbers of persons or perhaps eventually the creation of an agency whose responsibility would be all the relevant oversight and monitoring activity with respect to the Edwards Aquifer. So, I think that will come in Mr. Sueltenfuss' report, but it was a product of some deliberations that the Committee undertook.

With respect to runoff, there was a good deal of discussion in the Committee, as Mr. Hartman has already indicated and frankly, we had a good deal of difficulty finding tools, finding either regulatory and statutory tools, or for that matter practical on the ground construction type tools, by which the matter of runoff could be addressed. I do not think, however, that our inability to do something up to now should indicate that we shouldn't press on that we've abandoned the hope of trying to address some of the problems of storm water runoff, runoff from shopping centers and large parking lots and so forth. I would simply indicate that whatever action we take today that the matter certainly should not be closed, and we ought to continue to strive either for the statutory tools vis a vis such as plat approvals and so forth, or the technical and construction standards on the ground that would be recommended perhaps by new technological innovations and so forth to address the problems of runoff.

MAYOR COCKRELL: Thank you. Mr. Sueltenfuss, were you going to present a staff report?

MR. SUELTFENFUSS: (Inaudible)

MAYOR COCKRELL: All right, fine. Then we will, fine go ahead.

MR. GENE CAMARGO: I would just like to iterate what we mentioned in the past. On August 27th, the Planning and Zoning Commission held a Public Hearing on the ordinance that is submitted by staff to you all. The Edwards Recharge Zone District was designed with the idea permitting those land uses on the recharge zone not having operations, productions and/or storage for hazardous materials which could contribute contaminates which could enter the water supply. Certain uses listed in the Table of Permitted Uses are permitted with appropriate restrictions after having come under review by the both the Planning and Zoning Commission and City Council. The recommendation as submitted to you is recommended both by staff and by the Planning and Zoning Commission.

MAYOR COCKRELL: I see. Now that includes the basic resolution that's before us. We'll then call on the citizens. The first person registered to speak is Ernesto Ancira, representing the Chamber of Commerce.

MR. ERNESTO ANCIRA: Mayor Cockrell and Members of the City Council, my name is Ernesto Ancira. I am Vice-Chairman of the Environmental Committee of the Greater San Antonio Chamber of Commerce -- an organization representing more than 3,000 business and professional people. One of our basic continuing objectives is to foster the economic growth of the San Antonio area. This concern is what brings us to this hearing.

As you know, there is a wide diversity of opinion concerning development in the Recharge area. Many individuals and organizations want all development in the Recharge area stopped. There is an opposite extreme who favor no limitation of development in the Recharge area. Others have some reservations about development, but have accepted the concept of carefully controlled development.

The AACOG Edwards Task Force incorporated most of the opposing viewpoints as well as most of the resident experts on the Edwards Aquifer. Their objective is to design a protective order to set out how development could take place in the Recharge area and minimize the risk of pollution of the Edwards Aquifer. The result of recommendations from that Edwards Task Force was Texas Water Quality Board Order #75-0128-20, commonly known as the Edwards Order.

The Chamber has taken what we feel is a safe balance among economic, environmental and legal considerations. Last May, our Board of Directors endorsed a policy position stating that we felt the Edwards' Order was stringent enough to protect the Edwards Aquifer if it were strictly enforced.

Before the Environmental Protection Agency hearing in June, the Edwards Underground Water District, the City of San Antonio and Bexar County adopted similar policy resolutions.

Since the EPA hearing there has been a steady effort by some organizations to convince the City of San Antonio to adopt more cumbersome, if not more restrictive regulations on the portion of the Recharge area within the City's control. We believe that the conditions of the Edwards Order will preclude potentially dangerous development and view further regulation as an unnecessary burden on government and economic development.

Reliable studies of the Edwards Aquifer indicate that water entering the Recharge zone in Bexar County is carried northeast of the San Antonio area and flows out of San Marcos Springs. Regardless of where the water goes, only seven-tenths of one percent of all the land in the Recharge zone is in the San Antonio City limits and therefore subject to zoning. These two facts are stated in the final report of the City's Task Force for Development Policies over the Edwards Recharge Zone. Preliminary data from a U.S.G.S. study of first flush storm water runoff has given some interesting indications. Pollution from storm water runoff definitely increases when a stream passes through a densely developed area. However, samples from such streams in north San Antonio still exceeded safe drinking water standards. Although this study has been going on for several years, it is not complete and these are only preliminary indications. It is recognized that storm water runoff is a serious pollution problem in some areas, but there is no indication that it will be here.

If pollution entering the Edwards Aquifer in the Recharge zone in Bexar County does not affect San Antonio water and if there is a possibility that storm water runoff does not contain pollution in harmful levels, is it necessary that San Antonio pass an ordinance to further regulate development of the northern sector of San Antonio?

I want to assure you that the Chamber is vitally concerned about our City's water supply as well as other factors that affect

our quality of life; however, we see no concrete evidence that strict enforcement of the Edwards Order will not protect the Edwards Aquifer. When and if such evidence is presented, we will be glad to re-evaluate our policy. In the meantime we urge the Council to resist the pressure to increase governmental regulations unless indisputable scientific proof is presented that such regulation is necessary. Why increase the barriers to development in an area of the City that can be developed under existing reasonable regulations?

Let me mention that the University of Texas which represents such a strong impact to our local economic development and what it would do if all those auxiliary services that are required for such development are stymied by these proposed regulations. Thank you, very much.

MAYOR COCKRELL: Just a moment, Mr. Ancira.

REVEREND CLAUDE BLACK: Before - please I'd like to just respond, and I respond out of kindness I hope, but out of great concern I resent any argument with reference to control of the Aquifer that simply states that it won't hurt us - that it might hurt others but it won't hurt us, and I'm getting that from your argument. Now, I think I have as much obligation to not allow other people to be contaminated by water that's polluted as I do the citizens of San Antonio and I personally hate to hear any representative of an organization of the stature of the Chamber of Commerce forget their moral obligation, not simply to San Antonio but to the whole area. Now, that might be a true argument, but I hate to see it presented as a basis for not dealing with the issue. I would rather hear you talk about the ability to enforce strict enforcements upon a solution rather than telling me other people are going to be poisoned if the way we do it, we might not be poisoned, you see. And that's what I get from your argument.

MR. ANCIRA: I'd like to refer back again to the presentation that was made. At all times it was mentioned that we felt that the existing order would protect the quality of water. We feel that we do have the necessary regulations and existing that would protect it and that the fact that I did mention that it really doesn't affect us directly as much as we may have thought - it's just an additional bit of information but not the fact that the primary purpose is to protect the water with the existing orders. I didn't say that let's forget the quality of the water. I'm saying that we recognize that it needs to be protected and that the existing order will do so.

MAYOR COCKRELL: Thank you, Mr. Ancira. Any further questions? All right. Thank you. The next speaker who is registered is Seagal Wheatley and while Mr. Wheatley is coming up, I want to take this opportunity to recognize the presence in the Council Chamber of a former outstanding Mayor of our City, Walter McAllister, and we'd like to recognize him. Thank you. Mr. Wheatley.

MR. SEAGAL WHEATLEY: May it please the Council, my name is Seagal Wheatley, and I would just like to take a very brief few minutes to make some remarks to you on the proposed ordinance. I support this ordinance entirely and would heartily recommend its endorsement by the Council. You know, last July when the City Council passed the original ordinance asking that the work be done which has been done, you really threw a good bit of work at some people who I think are very conscientious not only on the City staff but also the Councilmen who participated in it. The reason that I like the concept of what has been done is that just from a personal standpoint, I guess, I have been in this area for about four or five years and have come to see the need really for a cohesive policy on the Aquifer, not only on the City Hall itself but also in connection with other agencies

who have some authority. What I see in the ordinance are some very salutary concepts. I see the City's got a lot of work left, yes, the City Council, particularly on the CC uses which are going to need special approval. This Council is going to be awfully busy on the uses that come up, but I think that's a good thing because it gives the Council continuing concern over the uses and this ordinance is therefore not just an end in itself. You're going to have an awful lot of work to do.

I see another aspect of this that I think is very good. That's in the aspect of the inspection in the ETJ. You know, the City's rights and authorities in the ETJ, I think, have always been somewhat a legally clouded issue, but I am very glad to see the City at least wants to do that. I think, again, this is a very innovative and I think helpful idea. What I like about it, thirdly, too is the fact that it does give the City a cohesive scheme with TWQB. Now, there are many references in the ordinance and also in the policy that would let the City work on a level with the state enforcement agency which I think is an excellent idea because I think all of these things I've mentioned really are pleasing from my viewpoint for if no other reason, the fact that the citizens really without anyone's fault have had a difficult time trying to know where they stand with a regulatory body. You have landowners, you have citizens who are interested in protecting the water. You have farmers there. What I like is that this really presents I think a very constructive step forward in letting citizens of all character know where they stand with those land uses out there because it seems to me one of the basic tenants of our governmental system should be that citizens should have a right to rely on the government and know where they stand and what they can do.

On the drainage area problem, if I might just comment to Councilmen Cisneros and Hartman on that, I agree with your thinking on the drainage area problem. You know TWQB has jurisdiction to study urban runoff. As a matter of fact the words, urban runoff, and storm water runoff, are mentioned in the Edwards Order of January. So, the fact that it's not really why are here, I think you'll find it's not damaging at all and TWQB has jurisdiction. Also, I might add too that it's not a problem because if there are any federally funded projects out there, of course, they're going to have to comply with the National Environmental Policy Act anyway which is going to require them to treat all issues of where does your storm water go, how much are you getting over your particular acreage and what quality is it going to be? And also, of course, the recent Safe Drinking Water Acts standards are going to provide another protective edge when those are finally promulgated and, of course, too we have pending the request for EPA designation of this area. I would imagine in the near future we'll have a decision on that and, of course, if EPA does designate this area and you will have an additional level of protection there. So really what I wanted to say today was to commend everybody who's worked on this because I know the many hours that have been put in and I would ask you to adopt the resolution and the ordinance as it is written. I think it is excellent in all respects.

MAYOR COCKRELL: Mr. Wheatley, just a moment. I wanted to ask you one question. We do appreciate your comments and I didn't know if you had had the opportunity to see the recommended changes from the Committee?

MR. WHEATLEY: I listened to Councilman Hartman on the poll and tried to keep up with the notes on the zoning classifications and I have no difficulty or objections or comments on those. I think they're fine.

MAYOR COCKRELL: Thank you sir.

MR. WHEATLEY: Thank you.

MAYOR [REDACTED] REL: The next speaker is Mr. Ralph Langley. [REDACTED]

MR. RALPH LANGLEY: Mayor Cockrell and members of the City Council. My name is Ralph Langley and I'm here today representing Kuper Properties who are owners of a considerable amount of property in the Edwards Aquifer zone and also developers equally interested, I assure you, with this Council in ensuring the proper development of it for the interest of all concerned. I want to briefly say that I add a most heartfelt note of thanks to everyone who has worked so hard on this up to now and I would echo Dr. Cisneros' comment that the work has not been completed but a great deal of time and effort has gone into this on the part of the staff, on the part of Texas Water Quality Control Board, on the part of EPA representatives, on the part of the members of your Planning and Policy Committee, and the Study Committee who have devoted so many hours to listening to witnesses and working with people and in defining the end result of what is here this morning. It has indeed been a long road, and it's still a long road ahead.

We find ourselves in total agreement with what is presented in the ordinance as proposed. I, along with Mr. Wheatley, tried to listen very carefully to the changes made and recommended by the committee and I find myself in agreement with all of those. I think they're suggestions and good ones.

I'd like to take off my Kuper hat for a moment and put my Chamber of Commerce hat on, Rev. Black, and to simply say that I have worked with the staff at the Chamber and I think that what was intended by the remarks as prepared and delivered here this morning was a simple assertion that the City of San Antonio should recognize that it has jurisdiction over a very limited portion of the Aquifer. Not that we should in any way refrain from taking whatever action is necessary to work with the state agencies to preserve and protect the Aquifer and its integrity and the integrity of the drinking water. These are all important things, and I assure you for in behalf of the Chamber that no one has intended to say that we should stint in any way in our efforts to protect it simply because it flows to someone else's community. I'm in agreement with you one hundred percent and I assure you that the Executive Committee and the Board of the Chamber share that same view.

I want to say one final thing, that while we are here today recommending and joining in this committee's recommendation of the adoption of the ordinance as written in behalf of Kuper Properties and its associates who are engaged in development of the area, we assure you of our continued and continuing cooperation to your committee, to your staff, to the Council and anyone else with whom we can work in orderly development of it.

MAYOR COCKRELL: Thank you very much. Yes, Dr. Cisneros.

MR. CISNEROS: Mr. Langley, I thank you very much for your comments. It is true that a lot of people have worked a lot of hard hours and a lot of people also have deliberated and sort of wrangled with their own feelings about this and even conscious about whether we're doing the right thing or not. I'll tell you frankly I'm not entirely comfortable that after all the wrangling and all the discussion that what we are doing is, in fact, the right thing. You look - you work with papers, you know we worked with papers, we worked with engineers, we worked with facts, we worked with the TWQB order, we worked with our own statutory powers, and when you're working on the nitty gritty and you hit on some new tool or some new way to be further sure about the regulations, you think you've accomplished some great thing. And we all kind of feel like we took some steps forward as we worked on this thing. But then you back off from it and you look - you know, our society and our country and our city and our future over the long, over the long look and I have to wonder whether we are not doing a foolish thing in building and taking chances over our water supply. But, of course, we do have a government of laws and we have a government of procedures. You just can't appropriate people's property. We have a government that works within bounds of

October 2, 1975
el

-13-

scarcity. We just can't expend untold amounts of dollars to buy land and make parks out of it and so forth. So we have to work with procedures and regulations that are before us. What that has meant to me is that we take whatever incremental steps that we can take and do those on paper and formulate the laws and so forth. But it's only that unless we all operate in good faith, and unless we all agree to make sure this goes beyond paper to facts, to monitoring, to regulation, to inspection, to putting concrete pipe in the ground and making sure the joints are right, to putting drainage of an appropriate sort on proper inclines and contours, and on and on and on. I just hope that the same spirit that seems to be evident - that has been evident, hard work and good faith in formulating the pieces of paper translates to the on-the-ground inspection and then monitoring of whatever we finally do.

My real fear is not that the people are going to get sick or not that we're going to create epidemic and disease because we have good health systems that will always monitor the water supply and treat it. My real fear is that right now we have a cheap water supply and it is a real resource that all we have to do is add a little chlorine to it and that's the water that we drink. And my real fear is at some point that it has to be treated and then we've undertaken a needless secondary or tertiary level of treatment that's going to cost the people of the City money because this Council made the decision to go ahead and allow development at the Aquifer. All I'm saying is that I think we need tremendous amount of good faith in the continuing phases beyond what we do this morning.

MR. LANGLEY: Could I comment on that, Madam Mayor?

MAYOR COCKRELL: Yes, certainly you may.

MR. LANGLEY: I would agree with you, Dr. Cisneros. I will say this that a certain amount of reasonable accommodation is necessary. And I think that's what this represents - a reasonable accommodation with our system, with the preservation of what we have and yet at the same time with assuring the orderly growth and development of the area.

MAYOR COCKRELL: Thank you very much. The next speaker, Mr. Sam Jorrie.

MR. SAM JORRIE: Mayor Cockrell, gentlemen. The most important part that this ordinance in my mind is that the Council has taken on the job head on - fore square, and that is very important. The staff has labored endlessly, and you people who have served on the committees have labored endlessly for hours and days to come to a conclusion that will satisfy your conscience and I deeply appreciate that. You know I've been here before on matters pertaining to this very subject, and I would like to point out that the real work is ahead of us because, as Dr. Cisneros said, what counts now is to enforce the rules that are applied. I deeply appreciate your work, your effort, and more than anything else facing the problem head on and coming to a conclusion.

MAYOR COCKRELL: Thank you, Mr. Jorrie. Mr. William Watson.

MR. WILLIAM WATSON: Good morning. Madam Mayor, members of the Council, I'm Bill Watson, President of the Greater San Antonio Builders Association. I too want to commend the Council and all the people who worked on the Edwards Task Force and the Planning Commission in coming up with this that I feel is a great compromise of an ordinance that we can live with and that I hope that the environmentalist can live with it. I feel wholeheartedly that this is an ordinance that will do its utmost along with the TWQB Order to protect our source of drinking water, and I personally cannot feel like Councilman Cisneros. I feel like we are doing everything and that we are not making a mistake in allowing controlled development on the recharge zone. I hope the other groups possibly, the groups that are to speak on the other side of the builders and developers will also feel like that this is a good ordinance, and that this ordinance will be the guide for future changes and zoning from here on out until we find something better to do.

As to the changes I was trying to write, I didn't get them all written down but personally I don't have anything against any of them. We certainly don't want to have any of the - as we stated many times - any of the industries on the recharge zone that could cause and possibly cause pollution. I can assure this Council and Councilman Cisneros in particular that our members will abide by this ordinance. They will do everything and we will have people helping them see to it that they do everything to abide by not only his ordinance but by the TWQB Order through an education process and through possibly even through inspections within our own association. So I feel like our members will abide by these various ordinances and orders. Thank you.

MAYOR COCKRELL: Thank you, Bill. Cathy Powell.

MS. CATHY POWELL: Mayor Cockrell, Council members. I'm Cathy Powell, President of Citizens for Better Environment. I think we made a lot of progress. Our role in all this, you know, is to point out where we still have more work to do and I'm going to make a few suggestions in that vein. I would like to say first though, I'm getting kind of tired of being suggested as someone against all development and the other side. I think we're on the same side and I just want you to know that I don't view myself or the organization I represent as being on some other side.

I've wanted to ask, some things weren't clear. Councilman Cisneros, you did indicate that a portion of the report from Mr. Sueltenfuss did deal with accountability and I didn't hear what that was.

MR. CISNEROS: He's going to in his report propose either a focal point, probably in the form of an office or an agency or something of that sort that will incorporate those elements of the Inspections Department and those elements of the Public Works Department under one head that will be called something like the Edwards Aquifer Quality Control Board or something like this.

MS. POWELL: Okay, what report is this? Something to come or.....

MR. CISNEROS: Yes, something to come, you see all we're doing right now is discussing Section 1 of what the Council voted before which is the zoning, and there were ten sections of that report, and Mr. Sueltenfuss is going to cover the other nine, when we're finished here.

MR. HARTMAN: I'd like to point out, if I may, Madam Mayor, what we did here in our report. Well, the sequence of it, Mr. Sueltenfuss provided to us to the members of the committee, the staff report. We then commented on the original draft of that. We subsequently agreed to some changes that.....

MS. POWELL: Certainly, I understand that.

MR. HARTMAN: To the staff report and then the report which the committee, which I just read this morning is a further envelope for that report but it does indeed establish a focal point very precisely with regards to coordination of pollution control in the Aquifer.

MS. POWELL: Okay, it wasn't clear what you meant about that. I really need to put in another plug for the drainage area to the south. I know that we've had lots of discussions about this and at one point we began to include all of that drainage area to the north, as part of the definition of drainage area and I would like to suggest that when we look at this especially in relation to the sensitive areas that we begin to maybe make a distinction between the drainage areas to the north and the drainage areas to the south. The ones to the north obviously are greatly more extensive than we can cope with at this time, but I'm still concerned about the southern drainage areas mainly because there are applications for development in those areas at present before the Planning Commission and I'm not convinced that we've fully dealt with that problem, at least in the southern areas. So I have a reservation about the exclusion of the drainage areas to the south.

Now, there is one further point. In Mr. Sueltenfuss' report, are we going to have some suggestions about guidelines for the City Council in approving those uses? Well, you see you added some new uses which are to have City Council approval and to date, we don't really have any guidelines or working definitions or guidelines as to what the Council would base its decision on.

MAYOR COCKRELL: All right. Councilman Hartman.

MR. HARTMAN: Yes, the matter of guidelines for addressing those that are marked CC in the overlay, I think these are - this was recognized that this would have to be, you know, developed and I think perhaps before we go any further, Madam Mayor, I would like to recommend that it might be helpful if Mr. Sueltenfuss could present his portion of his report. I think the hard back of that might be useful.

MS. POWELL: Okay, I'm just interested in - I've got one more thing to say and that's all. I'm just interested to see whether we're going to try to get to that problem because that already obviously has been one of the difficulties in having the Council make decisions about this, about what kind of guidelines they have to make those decisions.

MAYOR COCKRELL: Fine.

MR. HARTMAN: The guidelines relate back, of course, to the body of the ordinance.

MAYOR COCKRELL: All right. A comment from Dr. Cisneros.

MR. CISNEROS: Cathy, there were some guidelines that we used in actually coming up with this additional list of items to be deleted and items to get City Council consideration, and roughly, just as a practical matter, there were things like toxicity in the production process, or whether or not the waste would be disposed of internally through a sewer system or external in the form of some sort of drainage into something. Storage, for example, the storing of chemical cans or that sort of thing in an outside area, vehicle storage outdoors as opposed to indoors, so those are some of the standards that we used, and you're absolutely right, we are going to have to formulate those more clearly and provisos so that a future Council can make decisions with roughly the same sort of criteria.

MR. HARTMAN: I just want to give one example, if I may. For example, the outside storage, there was an example was a muffler shop, you know, where there's outside storage...

MS. POWELL: I appreciated that at the time.....

MR. HARTMAN: This was put out of the category entirely and we have several cases where we actually split up the uses, you know, on that basis, and these need to be recaptured, you know, and set forth and set as criteria, and we discussed this at some length.

MS. POWELL: I just want to say one more thing. I just got yesterday a research report and a collection of ordinances dealing with sensitive land around the country from (inaudible) Planning officials. There are two ordinances in there which I bring to your attention, one is an ordinance on the recharge, an aquifer recharge zoning, Florida. The Florida situation you know is a little different but calls for drastic action in the face of severe water limitations and pollutions which is not necessarily what's going on here, but something to look forward to preventing. Also, there is an ordinance, a run-off ordinance, in here for Dekalb County, Georgia, which you know is the City of Atlanta, and deals with many of the urban kinds of run-off and drainage that you might want to look at in relation to in the future developing some kinds of run-off guidelines for especially the sensitive areas.....

MAYOR COCKRELL: Thank you very much. The next speaker, Liz Davies.

MS. LIZ DAVIES: I'm Liz Davies. I'm representing the League of Women Voters of the San Antonio area. The League of Women Voters has been concerned from the very beginning - I think it was about March 12 when this began of how much and as well as with what kinds of development would be placed on the recharge and drainage areas of the Edwards Aquifer. Quantity as well as quality of development affects surface water run-off. This has been and is our position. We have submitted documentation to the Planning and Zoning Commission upholding our position, and would like at this time to submit similar documentation to this City Council.

We encourage passage of the ordinance that we are dealing with today with such modifications as have been mentioned by Mr. Hartman this morning. But, we do feel that the drainage areas must be included. Our action in terms of reviewing case by case on the recharge zone and in the drainage area before the Planning and Zoning Commission have always reviewed the fact that properties in the drainage areas also must have special attention.

I would like to ask a question now in the interest of time. Mr. Hartman's committee did a review as it worked up its further recommendations on the ordinance - did it with the League's recommendation of an amendment which carried the designation of agricultural ranch?

MAYOR COCKRELL: I will refer that to Mr. Hartman and the committee.

MR. HARTMAN: Precisely no, Liz, individual members of the committee I think were aware of it but the answer would be no in regard to that.

MS. DAVIES: All right. I would like to know, do you want me to go through it. It is lengthy. Our president was due to have been here this morning but she was called out of the City. We were to divide our presentation. I'm sure I'll go over my five minutes.

MAYOR COCKRELL: Unfortunately, we do have other speakers, and I feel we have to stay within our time frame.

MS. DAVIES: I know so I don't know what to do about this. The League is very concerned over the fact that the Table of Uses are good. The ordinance is good. This is what we wanted. This is how we first began our action back in May asking for a set of criteria, however, we feel that this gives every developer who owns properties in this area the opportunity to commercially develop, cheek by jowl if you will. We feel that this is density. This is possibly pollutive. This talks about and allows proliferation of development which we have discussed from the very beginning. We deeply are concerned about this. The category that we wish to have submitted in terms of an additional amendment to this ordinance which could go to staff and then back to Council would not mean that the ordinance not be passed at this time but we feel that there must be a mechanism whereby density is addressed.

MAYOR COCKRELL: All right. So you are not opposing the passage of the ordinance but you are asking that your additional amendment and consideration be reviewed for consideration.

MS. DAVIES: Right and if you feel that the agricultural ranch type of designation is not an acceptable proposal, then there must be a way if we all are concerned as we are that we can find a designation for setting aside some of the undeveloped property and thereby set them aside for future purchase or for park land or whatever, but a balance. This is what I had conceived from the very beginning and maybe I was naive but I saw what would come from the Planning and Zoning Commission would be a balance and there would be areas where we would say, no development because there is too much here or there.

October 2, 1975
el

-17-

MAYOR COCKRELL: Are there any questions? Mr. Pyndus.

MR. PYNDUS: No, I think Ms. Davis' comments are most pertinent and certainly I would not adhere to not passing the ordinance but I do think that your comments with regards to these areas should come in a memo to the Planning Commission and certainly to the Council. We are going to review, as you know, many, many cases, and I thank you for those comments. I think they're most worthwhile.

MS. DAVIES: As you know, many people sitting here in the audience there's been much correspondence back and forth with staff and Council and the Zoning Commission relating to the AR category. We've never really gotten it on the table though and thought about its real possibilities.

MAYOR COCKRELL: Fine. Mr. Hartman.

MR. HARTMAN: I think also, Liz, with regard to the definition of sensitive areas, as you know, that's one aspect that has to take place, I think this is the one thing I think that is most crucial in this and I think this strikes.....

MS. DAVIES: I was heartened to find that you all had included a date for that.

MR. HARTMAN: And I think this is the next big important step and I think this again is an area that generally we find consensus, you know the fact that, and I would like to commend Cathy Powell on this effort. I know she's done a lot in this area and with regard to the manner of identification of sensitive areas. I think this is an area we're going to have to look at very, very closely at between now and the first of January. So, I think this would address that part of the problem.

MAYOR COCKRELL: Thank you. The next speaker is David Jauer.

MR. DAVID JAUER: Madam Mayor, gentlemen of the Council, my name is David Jauer, 7334 Blanco Road, up until this point I was going to pass, but I do feel that there are certain areas that I'd like to point out. I feel that if we touch upon the drainage areas that are south of the recharge zone, then we should not also consider through state legislation the 4,960,000 acres to the north of our Aquifer. I don't think that the drainage areas are critical to the pollution of the Aquifer. I've pointed this out in past months. I am in favor, however, of the passage of Part 1 to Chapter 42 of the City's Zoning Code. I would like also to point out to the Council that it is my opinion that we can get back to shall we say, straight zoning as opposed to the PUD designation that has been placed on some of us in the past months. I believe that this overlay is quite sufficient to delete PUD designation for the future approval of zoning cases. I was in agreement with the previous language which designated the Aquifer as the major source of our water supply, seeing how we have gone through two or three different channels to acquire water from other sources.

Finally, I'd like to say that I don't feel that it would be fair to any of the property owners in the recharge zone or any of the drainage areas in this particular quadrant of San Antonio, the north, northeast, and northwest quadrants that are in the recharge zone to give RA or agricultural designation, I believe this would jeopardize the rights of those property owners. Thank you.

MAYOR COCKRELL: Thank you, sir. The next speaker is Fay Sinkin.

MRS. FAY SINKIN: Mayor Cockrell, and members of the City Council. I'm Fay Sinkin, the Coordinator of the Aquifer Protection Association. Mayor Cockrell came back from Boston recently, disturbed by the small town image of our lovely City. Let me read from the October issue of Texas Monthly, a state magazine distributed throughout the nation. The

title is "Water (?) that's Regressing". Another Aquifer is in trouble which would affect the lives of more than 865,000 Texans living in San Antonio, the state's third largest City. San Antonio is the only major City in the country depending on ground water alone for its water supply. The Alamo City draws all of its drinking water from the Edwards Aquifer, a limestone formation 500 feet deep that stretches beneath seven counties. Horizontal channels carry water west to east and vertical channels carry it from the surface to underground pools. Water enters the Aquifer and recharge zone area where the limestone outcrops to the surface and flows southeast to supply the City's water. The water is purified as it seeps through the limestone deposits above the huge underground water reservoir. Each year about 500,000 acre feet of water enters the Aquifer in the Recharge Zone area. Between 250,000 to 300,000 acre feet are used by the City Water Board and other users. The estimated amount of usable water in the Aquifer ranges from three to 30 million acre feet depending on the estimator.

The problem is that San Antonio's spreading northwest, the growth generated by placing Bexar County Hospital, followed by other hospitals and the University of Texas at San Antonio in this section of the County, not to mention white flight and the limits on growth to the south by flood plains, makes continued growth in the northwest inevitable. Large scale developments such as Shavano Park, Hollywood Park, Hill Country Village and the University of Texas have already been built over portions of the sensitive recharge zone.

Finally there is Ranch Town. A proposed 8,000 acre \$100,000,000 new community expected to have 88,000 people in 30 years. San Antonio Ranch will be built directly over the Edwards Aquifer Recharge Zone with the help of \$18 million in federal government guarantees under New Communities Act.

Does this seem like madness? Deliberately risking pollution of the City's only water source from storm run-off, sewage, pesticides, and fertilizers used in gardens, garbage in general. Not to the Texas Water Quality Board which last December unanimously voted to issue a sewage discharge permit enabling San Antonio Ranch to construct million X per days sewage treatment plant on the Ranch's southern tip, off the Aquifer's recharge zone but serving some 10,000 persons who have been living in the area.

Professional hydrologists and geologists agree that unlike rivers where entry points, flow patterns and exit points for water can be identified and monitored for pollution, the underground channel packets and changing flows of the Edwards Aquifer make it virtually impossible to detect pollution. And the beat goes on.

The City Planning and Zoning Commission recently amended an ordinance which would reduce the City Council's zoning control over the Aquifer. The Council itself recently approved the zoning application for a 4.7 acre shopping center to be built over the Aquifer, and perhaps sensing the inevitable, the City is negotiating a contract between the City Water Board and the GBR authority to rights to 30,000 acre feet a year from the Canyon Reservoir, and an additional 20,000 from a second reservoir. With rampant development over the Edwards Underground Aquifer, Bexar County better look elsewhere for the additional 267,000 acre feet of new City water that the City will need within the next 30 years. Pearl and Lone Star may have to find new sources for that water from the country of 1,100 springs.

This ordinance is supposedly designed to "ensure continued purity and safety of the water supply". In fact, the opposite is true. This ordinance with minor exceptions is business as usual. This ordinance is a license to pollute - a sellout to land speculators, developers, and their dear friends. If you vote for this ordinance, you would have abandoned any claim to represent the public interest.

MAYOR COCKRELL: That concludes the list of citizens to be heard who were registered. Is there anyone else who wished to be heard in this ordinance? All right. At this time we're then ready for Council action.

MR. CISNEROS: Madam Mayor, Mr. Sueltenfuss' report I think should be next.

MAYOR COCKRELL: Mr. Sueltenfuss, we will hear your report.

MR. SUELTFENFUSS: Let me say also that at the end of my report we are privileged that Mr. Yantis has come from the Texas Water Quality Board and he asked that he be given a few words to talk about the enforcement. And also Colonel Weinert is here. I don't think anyone from U.S.G.S. is here but maybe Colonel Weinert may be able to tell us about that.

MR. CISNEROS: How about the County?

MR. SUELTFUSS: We asked Judge Reeves to be here. I don't know if, but at least Mr. Yantis and Col. Weinert are here. Very briefly, the Council passed a Resolution on July 17, 1975, regarding policy over development over the Aquifer. The Resolution contained ten sections, and I'll give you very briefly the status of each of the sections of the Resolution.

Section 1 and 2 are the ones that you just covered with the Zoning Ordinance. We were to have that to you by October 1, so we're a few days late on that one, but Section 3 and 4 directed the staff to draft amendments to the Subdivision regulations pertaining to properties over the Edwards Recharge zone include preliminary submission of master plans in conformity with the Texas Water Quality Board Order, use of PUD, Council's Subdivision Plats and other procedures as may be deemed necessary. The subdivision regulations as presently written by reference require that the plats over the recharge zone meet all the requirements of the Texas Water Quality Board Order No. 75-0128-20 or its latest revision.

After careful review by the staff, it was felt that no amendments to subdivisions were necessary since this item had been incorporated in the City subdivision regulations. This was concurred in by the Planning Commission and a motion was made and seconded with all members present voting in the affirmative. In a meeting with the City Council's Policy and Planning Committee, the committee recommended the Council continue to review plats for an additional 90 days to insure that the mechanics of enforcement were adequate.

Section 5: This also related to incorporation of the Texas Water Board Ordinance wherever applicable and Section 3 and 4 as I've discussed covers that particular section.

Section 6: And, I think this is the important one, relates to enforcement. City Council directed the staff to develop procedures to insure the City's capacity to adequately monitor compliance with the Texas Water Quality Board Order. These procedures were presented to the Council at a recent meeting but we'll reiterate them very hurriedly in detail here as follows:

Prior to approval of any subdivision plat over the Edwards Recharge Zone, the City will require that the subdivision plat and/or master plan be approved by the Texas Water Quality Board. This approval, through a Texas Water Quality Board Order which the Board will act on in each case, outline the requirements on the subdivision as they relate to compliance of the Texas Water Quality Board Order. That means that before we will review a plat here or submit it for approval, we will require that they have the Texas Water Quality Board approval. Upon receipt of this information, the City as part of its requirements for subdivision approval will incorporate all of the requirements of the Texas Water Quality Board into their subdivision approval including the bonding of all physical improvements required as part of the Texas Water Quality Board Order. I might refer to the point that if there's a physical requirement like a monitoring device we will require that the subdivider post a bond for that facility or we will not record his subdivision until it's properly installed.

During construction of subdivisions both inside the City limits and within the City's ETJ, and we do have that jurisdiction, full-time inspectors will be inspecting all of the physical improvements of the subdivision including those required by the Texas Water Quality Board. Upon final acceptance of the facilities required, the City will maintain and operate those facilities that are a permanent part of the sanitary sewer system, including the maintenance and operation of the daily flow meters.

October 2, 1975

-21-

img

827

The monitoring of the stream gate stations and the monitoring of the wells will be done by the Edwards Underground Water District through the U. S. Geological Service. To assure coordination of all activities related to the protection of the Aquifer, a special section has been created in the sewer in the City's sewer engineering division which will be designated as the Edwards Aquifer Protection Section. This section will be handled by Mr. Frank Vega, a registered professional engineer and he will be assuming all of the duties in connection with the coordination of all of the activities of the City departments as they relate to the protection of the Edwards Aquifer.

Section 7: The staff is continuing to work on its definition of related sensitive within the areas within the City limits and ETJ. We are reviewing some data and we feel that we need to postpone our final decision on this item until January 1, 1976.

Section 8: City staff was initiated to direct appropriate preparations for a meeting with County officials and Bexar County legislation delegation to discuss City-County Zoning and Taxing issues. The meeting should be scheduled some time in October or November. It's recommended that in addition to discussing the Aquifer, the program include discussion of legislation required for surface water and other related water matters.

Section 10: The City Manager and staff were directed to achieve a master plan covering the City limits and the ETJ that will serve as the basis for developing future growth policies including extension policy by January 1, 1976. The item is being handled by the Community Development and Planning Department and they are presently working on the project. Are there any questions?

MAYOR COCKRELL: Any questions? All right...

MR. SUELTFUSS: I would then ask that possibly to hear from Mr. Yantis and let me say that he is taking time from his very busy schedule to be with us, and I personally appreciate that.

MAYOR COCKRELL: Fine, so we certainly welcome Mr. Yantis. Welcome to San Antonio.

MR. HUGH YANTIS: Thank you, madam Mayor, it's quite a pleasure to respond to your very kind invitation to be with you today. I do not, however, feel that I'm taking time out of my busy schedule. I think that this is entirely proper portion of the work that I do. I hope that it can be most helpful to you and the City Council.

Now, I would comment with great delicacy upon a matter such as a City ordinance since it is totally within your power to enact it. However, insofar as it relates to the work of our agency, it appears to me that the ordinance would be effective. It guarantees cooperation between the City and the Water Quality Board in its lawful action. So, I can only commend for it without any sense of intervening through in your right to adopt it. I see absolutely no conflict and nothing but benefit to our work.

The question was raised by Dr. Cisneros about storm flows. There are two comments that I would make on that which would grow at least in part out of the so called sensitive area. Sensitive areas are hard to define and they have different meaning for different people but in the early days when the order was being discussed and heard and debated, the meaning attached usually was faults and crevices that were open in the bottoms of creeks which flow regularly or occasionally. Areas like that certainly provide more opportunities for infiltration into the Aquifer than other areas do and the order does provide that areas of this kind can be plugged or paved or sealed in any way where it is deemed to be necessary.

The other thing is and this one, I've never actually been questioned on this because it's so new that I don't know how it will work. Infiltration water resulting from rainfall is likely to carry pollutants primarily on the dust that was on the ground and it absorbed materials such as oil and greases or even fertilizers. The dust washed by the rain can go into various openings and therefore get into the Aquifer. The question then is preventing the dust from being on the ground so the order does provide that vacuum street sweepers can be ordered and this was a very serious suggestion that did not originate with the Water Quality Board. So, we are fully empowered to require our cities and districts even in the County that vacuum street sweepers be provided and used regularly in those areas where it is thought to be necessary as one means of purifying the storm water that might run off of an urban area. There has been some experimentation on these things in other parts of the country. They can be bought. We also provide though, since it is a fairly new idea if experience shows that they're not needed we can relax this particular part of the order not go to this particular expense. But, again, this is about all that I had in mind in saying to you. I'm very happy to be here.

MAYOR COCKRELL: Thank you very much. May I ask if you would respond to a question? Dr. Nielsen.

DR. NIELSEN: Thank you, Hi Mr. Yantis. Just briefly, do you since sufficient experience, either here or any place else in terms of these holding tanks that are mentioned in the order and if you don't sense that they are adequate, do you have any suggestions as to what we may have to do down the road?

MR. YANTIS: Now, which kind of holding tanks?

DR. NIELSEN: Well, in those creek beds.

MR. YANTIS: There has been some very limited experience. I think that if you can get engineers and water pollution control people generally out where they are not being quoted, they will tell you that there is no known truly successful method of controlling storm flows in large quantities. The treatment devices that might be proposed in sense of sedimentation tanks generally would automatically be in very congested areas because it would be downhill side of various slopes. It's just a very difficult thing and I don't think that anyone is fully prepared to deal on a major basis with storm flow. Millions of dollars are going to be spent by the Federal government on research and development. I think, though, that in sense of the Aquifer here, we can only go to the common sense possibilities that can be identified of saying keep the earth clean wherever you can, especially in urban areas. Seal the most obvious cracks and faults that would let large quantities of water run directly into the Aquifer. Then where it is thought to be necessary for sedimentation and even treatment to provide holding tanks or holding ponds. We don't know whether holding ponds or tanks are going to be needed. I know that if they're built they're going to do some good.

DR. NIELSEN: Then as far as R & D, are you, your agency or anyone in the state actively securing funds or whatever to do some R & D in this. Is that going to be strictly up to EPA or...

MR. YANTIS: No, universities are generally thought of as the research arm of the state government. The state agencies are not themselves thought of as the research oriented. We are not carrying out research at this time. We will examine the research of others. So, I say that the universities throughout the country including those in Texas and primarily the Federal government will do the R & D work on storm flow.

830
DR. NIELSEN: You're saying then that it is our government's responsibility. You would not be against as far as an agency, I assume, or some cooperation in this U. T. System or somebody would ask your cooperation in doing this sort of thing you'd have no problem with that, would you?

MR. YANTIS: I think it's the responsibility of many, many people. I'd say that that's where most of the funding is going to come from and, therefore, that's where most of the activity is going to be generated. No, I think any city or county or any university can carry out research of this kind if they do have the funding to do it. We could also, however, efficiency says you should not have, let's say, 50 states carrying out the same kind of research. That is not very efficient.

DR. NIELSEN: Although that often happens.

MR. YANTIS: Yes, and some duplication, I think, is healthy. We would primarily be involved in reviewing the research of others. I think this would be a more effective use of our role in state government.

DR. CISNEROS: Mr. Yantis, I want to thank you very much for coming today. I know the immense amount of work you have to do but I also recognize the importance for your agency and the City government to be in the closest possible contact because out there over the Aquifer our people are going to be doing certain tasks and yours are going to be doing certain monitoring and they have to have some sort of coordination. You, as policy maker at the State level, and we, as policy makers at the local level, have to be concerned with what happens with policy after it leaves our immediate realm. I'm talking the manner of its implementation. So, I'd like to ask you a series of questions if I may.

MR. YANTIS: Yes, surely.

DR. CISNEROS: With respect to how you envision the order being enforced and particularly I'd like to know what is the nature of your staff organization, if I may, to do the enforcement locally. Secondly, what assurances can you give us about the rigor with which enforcement will occur. Thirdly, what do you see as problems at the juncture between Texas Water Quality Board responsibilities and City responsibilities?

MR. YANTIS: I think those are very fine questions. I'll take on a play of humor on one of them. Assurances as to the rigor of enforcement is, I think, best exemplified by the fact that we've already sued the City of San Antonio with some embarrassment. We didn't push to do it. We simply felt that we had to do it, as an example of the fact that the order was to be enforced rigorously wherever. We also sued the City of San Marcos. I think it embarrassed them rather considerably. We don't like to sue people, but it is the Board's instruction to me. I believe the language is actually in the order that rigorous enforcement is intended by the Board. Over and over people have said that the order itself is quite adequate, but enforcing it is the key, and many people have suspected that enforcement will not take place. Well, I can assure you that it's going to take place. My instructions to the staff are that every violation of which we have any knowledge is going to be the subject of a lawsuit, I mean a lawsuit, not simply an understanding.

DR. CISNEROS: Okay, how you just said, every violation of which we have knowledge, what's the process by which you gain knowledge?

MR. YANTIS: All right, we have people, simple ordinary people, bringing information to us, and we also have people on our own staff. We have an office in San Antonio. It's not particularly large now. It has about six or eight people. I am going to assign some additional people to it. I'm trying to get a professional engineer in that office, although the Director of it is a registered sanitarian. I'm also looking for a

registered sanitarian to work on the septic tank problems, but the people of the San Antonio office, aided by people assigned from our Austin office, will regularly work on the recharge area. You understand, though, that I like to do things on a systematic basis. As far as we can, we are assigning activities locally to each county in which the recharge area is defined. We also have everywhere the Edwards Underground Water District who are being assigned a number of duties from their own wish. So, the Water Quality Board is not the only agency that will be out looking. But, we will have our people, regularly on various kinds of patrol, sample taking runs, and things of this sort, but the county will be doing this, and I'm quite sure that within your jurisdiction, the City will be doing it.

DR. CISNEROS: What problems do you see, you know, the overlapping, or perhaps gaps in responsibility between your range of responsibilities and the City?

MR. YANTIS: No problems at all as we identified gaps. They will be covered by some quite simple administrative action, and where there's duplication it simply means more people on the job. I don't think this could hurt anybody.

DR. CISNEROS: So, then you have a fair amount of confidence then that we can, in fact, enforce.

MR. YANTIS: Yes, I surely do.

MAYOR COCKRELL: Thank you, sir. Reverend Black.

REV. BLACK: I appreciated very much the answers because it seems to me that a great deal of the validity of the ordinance we are discussing tends to a very large measure from the Texas Quality Water Control. Now what action are you authorized to take provided you discover that water is polluted and here the City of San Antonio is depending on the Aquifer? Let's say that you discovered that the Aquifer was polluted, what kinds of steps would be authorized from that point on?

MR. YANTIS: Well, first of all, Reverend Black, I don't think that there is any technical way in which, let's say, discovery of the Aquifer being polluted could occur in the sense of finding it out to a great surprise. There would be samplings of the Aquifer over a period of many years with analysis made and any trend that might develop, although there would be little variations, but any trend that would be developed over a period of many years would be identified over a very long range basis, and if that were to be identified a more rigorous order of one time or another would be enacted long before any harm were done. I'm quite sure that the Legislature itself would intervene with some kind of a statute if despite an order of this kind or even despite modification of it, that pollution of an objectionable character would occur. So, I don't think that the capability of being surprised actually exists. Now, this could happen if no one were taking samples, and no one would exercise surveillance. But many people are, now, however, if on a very local basis, you find a pollution occurring, you simply go find the source of it which may not be a simple operation, but it's certainly a possible operation, and bring about whatever corrections are necessary. We are not limited except by common sense under the statute to the kinds of direction that are available if in fact pollution is found to occur. Such things of this kind, I think, will be found from time to time but not surprises on a major scale. There's simply too many people looking at too many places.

MAYOR COCKRELL: Yes, Dr. Cisneros.

DR. CISNEROS: One last question, if I may, and I know this is a hard one, but it is, however, the one that this body is having to wrestle

October 2, 1975
img

with, the question is simply in your best professional judgment being an expert in this field, having studied the regulations and knowing the technical procedures, you know, manner of construction and so forth and knowing something about the Aquifer itself, in your best professional judgment, what is the likelihood that given strong enforcement of what we're acting on today we'll be able to safeguard that water supply, the purity of that water supply?

MR. YANTIS: I think it's one hundred per cent. I think it is certain that the Aquifer is going to be preserved fully for the City of San Antonio.

DR. CISNEROS: Thank you, sir.

MAYOR COCKRELL: Thank you very much.

MR. TENIENTE: I need a statement that would kind of go along with my thinking on this, because I feel that everyone has certainly their right to express their opinion on things, but a couple of statements made a couple of minutes ago made me feel that I should at least make my personal statement and ask you to see if possibly you might agree and I'm not putting you on a spot. By passing this ordinance at this time and any other regulations that have come from the Committee that we are not passing a license to pollute. These are the statements that were made, and that by passing it we would be acting against the interest of our public and our citizens, and I don't think these two statements in my estimation are correct, and I would take exception to that that I would certainly not pass anything that would have a license to pollute. I think that's the radical extreme view, certainly within the rights of the person to feel that way, but it's not my view and I just didn't know if this might be the same thing. Are we acting on a license to pollute?

MR. YANTIS: Absolutely now. As I have read the ordinance, it is sufficiently rigorous for any reasonable control by the City. By private viewers, there are a few things in it that are perhaps over-rigorous, but they are certainly within your powers to enact them. It is not a license to pollute in any way, shape or form. It is going to be very helpful to the Water Quality Board because of the direct cooperation between the City and the Water Quality Board. So, I see it in all ways being in the public interest to enact an ordinance of this kind and yet I say this reluctantly. I do not wish to intervene in the things for which the City has a right to do.

MAYOR COCKRELL: Thank you very much, Mr. Ynatis, I want to share with the Council the time problem we have, it's now seven minutes to twelve. There are some...

MR. YANTIS: Could I make one statement? Having been to many, many meetings according to your clock, the first minute of this meeting had more in it than any other meeting I have ever attended.

MAYOR COCKRELL: The clock was sort of undone by the fact of this particular hearing.

MR. HARTMAN: Madam Mayor, just one quick question, if I may. With regard to the further addressing of run-off, you know, I think this is a storm run-off. Do you see any thing additional forthcoming, you know, from the Texas Water Quality Board standpoint in the near future?

MR. YANTIS: Not quickly. I simply don't believe that we or anyone else is wise enough to advise you greatly on storm flow. I have the very deep feeling shared by many others since storm flow is probably not the ...inaudible...that some people see it that it would be very unwise to spend extremely large amounts of money on controlling storm

flow when every City has so many other needs that might be more important, such things as social programs of one kind or another. There is not enough money to do everything, and I do not think that storm flow should create such a burden on the City as to hurt you in other places. When storm flow becomes a problem, I hope that by that time, we will know what to do with it.

MAYOR COCKRELL: Thank you very much. I do want to give an opportunity to Col. Weinert to make any remarks he would like to representing the Edwards Underground Water District.

COL. McD. D. WEINERT: Thank you Mayor Cockrell and members of the Council. I had the privilege of working with some of the members of Council on the task force which the City Manager appointed and which Mel Sueltenfuss chaired. I have had so much contact with the City from the first Board Order that was conceived which was actually drafted at the instance of your sewer engineers, Carl Norris. I can kind of wonder on, if I don't watch out, but I welcome the opportunity to make a simple statement to you. I generally agree with what Mr. Yantis said, and pinned it down to this. If the Water Quality Order Board is strictly enforced and it is being rigidly enforced, we are improving in our enforcement record every day. We lend assistance to the Water Quality Board which has the primary responsibility but we have funds, and we have personnel, and the Geological Survey people are in the field every day taking samples from some of the wells. We are monitoring the area constantly all the way from Uvalde to Kyle. So far, we have had no instance of pollution of the Underground Reservoir. We are also building, the Geological Survey is building in connection with the development of one of the subdivisions on the North side, a holding pond and putting instrumentation on it to determine the quality of the run-off from that area. The Geological Survey publications on storm water run-offs are available. They were considered by your committee, and it was determined that the type of run-off that was generated in the Salado Creek watershed was not and to be expected from many other developers in that area will not be detrimental. I think all of the problems have been addressed, and I think they have been properly acted on by your public works staff. I don't think that I can do anything to help Mel Sueltenfuss except to hope that from now on we can devote our energies to enforcing the ordinance and not arguing about who knows what ought to be done. In closing, I believe it is a factual statement that the United States Geological Survey has developed all the factual technical data that anybody can use. Whether it's the Edwards Water District or any other body. There's no other source that I know of, and all of the different arguments about what should be done tends to slow down doing something. So, I say let's enforce the order. As far as the question of this Ordinance is concerned, I go further than Mr. Yantis. This is none of my business and I have no comments to make on....

MAYOR COCKRELL: Fine. Thank you sir. That concluded all the persons that we had signed up to speak. I will, therefore, declare the hearing closed and we will now be ready for action by the Council.

MR. HARTMAN: Madam Mayor, I would like to move the fact that the ordinance be enacted subject to the modifications delineated by Mr. Mel Sueltenfuss in the Director of Public Works Report and is further modified by the report which I read to you from the Planning and Policy Objectives Committee. I would like to mention that there is one point I think that...

MAYOR COCKRELL: Let me see if there is a second to the motion. The motion is that it be, the motion is that the ordinance be approved as presented with the addition, the modifications recommended in the report of the Planning and Policy Objectives Committee.

MR. HARTMAN: Which encompasses the report from Mr. Mel Sueltenfuss. It makes a reference here.

MAYOR COCKRELL: Let me see if there is a second.

MR. PYNDUS: There is a second.

MAYOR COCKRELL: All right, and then we'll have questions for clarification.

DR. NIELSEN: Now, does that include the, did you report, and I'm sorry if I missed it in the haste with which it was reported, the provision about an office.

MR. HARTMAN: Yes, it does, yes.

MR. SUELTFENFUSS: I think basically I might clarify on the situation. Number one, the ordinance aspect that you're passing on would be the amendments of the zoning ordinance.

MR. HARTMAN: Yes.

MR. SUELTFENFUSS: My report did not contain any amendments to that.

MR. HARTMAN: That's right.

MAYOR COCKRELL: That is just additional report. Yes, fine. So, the motion and the second is for approval of the amendment for the zoning ordinance as presented with the additional amendments as offered by the Policy and Planning Objectives Committee. Mr. Pyndus.

MR. PYNDUS: Mayor Cockrell, I brought this to the attention of Dr. Cisneros and Glen Hartman who are on the committee and there was one omission here that I would like the Council's approval on. This pertains to the code, and it excluded fairgrounds.

MR. HARTMAN: It includes...

DR. CISNEROS: What it means is they are allowed without Council approval.

MR. PYNDUS: Without Council approval? I wanted to, in the committee had agreed with me that fairgrounds, baseball park, and stadium would be subject to Council approval. And they have both agreed, and I would ask that you include this as an amendment to your motion.

MR. HARTMAN: Yes, I would include...

DR. CISNEROS: If that is an amendment that we have to vote on, I second the motion.

MAYOR COCKRELL: That is fairgrounds, baseball park and stadium. There was one line item that is listed here.

DR. CISNEROS: Be changed to required CC.

MAYOR COCKRELL: That was agreeable with the maker of the motion and the seconder?

REV. BLACK: May I just ask a question?

MAYOR COCKRELL: Yes, Rev. Black.

REV. BLACK: The question is, following the action on this amendment, this ordinance, let's say that it passes, what kind of schedule do we have on matters like the dealing with density and this kind of thing?

That's not a part of that, because I would like to know that we're talking about a continuous process in dealing with this issue?

MAYOR COCKRELL: Would you like to speak?

MR. HARTMAN: Yes, the next immediate action, Rev. Black, is of course, the 1 January date that has been established with regard to the definition of sensitive areas and the, of course, the staff is already working on that very vigorously. That is the next target insofar as that action is concerned. The matter of reviewing or addressing the matter of density, I think, is a matter that will have to be identified as a follow on action.

DR. NIELSEN: It will have to go through the process. It seems to me that this ordinance did.

MR. HARTMAN: Again, these are amendments to the zoning ordinance.

MAYOR COCKRELL: Specifically, I don't think we can give an exact time schedule but we certainly can say they will be, there will be continued review.

REV. BLACK: In other words, this ordinance is passed or will pass if it passes with the commitment of this Council to move further into the area that we've...

MAYOR COCKRELL: We're not at this time approving all criteria. We're just saying that we will continue to look at them.

DR. CISNEROS: Madam Mayor, can another amendment be considered while I'm in this floor or not. Okay, the only thing I want to suggest is...

MAYOR COCKRELL: At the present time the, as I understand, that line was accepted and so there...

DR. CISNEROS: All I'm suggesting, and perhaps this can be embodied also is that with what we've formalized within of what we're about to pass, some sense that there are other issues that the committee is going to look into. One of them being the sensitive area by January 1, which is already there in the report. The second being the discussion we had about run-off continuing, and the third one being Rev. Black's consideration about density, and the fourth one being the whole question of standards that a Council might utilize to, criteria that a Council might utilize to make a judgment on the CC category.

MAYOR COCKRELL: Those are, the chair would rule that those are actually part of amendments to the zoning ordinance. Those in the realm of Council and guidance and simply can be used as guide to the Council.

DR. CISNEROS: But would the minutes show then those items were discussed in association?

MAYOR COCKRELL: Fine, let the minutes so reflect.

MR. PYNDUS: Call the question.

MAYOR COCKRELL: We now have a motion. The motion and second was that the zoning ordinance be approved as presented including the amendment proposed by the Planning Policy Objectives Committee, and also including line item recommended by Councilman Pyndus.

On roll call, the motion carrying with it adoption of the ordinance was passed and approved by the following vote: AYES: BILLA, PYNDUS, ROHDE, TENIENTE, HARTMAN, BLACK, CISNEROS, NIELSEN, COCKRELL; NAYS: None; ABSENT: None.

MAYOR COCKRELL: Motion carried. I would like to take this opportunity to express my sincere appreciation and I think that of the entire Council to those who have worked so very hard on this. The Council members, the staff, all the citizens who have worked and helped the committee, and I feel that while none of us accept this as being the final answer and all answers, we feel it is a very satisfactory approach to a difficult problem.

October 2, 1975
img

MR. CISNEROS: Madam Mayor, my view would be that - my vote is motivated by the fact that every journey of a thousand miles is part of a first step, and this is our first step. But that is pretty clear to me after considerable study of all the reports and so forth that if we don't take an uncompromisingly tough position with respect to enforcement, that we're virtually certain to damage that water supply.

MAYOR COCKRELL: Thank you.

* * * *

75-59 The meeting recessed for lunch at 12:05 P. M. and reconvened at 1:40 P. M.

75-59

CITIZENS TO BE HEARD

MR. RALPH LANGLEY

Mr. Ralph Langley, Vice-Chairman of the Board of the Greater San Antonio Chamber of Commerce, read a prepared statement concerning the threat of a CPS bond election. He said that if a bond election were forced, it could force delays which would be damaging to the energy situation and would prove expensive to the average utility bill payer. Mr. Langley spoke of the progressive steps taken by CPS in preparing for the use of cheaper fuel and deplored the actions of irresponsible persons seeking to have petitions signed. He urged all citizens not to sign the petitions. (A copy of Mr. Langley's statement is included with the papers of this meeting.)

All members of the City Council endorsed Mr. Langley's comments and expressed the hope that bonds could be sold without any hindrance.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley, said that September 26 would be the last day for bus service from McCreless Shopping City to U.T.S.A. She said that this would greatly inconvenience students living in southeast San Antonio and urged the Council to do something about it.

Mrs. Dutmer said that she is pleased that the Council is passing a Resolution making citizens aware of the new Texas constitutional election.

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida, spoke concerning the rehabilitation program being sponsored by the Urban Renewal Agency. He claimed that remodelers are doing shoddy work on west side homes and bilking homeowners. He criticized the Urban Renewal Agency as their inspections approve the work before the contractors can get paid. He said that the Urban Renewal Agency inspectors should be removed from their jobs.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez read an open letter to Councilman Al Rohde asking that Mr. Rodriguez be appointed to fill a vacancy on the Firemen and Policemen Civil Service Commission.

Mr. Rohde advised Mr. Rodriguez that the City Manager makes appointments to that Board.

MRS. BERTHA CERCERO

Mrs. Bertha Cercero, 6606 South Zarzamora, complained to the Council about the utility bill at her small restaurant. She said that the bill is getting so high that she may be forced out of business and asked what could be done about it.

Mr. Cisneros said that he had visited with Mrs. Cercero and had suggested she visit with City Council because so many people in San Antonio share her problem.

Mayor Cockrell suggested that Mrs. Cercero ask a representative from City Public Service to visit her cafe and make suggestions as to how she might reduce her utility bill.

After discussion Mr. Cisneros moved that a Committee be appointed by the Mayor to study the matter of high energy bills. The motion was seconded by Mr. Pyndus.

Dr. Nielsen offered a substitute motion that matters concerning utility bills be handled by the Council as a whole instead of by a Council committee. The motion was seconded by Mr. Rohde. On roll call, the substitute motion was passed and approved by the following vote: AYES: Billa, Black, Hartman, Rohde, Nielsen; NAYS: Pyndus, Cisneros, Cockrell; ABSENT: Teniente.

Mayor Cockrell said that this subject would be scheduled for the October 9 "B" Session.

SALES TAX ON UTILITY BILLS

Mayor Cockrell asked that a resolution be prepared for consideration on October 9 putting this Council on record, as was the previous Council, of its willingness to forego the one cent City Sales Tax on utility bills if the State Legislature would approve exempting utilities from the four cent state sales tax.

MRS. FRANCES DAVIDSON

Mrs. Frances Davidson, 1814 West Southcross, also complained of her high utility bills and urged the Council to do something about them.

75-59 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Cockrell; NAYS: None; ABSENT: Rohde, Teniente, Nielsen.

AN ORDINANCE 45,793

AUTHORIZING PAYMENT OF \$4,250.00 TO THE U. S. CONFERENCE OF MAYORS FOR 1975 ANNUAL MEMBERSHIP DUES.

* * * *

AN ORDINANCE 45,794

ACCEPTING THE LOW QUALIFIED BID OF \$585,000.00 FROM H. B. ZACHRY CO. TO CONSTRUCT THE MEADOWCLIFF SANITARY SEWER SYSTEM, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE JOB, AUTHORIZING PAYMENT OF THE CONTRACT AND CONTINGENT EXPENSES, AND AUTHORIZING AN ADDITIONAL CONTRIBUTION OF \$197,828.00 TO THE PROJECT FROM 1970 SEWER REVENUE BOND FUNDS.

* * * *

AN ORDINANCE 45,795

AUTHORIZING EXECUTION OF STANDARD PROFESSIONAL SERVICES CONTRACTS WITH R. MARVIN SHIPMAN & CO. FOR ENGINEERING SERVICES IN CONNECTION WITH HUNTERS CREEK SANITARY SEWER OFF-SITE MAIN, SEIDEL & DAVIS FOR ENGINEERING SERVICES IN CONNECTION WITH CAMPUS SOUTH SUBDIVISION P. U. D. OFF-SITE SANITARY SEWER MAIN AND HARRY JEWETT ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH LAKESIDE SUBDIVISION UNITS 5 AND 6 OFF-SITE SANITARY SEWER MAIN; AND APPROPRIATING THE TOTAL SUM OF \$12,950.00 OUT OF FUND 52-003 FOR SAID SERVICES AND THE SUM OF \$700.00 OUT OF SAID SUM FOR MISCELLANEOUS CONTINGENCY EXPENSES.

* * * *

75-59 The Clerk read the following Ordinance:

AN ORDINANCE 45,796

ACCEPTING THE BID OF TEXAS SCENIC CO., INC. IN THE AMOUNT OF \$130,965.00 FOR CONSTRUCTION OF THE CARVER COMMUNITY CULTURAL CENTER STAGE LIGHTING AND SOUND SYSTEM, AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONTRACT, AUTHORIZING PAYMENT OF ADDITIONAL ARCHITECT FEES, AUTHORIZING TRANSFERS OF FUNDS, AND PROVIDING FOR A CONTINGENCY ACCOUNT.

* * * *

The Ordinance was explained by Mr. Mel Sueltenfuss, Director of Public Works, who said that this Ordinance accepts the bid of Texas Scenic Company in the amount of \$130,965 for the stage lighting and sound system at Carver Community. Installation of this equipment will complete the Carver project. This was an original Revenue Sharing project. An additional \$90,000 is needed to complete it and it was recommended that this amount be reprogrammed from the Southside Multi-Service Center funds.

Mr. Hartman expressed surprise at the high cost of the equipment.

Mr. Sueltenfuss said that this is really a minimum amount and agreed that the prices are high.

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

75-59

REVENUE SHARING FUNDS

Mr. Rohde said that he would like to have a review of all of the Revenue Sharing funds that are available that are not committed.

Other Council members concurred and asked to be advised.

75-59 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, 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, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente, Nielsen.

AN ORDINANCE 45,797

APPROPRIATING THE SUM OF \$97,428.00 OUT OF FUND 52-003 FOR REIMBURSEMENT TO KUPER PROPERTIES, INC., THE DEVELOPER OF UNIVERSITY HILLS SUBDIVISION AND GREAT NORTHWEST JOINT VENTURE, THE DEVELOPERS OF GREAT NORTHWEST SUBDIVISION FOR CONSTRUCTION OF OVERSIZE ON-SITE SEWER MAINS PURSUANT TO SECTION 36-35 (B) OF THE CITY CODE.

* * * *

75-59

UNIVERSITY HILLS SUBDIVISION
UNITS 2, 4 AND 5

Mr. Mel Sueltenfuss, Director of Public Works, displayed a map showing University Hills Subdivision. Unit 1 of this subdivision had been reviewed by the Council last week. He pointed out the units involved and said that they are all a part of the master plan and is in complete accord with Council policy for the Aquifer recharge zone.

After consideration, the Council referred the matter to the Planning Commission.

75-59 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Black, Rohde, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman, Teniente, Nielsen.

AN ORDINANCE 45,798

AUTHORIZING THE CITY MANAGER TO EXECUTE
A LEASE WITH FESTIVAL BALLET OF SAN
ANTONIO, INC., FOR BUILDING NO. 201 AT
HEMISFAIR PLAZA FOR A TERM OF ONE YEAR.

* * * *

AN ORDINANCE 45,799

ACCEPTING THE LOW QUALIFIED BID OF SAN
ANTONIO FLOOR FINISHERS, INC. TO FURNISH
THE CITY WITH CARPETING FOR A TOTAL OF
\$11,791.00.

* * * *

AN ORDINANCE 45,800

ACCEPTING THE LOW QUALIFIED BIDS OF
ALAMO IRON WORKS AND AIRSCO OF SAN
ANTONIO TO FURNISH THE CITY WITH A
TRASH PUMP FOR A TOTAL OF \$4,241.16.

* * * *

AN ORDINANCE 45,801

PERMITTING A BONFIRE ON OCTOBER 9,
1975, AT ANTONIAN HIGH SCHOOL,
LOCATED ONE BLOCK NORTH OF HAUSMAN
ROAD ON BABCOCK, WEST OF U.T.S.A.

* * * *

75-59 The following Resolution was read by the Clerk 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, Rohde, Cockrell; NAYS: None; ABSENT: Hartman, Teniente, Nielsen.

A RESOLUTION
NO. 75-59-89

ASKING THE CITIZENS OF THE CITY OF
SAN ANTONIO TO ACQUAINT THEMSELVES
WITH THE PROPOSED CONSTITUTION AND
SEVERAL AMENDMENTS THAT, IF ADOPTED,
WILL AFFECT THE CITY OF SAN ANTONIO.

* * * *

Councilman Rohde stated that he had attended a meeting of citizens who are supporting professional sports in San Antonio. They had asked that the Council name one of its members to work with them to formulate a comprehensive plan for a stadium. It would not bind the Council to anything. He suggested that Mayor Pro-Tem Teniente be appointed to serve with this group.

After discussion the Council agreed that Mayor Pro-Tem Teniente should be the Council's representative.

75-59 The meeting recessed to go into "B" Session at 3:05 P. M. and reconvened at 5:15 P. M.

75-59 The following Ordinance was read by the Clerk and after consideration, on motion of Rev. Black, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 45,802

CONFIRMING THE APPOINTMENT OF REV. ROBERT FORTE TO THE FIREMEN'S AND POLICEMEN'S CIVIL SERVICE COMMISSION, FOR A TERM EXPIRING ON MAY 31, 1976.

* * * *

Rev. Forte replaces Mr. Belvin Steward who resigned.

* * * *

There being no further business to come before the Council, the meeting adjourned at 5:20 P. M.

A P P R O V E D

Lila Lockull
M A Y O R

ATTEST:

[Signature]
C i t y C l e r k

October 2, 1975
nsr

-35-