

SPECIAL MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
TUESDAY, JUNE 30, 1981.

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The meeting was called to order at 5:30 P.M., by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, HASSLOCHER, CISNEROS; Absent: NONE.

81-34 Mayor Cisneros explained the purpose for this Special Called Council Meeting. The following discussion then took place:

MAYOR HENRY CISNEROS: Let me just indicate that I asked that the meeting be called. The problem is this - the problem is that there are the water hearings that are going on in Austin, and I woke up this morning to a news account that indicated that the death blow had been dealt to the City's efforts to secure a permit for construction of the Applewhite Reservoir by the news that a majority of the San Antonio City Council was now in opposition to the Applewhite Project. And that this news had been conveyed yesterday to the Texas Water Resources Board by Councilwoman Dutmer on the basis of an informal poll from Council members that had been done last week. I recall the discussion that we had last week, and do know that there were six Council members who had informally indicated that they might at some point or would at some point vote against the Applewhite Project. And, it just seemed to me that rather than do that on the basis of an informal poll, if in fact we're going to kill the City's chances to get the permit on that basis that we ought to just say one way or the other whether we want to have the permit or not - formally. Because the present way of doing it is in my view not appropriate, and I just thought about it over the course of the day and felt that I would be remiss in my duty if we failed to get the permit as a result of an informal Council poll, and as a result of that information being tendered to the State in that fashion. In other words, if we fail to get the permit and it killed our chances to ever develop the Applewhite Project and killed the major option on surface water by that approach, then it seemed to me that it would be inappropriate on my part to just sort of let it pass. Once the permit was lost at that point it's too late to wring our hands and wonder how it happened, when this is the way it happened. So, I felt that the best way to do it is exactly while the hearings are going on, and they're going on literally tomorrow and the next day, et cetera was just to seek a Council position formally one way or the other. So, I asked the City staff to draw up a Resolution rescinding the earlier Council Resolution on Applewhite so indeed if six Council members feel that way the Water Resources Commission has that position clear to them, and the other one is a Resolution which would basically say that we want to pursue the permit to keep that option open, and so I've asked for the preparation of those two Resolutions and would like to consider a Council discussion on the subject and if the Council is not inclined to act on one or the other Resolutions then at least a clarification on where we are. This is the Resolution repealing the earlier Resolution, and it would clearly state that there are six Council members who favor rescindment of the Applewhite question and that would settle the matter of surface water once and for all. The other Resolution gives us a different choice, and it would be a Resolution stating the Council's desire that the Water Board continue to seek a permit for the Applewhite Reservoir, and that way the matter is again clarified for the State as to where San Antonio really stands. Because right now, we have a letter from me saying that the Water Board had been directed to seek a permit, and at the same time we have a councilperson saying that a majority of the Council members do not want to proceed with Applewhite and would want to

seek the denial of the permit. And rather than proceed in that kind of confused fashion, it seemed to me the best thing to do was just let the Council decide it, in formal action. And there are Council members who want to speak, and the first one I'll recognize is Mrs. Dutmer.

MRS. DUTMER: All right. I'm happy you did because you're jumping to a bunch of conclusions. I don't know what the news media reported this morning, but the truth of the matter is, I was called to Austin to testify by Burt Hooper. I went to Austin, and it seemed that every time I opened my mouth, Mr. Booth objected to it as heresay evidence. So finally, after a little while, I guess Mr. Hooper got a little bit tired of it and the introduction to it was through the minutes that they had gotten from the City Clerk's office and sent to Austin. And in fact and in truth, the death blow was dealt by these minutes, not by me. Now I was under oath and it seems in here, Mr. Eureste confirmed the fact that there were six votes in the minutes. The six votes were not asked of me because that was heresay evidence, and was not admissible. So, since this was the minutes from the meeting, admittedly not certified minutes.....I pointed that out.....the hearing examiner or chairman or whatever you want to call him allowed them to be entered and reserved a spot for evidence in the hearing for these minutes when they are approved, so that they can be certified.

The six votes, I told you when I left here I had no intentions of doing it, the six votes is here in this paragraph by Mr. Eureste, not Helen Dutmer. The other was in the beginning statement here, and that was by Mayor Cisneros, not Helen Dutmer. This is what put the quietus on it, not me.

MAYOR CISNEROS: Well, okay.

MRS. DUTMER: All right, now I want to get that part straight, because I knew this was coming up and I wanted to get it straight. All right. There was another question that was asked of me and that was about the \$15,000,000 and withholding the \$4 million for the land acquisition, and I said "yes." He said "was any other money allocated to the Applewhite?". I said "no". He said, "Well, he said that's odd because Mr. Van Dyke had testified to the fact that they had received \$4 million in a previous \$15 million bond issue. So I said, "Well, that was \$4 million that was replaced, that the Water Board had used, and if they used it on Applewhite, it was not to my knowledge, but we did give them \$4 million to replace \$4 million of their general budget that they had used.

All right, now, so much for that. The other is, they asked me, "Well, why are you against Applewhite?" and I said "Because it wouldn't have water in it all the time." And they said, "Well, where did you ever get that?" I said, "Well, if you'll look, it's right in the very same minutes of the 25th, I think it is, where Mr. Van Dyke himself said there would not be water in it at all times. Then there was a question asked of me, well, in conjunction with that, I said the rest of it was that it would only be 16,000 acre-feet of water for a greater cost than the other alternatives that were put to us. And they said, "Well, where did you get that?" I said "I got it from a report from the Water Task Force that was appointed by the City of San Antonio." And I presented them the water report.

Now, what I want you to remember is that I was under oath, and very frankly getting angry. I'm not going to lie for anybody. This City politically or any other way. Now, I'm sorry I'm crying but I cry when I get angry, and I knew this was coming. And I am not going to lie for you, for anybody else in this city, especially while I am under oath and certainly not politically. And I'm sorry that I'm emotional about it, but there were..... everything that I said was taken as heresay evidence and not admitted. Your letter was not admitted because it was heresay

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evidence.

MAYOR CISNEROS: I understand.

MRS. DUTMER: All right. Only the things that I had that I read, that I could determine my opinion on, are the things that I presented to that body. The rest was presented by Burt Hooper, who is a water attorney at the state level, and he took it from the minutes, the certified minutes of the City of San Antonio Council meetings. And now I want that straight and I want it good and straight.

MAYOR CISNEROS: Okay. The question is, at this point: does the City Council of San Antonio want to secure the permit? Does the City Council of San Antonio want to be in a position where we could make a clear statement about securing the permit? There has been a question raised by a variety of things, and a suggestion that a majority of Council members would not prefer pursuing the Applewhite project and therefore the process of securing the permit is in danger. Does the Council care to state some position? And we've prepared two Resolutions which state two different positions. If the Council wishes to do neither, that's fine also. But I just personally did not want to be in the position a year from now...two years from now... five years from now...of having watched the permit be lost and then personally have taken no steps to clarify the City's position at the time when it could be effective. And that's the only reason that I have asked for this meeting and the airing of this situation, because I would have been remiss in my duty if there was no Council action to the contrary, and yet we lost the permit because there was a suggestion made that there was a Council action to the...wherever it came from: Mrs. Dutmer, minutes, whatever else. I personally felt I needed to take every step possible to clarify the situation. That's the reason for this meeting. Mr. Hasslocher.

MRS. DUTMER: Well, that's fine, but I want it clear, and I want it clearly stated that it was the minutes of the City of San Antonio and not Helen Dutmer that carried that news to them. So that's what defeated it is the minutes, your speech and Mr. Eureste's speech.

MAYOR CISNEROS: Okay. Mr. Hasslocher.

MR. HASSLOCHER: Thank you. Mr. Mayor at this time I'd like to direct my questions to John Schaefer, who is chairman of the Water Board, if I may, please.

MAYOR CISNEROS: There are persons here from the City staff and from the City Water Board staff, and the chairman of the Water Board, as well.

MR. HASSLOCHER: Mr. Schaefer...thank you...

MR. JOHN SCHAEFER, CHAIRMAN OF THE WATER WORKS BOARD OF TRUSTEES:

Yes, sir.

MR. HASSLOCHER: There has been lots of rumor about the Applewhite project, lots of controversy. My question, number one, will be, and it was previously stated by you: will the Applewhite, in fact, hold water?

MR. SCHAEFER: Yes. There's no question about that. We have a hydrology...Freese & Nichols, a consulting engineering firm...as well as the federal agencies have studied this, and it definitely will hold water.

MR. HASSLOCHER: All right. There's lots of talk about doing other things other than the Applewhite and I just what to, if I may, Mr. Mayor, touch on that a minute. One of them was to put recharge zones over the Aquifer, that supposedly would be suitable enough

to handle San Antonio's water needs. Do you believe, in fact, that that is a true assumption?

MR. SCHAEFER: I don't believe it's a viable approach. At the time that we would need the amount of water that would require surface water, that's not a viable solution to a longterm water need of the City of San Antonio.

MR. HASSLOCHER: So in your estimation as chairman of the City Water Board, the surface water and the Applewhite project in your estimation as chairman, would be the way the City should pursue in order to have ample supplies of water for the coming years.

MR. SCHAEFER: The Applewhite reservoir is one of a number of reservoirs that eventually will be required for surface water for the City of San Antonio, and it is an integral part of that and probably in relation to future dam sites and reservoirs in all programs outlined for surface water, it is an essential to all those programs.

MR. HASSLOCHER: Thank you, sir.

MAYOR CISNEROS: Are you finished, Mr. Hasslocher?

MR. HASSLOCHER: Thank you, Mayor.

MAYOR CISNEROS: Mr. Eureste.

MR. EURESTE: I need to - my concern has to do with power relating to the calling of this meeting and what I - what I would assume to be a very - the establishment of a very bad precedent, something I have not seen in my four years here at City Hall and something surely that I would not like to see during my next tenure here at City Hall. We have a Council-Manager form of government and it is referred to as a weak Mayor system, and from where I sit I like it that way. It's nothing personal - when Lila was sitting where you are I liked it the way it was and now that you are sitting there I would prefer it that way as long as we have this Charter in force. This is what I would like to have, a Mayor that has no more official power than any other Council member other than that which is reserved for the Mayor under the Charter or under State statute or Federal statute.

I found out about this meeting by accident. There was no written memorandum that I was asked to sign or a request to call this meeting. I probably would have found out about it during the day, but there is nothing, not one piece of written information requesting me to attend the meeting or asking me if I would be willing to attend the meeting. And I don't like that.

Secondly, you know, I have a problem when one Council person, including the Mayor, has the power to mandate the staff to prepare resolutions that are not subject to our review prior to the calling of a meeting or prior to the convening of a meeting of the City Council. I think that's wrong. I think the Charter says that three people can call a meeting. What we've done in the past is require six signatures before we would even go that far because we would like to assure the Council that there is at least a majority of the Council that is willing to call that meeting and they are serious enough that they have the votes to force that meeting upon the Council since they represent the majority and if business is going to be discussed at least there is the possibility that six of those individuals will be voting in favor. I don't - you know, I guess anybody can be their own judge on matters like this. My judgement is that if we're going to be calling meetings when Council members go out and perhaps out strategize the remaining members of the Council including the Mayor, then we might be having meetings here very often.

I do not feel that Mrs. Dutmer has done anything illegal in what she did; has done anything wrong in what she did. All she did was out maneuver all of us. I am an opponent of the Applewhite because that is surface water. I do not favor surface water projects. I will use my vote to oppose surface water and I feel that Mrs. Dutmer in going to Austin represented perhaps my view to a certain degree. She did not have my authority to speak on my behalf; but she didn't. She spoke as an individual and if the Commission in Austin is naive enough, and I could use harsher words, but naive enough to assume that a poll of Council members can rescind an official resolution that this Council passed then I would say that they have no business conducting a hearing in this particular case because they know very little about procedure in governmental circles.

As I mentioned last week that was not an official vote of the Council. It was nothing more than a poll and had that been tested it would have failed. It was very obvious that it didn't have the official votes to carry. If we're going to go around reacting as a full body in full session to the antics or the actions of one individual then I say that's somewhat unfair and it's unfair also to the individual, in this case Mrs. Dutmer, because it basically begins to put and pit the entire Council against her. It appears to be like a reprimand. It appears to be like a slap in the hand and surely I don't - I would not have supported the calling of this meeting had I known about it.

I supported you last week, Henry, in stating that the official position of this City Council still stands and it still stands today. If you want to have another vote on it I'm going to vote against it, but any resolution that continues this situation the way it is based on that '79 resolution. I will not vote to reaffirm. I would vote to get out, but I don't feel that I have the votes to turn anything around. I think what is going to happen is we're going to have "status quo". What is going to happen though is that people are pretty dissatisfied, folks have gotten their feelings hurt when it was not necessary.

I'll be very frank with you. I found out from my secretaries what happened. Shirl Thomas called upstairs and asked for several Council members. She did not inform our secretaries that there was a Special Meeting. My note from Shirl Thomas said nothing more than to call Shirl Thomas. I've got about 15 calls upstairs from people to call them back and if I get to them I'll call them back and if I don't well I won't call them back, hopefully sooner or later I'll get to them. And in the case of Shirl Thomas how was I supposed to know that the subject of her call had to do with this business. I mean, I cannot read people's minds. Our secretaries do not know and did not know through any communication with Mrs. Thomas that this was a call for a Special Meeting. There's nothing personal between me and Mrs. Thomas other than if her purpose of her call was to invite me or to ask me or to request my approval or whatever, opinion on a Special Meeting it should have been indicated and perhaps more than just on a telephone note pad, but perhaps through some type of official communication, otherwise the system doesn't work. And I know that all it takes is to get six signatures and that's really the way we should have gone. But when you call Special Meetings you should go beyond that. You should submit that memorandum to every Council member in some way, fashion or form so that each Council member is either read the memorandum over the phone or so that each Council member has a copy in his hand or her hands. That's the way its been done in the past and if you establish a precedent of meetings that not everybody is aware of .....

MR. CANAVAN: Point of order, Mr. Mayor.

MAYOR CISNEROS: Yes, sir, what is your point.

MR. CANAVAN: Is the meeting - I might ask this of the City Attorney, as prescribed today in order?

MAYOR CISNEROS: Yes, the meeting is and we'll allow Mr. Eureste to finish then I'll have the City Attorney recap on that point.

MR. CANAVAN: If it is in order, then the discussion of old policy related to calling a meeting is not germane to the calling of this meeting and I would suggest that we address our comments to the Applegate.

MAYOR CISNEROS: Mr. Eureste, Mr. Canavan has called a point of order related to the discussion about the matter of procedure. I was going to wait until we were finished to have that portion of the Charter read because obviously I wouldn't have done anything without consulting the Charter first. I'd be happy to have that read to you now or ask you to wind down your comments on this point.

MR. EURESTE: Well, Lila Cockrell never called meetings like that so, you know, for the past four years I've never been asked to go to a meeting in the fashion that I was - I guess that this meeting was called and that's the only point. I know it's nothing other than that so I could probably speak here for the next one hour unless there are rules established by the Council as to how long one can talk. And really my conversation here is not out of order, it is germane. There are a lot of people that are

interested in surface water and alot of those folks were not apprised of this meeting. They are not aware that this meeting is going on on such an important issue, and I will rest my case at that point. .

MAYOR CISNEROS: I'd like to ask the City Attorney if you will read, please, that portion of the Charter that deals with the calling of the meeting, who may and who might not.

CITY ATTORNEY MACON: Section 11 provides Special Meetings of the Council may be called by the City Clerk upon the written request of the Mayor, the City Manager or three members of the Council and all meetings, of course, shall be opened to the public and this meeting was called pursuant to section 11.

MAYOR CISNEROS: Let me just state again that the first thing I did when I got in this morning was check on the procedures for calling a meeting and find out that the Mayor, by asking the City Clerk, could do that and then immediately asked staff to contact every member of the Council, and I know that every member was contacted so I have complied with the provisions of the Charter. And again, my motive is not to, it's not a question of reprimand, it's a question of trying to get the permit. As near as I can tell when you're in a position of political responsibility and is the one that has been entrusted me and each member of this Council, one does what one can within the powers that are set out by statute, legality, etc. to do what you think is right and my understanding of the Council position has been that the Council intended for us to try to work toward that permit.

Now, when that situation is changed because there is a reading by a State body that the Council .....

MR. JOE WEBB: Mr. Mayor, point of order.

MAYOR CISNEROS: Yes, sir, what is your point.

MR. WEBB: Well, all of us are here at this meeting and somehow or other we got notified and I really would like to talk about the water permit myself because I'm not going to be here very long.

MAYOR CISNEROS: So the critical question then is, how do we stand on the permit. That is the purpose of the meeting to define instead of by letters and testimony and newspaper articles, etc. let's have the Council say does it want the permit or does it not want the permit, pure and simple. Mr. Wing.

MR. WING: Will the voting up or down of either, of the resolution that we have before us curtail in any way the public hearing process that the majority of the Council agreed to whenever we were - whenever we voted on the bond issue for the Water Board.

MAYOR CISNEROS: If you're asking me, sir, I'm 100 percent committed to an open, honest, objective analysis of all the options available to us through a public hearing process. I do think as we go through that we ought to maintain our options to move in any direction. And if to lose the permit at this time results in years of reapplication, and years of waiting for a rehearing and a lesser chance of getting the permit then we will not an honest open hearing because we will already baised the process by ruling out one alternative. And that to me is the logic for trying to get the permit as we go forward and still having public hearings in an open way.

MR. WING: I would like to ask the City Attorney that, will securing the permit or going forward in securing the permit place the City in any

commitment form at all until we have the public hearings that the majority of the Council has ,.....

CITY ATTORNEY MACON: At this point and time the \$4 million - the bonds that the Council asked are still held in abeyance pending the hearing direction of the Council, however, this merely preserves your options as to going forward with Applewhite.

MR. WING: Thank you, that's all I wanted to know.

MAYOR CISNEROS: Mr. Canavan.

MR. CANAVAN: I was going to comment on the Applewhite just briefly. I think all of us wonder which is the best direction and that occurred with Canyon originally and the contract wasn't just suitable. I think all of us know full well that all alternatives in the future are going to have to be utilized in order to provide surface water for the growth of this City. I do know that there is tremendous growth coming in and I think one of the things that is the biggest attraction is our onward momentum toward surface water as well as toward energy, both of those are very important to the development on all sectors of our City.

I've checked with the Water Task Force report on the various alternatives be it Cuero or Cibolo or Canyon has stated that I would like to see us negotiate with Canyon. I think we're going to need that force of surface water also, but I do not see, and I use this phrase all the time, I do not see the downside to licensing and building that reservoir, I think based on the professionals in the business and their track record is good that it is a viable source of surface water. I personally am not committed to building a treatment facility at this point. I don't think we have to do that, so I don't think we have to commit \$106 million to it but I think that we should reserve all the future sources of water that we can. The Applewhite happens to be one that this Council or Council before voted on and I think after due consideration I think we're going to need it, we're going to need the Cibolo and the rest of them. I would like to go ahead and have that permit. I would like to see that reservoir there. I don't think that that is something that we should just deny. I am also very concerned about continual rate increases and I've talked to a number of Council members about that, or CPS rate increases to fund all kinds of cost, or sewer rate increases, or garbage rate increases as projected. They are one after another. Water is another one in the group. I just think that we need to minimize them, but I certainly would not want to give up the possibility of having the Applewhite, and especially if there are a majority of Council members supporting it. I think that it is important that this meeting was called so that we can get a clear direction. If there are not the six votes, then fine. But I think that the committee reviewing that permit should very well know which is our position, whether it be a straw vote, no matter who presented it or how. I think it's important that the citizens know and that we all know which direction we're heading, and in my view, it's toward surface water, it's toward the Applewhite, I think the votes are here. I don't know that for a fact but I think they are. I have no problem with anyone that says, well, maybe there's a better alternative. I do have a problem when someone says we don't need it, because I think that in the future, we do need it. It becomes a contest of whether it's Canyon or whether it's Applewhite or Cibolo or Cuero. Before it's over, as we were told, based on consumption...and they said those figures were low...based on consumption, we're going to need all of them in the future, and I firmly believe that. Applewhite is just the beginning, it's on the south side of San Antonio; that to me is important. I think that based on the information I've been able to gain through the Water Board, and based on their independent studies by outside people, that it is a viable source of water, and I fully intend to support it and appreciate the Mayor's calling of this meeting through whatever method is proper, despite what was done in the past. If it's proper to call the meeting, fine; we [redacted] one that. Then let's su [redacted], one way or the other. [redacted]

MAYOR CISNEROS: Mr. Archer.

MR. ARCHER: I support basically what Mrs. Dutmer has tried to do, because she and I had gone on this tour and we have talked about it several times and I wouldn't say I 100 per cent support it but pretty near with what Mrs. Dutmer is trying to do. And I did tell her last week that I agreed that we shouldn't go ahead with Applewhite. But I'm going to vote for the Resolution today on trying to get a permit because I think that if we get the permit, that doesn't mean that that's the start of Applewhite. But I think that we need the permit to use as leverage in dealing with the people in trying to sign a contract on this Canyon water because those people are not very happy with us for turning down a past contract. And so, if this will help us, which to me seems like the most logical thing to do would be to start with Canyon Lake water. Who knows whether we need water or not? I guess the water experts know, but I think this City Council needs to be prepared for all eventualities that might come to the City and then, way many years down the road, we probably will need it. But I think the first step would be getting Canyon water, and I thought that that's what we meant a few weeks ago when the Water Board came before City Council...that we would look, we would have a public hearing, if that's what you all want to do, but that we would look to Canyon Lake to see if we could buy water there before we would spend this \$3 or \$4 million for land acquisition. So being that getting the permit doesn't necessarily mean that we're going to start construction....we're not voting for that, we're just voting to get this permit and then we have it and can start at any time we want to. Understanding that, Mayor, I would move that we adopt the Resolution whereby we reaffirm that we want to get the permit.

MRS. DUTMER: Second.

MAYOR CISNEROS: All right, there's a motion and a second stating the Council's desire that the City Water Board continue seeking the permit. That's one motion; there may be others before the evening is past. Mrs. Berriozabal and then Mrs. Dutmer.

MRS. BERRIOZABAL: Yes. As a new member of the Council I have to admit that I was a little bit confused about the meeting situation. I was under the assumption that it took six votes, six members or six votes from the Council, so I learned something today. I felt uncomfortable because we had not given the citizens an opportunity to come and listen to the very important information...the subject is so important to so many people. But I'm going to take the opportunity again to vote against Applewhite and against any other plan for surface water. I'm against surface water, I think it's too expensive, I think we don't need it, we can't afford it, the people in my district can use the money that we're spending on this to get much-needed assistance with the water mains and all kinds of drainage problems that we have. I feel strongly that if properly safeguarded, if we restrict building on top of the Aquifer, if we take care of it, we are going to have an adequate water supply for many, many years to come. I would urge that we get on with the hearings, Mr. Mayor, in the community to learn what this community has to say to us about their feelings on surface water. And in connection with the hearings that we are having, I would like to see that when they are held, that we go out to the public and not expect the public to come to City Hall. I would like to see that the hearings have us going to all segments of the city and having them properly advertised through all the mediums...

MAYOR CISNEROS: That's a good idea.

MRS. BERRIOZABAL: .....in Spanish and English so that when we say that we are having public hearings and that we are open and honest and sincere about knowing what people have to us about it, that we do give them a fair chance to express their feelings.

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MAYOR CISNEROS: Okay. Mrs. Dutmer.

MRS. DUTMER: All right. First, my apologies for the emotion. I get more angry at myself than anything.

The statement that Mr. Archer made is one of the statements why they took a dim view of it. The same statement was made in these minutes by the Mayor: that we'll get the permit but that doesn't mean we'll build the Applewhite. Now that was one of the things that they took a very dim view of. The other was the hearings. It mentions having the hearings. They asked me if dates had been set for the hearings. I told them, "Not to my knowledge." They said, "Well, when do they expect to have them, after they've already got it in the bag?" Now, this was the reply. All right. Then it was pointed out that we would have to draw down on that water just as soon as it was put in there in order to meet the 53,000 acre-feet of water per year yield. If you draw down immediately, it means you have no water. You put it in there and you drew it out immediately. That's what it means.

All right. One of the other things they took a dim view of was this effluent to be put into this lake. They asked me where I got that from. That come from this 208 Planning Commission meeting here, and we were discussing WCID 16 and the Leon Creek plant. The question was asked, on the Leon Creek plant: is there a possibility that this project will discharge into the Applewhite reservoir, and the answer was "yes." Here it is; black and white, not Helen, but your water experts. You apparently didn't read your water report because your Water Task Force tells you right here in black and white: if this is attempted on the Guadalupe-Blanco River Authority is purchased, then neither Applewhite not Cibolo Reservoirs will be necessary until after the year 2020. Again, that's not Helen, that's in here, black and white, and that is what they read. After the year 2020, 43,600 acre-feet per year of surface water will be needed. Then is when you start thinking about your in-basin reservoirs.

Now I know that you have the votes to go ahead with your Resolution. That is your prerogative, and I see them there. It was not I who started the controversy. It was you, Mr. Mayor, by calling the meeting. Another statement from the board...or rather from one of the experts, is that it is the informal view of the department staff that the feasibility of the project will have to re-analyzed after the applicant's engineers complete their study of the water rights and the water quality issue. It is not known when the applicant's engineers will report back to this department. Unless the Applicant can convince the department that it should be allowed to operate the project to produce up to 70,000 acre-feet of water per year, the economic feasibility of a \$105 million reservoir that produces only 15 to 16,000 acre-feet of water per year is highly questionable.'

Again, that's not Helen. That's your experts. So I don't doubt that you have your votes and if you have it and have lined up and this is your political decision, then so be it. I will accept it as all democratic people should...admittedly, conservative democrat. But, democratic, nevertheless. So, it would be my contention that you go ahead and take your vote. If you have your six votes, so be it. I'm not making the decisions. The Texas Water Quality Board is making this decision, not Helen.

MAYOR CISNEROS: Okay. Mr. Webb.

MR. WEBB: I'm rather confused by the statements of Mrs. Dutmer. Didn't she second the motion of Mr. Archer....

MRS. DUTMER: Yes, I certainly did. That's to get it on the table.

MR. WEBB: Oh, I see.

MRS. DUTMER: Actually you're not supposed to discuss it until you have a motion on the table.

MAYOR CISNEROS: Any other points, Mr. Webb?

MR. WEBB: No.

MAYOR CISNEROS: Mr. Eureste.

MR. EURESTE: Yes. Again, Dr. Cisneros, the point that I am trying to get at is, I think everyone knows that whereas we have a Charter, and provisions in the Charter are very explicit, and I was aware, at least, that you can call a meeting, the Manager can call a meeting, and that three members of the Council can call a meeting. But we have worked here under a rule that is a rule that the Council agreed to, and maybe it should be reaffirmed or reconsidered and laid out very clearly at least so that we know how we will be conducting ourselves over the remaining part of this term. The Manager can call a meeting at any time, we all know that. Aside from the regular meetings of the Council, he can call a meeting at any time. But we have been working with a rule that it takes six members of the City Council, including the Mayor, to call a special meeting. Now, if we were to fall back on the Charter and all of us were to fall back on the Charter.....

At this point, Mayor Cisneros gavelled for order in the audience.

MAYOR CISNEROS: Mr. Enriquez, you are a member of the audience and the Council member has the floor, sir.

MR. PETE ENRIQUEZ: (unintelligible)...I'm tired...Charter, Charter...

MAYOR CISNEROS: Mr. Enriquez.....Pete, I'm going to have to call you out of order and have you taken from the room if you don't...if you don't knock it off.

MR. ENRIQUEZ: (unintelligible).

MAYOR CISNEROS: Come here. Let me talk to you for a minute. Please, you have the floor. You have the floor. You have the floor, Mr. Eureste.

MR. EURESTE: Okay.

MAYOR CISNEROS: Mr. Enriquez.

MRS. DUTMER: There's no one in the Chair, so it doesn't do you any good to talk.

(unintelligible)

MR. EURESTE: All I'm trying to do, Henry, is make sure that we understand what rules we are following, and I have no problem in accepting what the Charter says because that is really the superior rule that we should go by. The Charter gives you the authority to call meetings and to place items on the agenda in calling those meetings. The Charter also gives three members of the Council the power to call meetings and to place an item on the agenda. If you have the power to call a meeting to call a meeting, you have the power to place an item on the agenda, you know, you quoted the state law, you call a meeting for a specific reason to conduct certain pieces of business and I can tell you basically the way this can be done. If you cannot get an item on a regular agenda you could by getting the signature of three Council members call for a special meeting posted with the proper notices and everything and then have an item appear on the agenda of that special called meeting and what you've got is three members of the Council calling the meeting. I would prefer to work with the six signature rule because at least we know that we've got a majority support going into a meeting like that for some kind of action up or down.

The other one that I wanted to tell you is that I would not lie to you in telling you in all sincerity I was not informed of this meeting and I spend alot of time here at City Hall. Shirl if she left a message it was either not taken down right or she did not communicate with the secretaries the purpose of the call. That's the only beef I have and you know that some of us have been the subject of not having been notified about certain meetings and I've been here four years and I've heard the uproar that comes out of something like that. It just happened to me this time.

MAYOR CISNEROS: Let me just say two things. One, I don't know about the rule that you're talking about. I do not know about that rule. I don't know of such a rule, I've never seen such a rule. We haven't had that much experience in calling special meetings of any kind and if you can show me the rule I'll be happy to amend my procedure, but I just don't know about such a rule. I remember meetings being called by three Council members during the time I've been at City Hall, so I'm just going by the Charter. That's point number one.

Point number two, I checked all day to make sure that efforts were made to contact every one and I was told that messages were left for you at a number of places. Then when I saw you about 2:00 o'clock you indicated that you knew about it at that time, otherwise I would have told you myself at that time. But absolutely never would I, even operating within the Charter would I have a meeting in which we didn't make absolutely every effort to reach every Council member.

MR. EURESTE: I understand that.

MAYOR CISNEROS: Mr. Alderete.

MR. ALDERETE: Two quick questions. What I understand is that we proceed with the permitting of the Applewhite all we are doing is merely reserving our rights to building the Applewhite. Is that correct, Mrs. Macon?

CITY ATTORNEY MACON: Mr. Alderete, I missed your question.

MR. ALDERETE: That's what I figured. What I'm asking is are we reserving our right for some future point and time if we get our permit does that mean we do not have to proceed forward with the Applewhite, it just merely reserves the right for the permit?

CITY ATTORNEY MACON: That's correct. Basically what you are doing is preserving your options.

MR. ALDERETE: Okay. If the Council does not pass either resolution by majority will it not be proper to understand that we will resort back or revert back, I should say, revert back to Resolution No. 79-35-74 which in essence still directs the Water Board of Trustees to proceed and take all necessary actions for the construction of the Applewhite Dam and reservoir.

CITY ATTORNEY MACON: The resolution remains in effect until rescinded.

MR. ALDERETE: Thank you.

MAYOR CISNEROS: Mr. Hasslocher.

MR. HASSLOCHER: Thank you, Mr. Mayor. I'll try and read what I can on this and with the Council's permission just for a minute I'd like to read a couple of lines from this current copy of Newsworld Report and the headlines talk about water, well, we have enough to go around and interestingly enough one of the - Representative Jim Wright noted in a book some fifteen years ago about this problem and it briefly talks about legal battles over scarce water supplies that are erupting from California to the New England. A growing number of communities are trying to cope with water shortages by imposing strict conservation measures. California, for instance, now requires all new homes to have low flow shower heads and toilets that require less water for flushing. Some cities are distributing free water saving devices to reduce flows for household spigots and this problem goes back and talks about the federal people and how serious they feel this problem is and one thing in a map here depleted by irrigated farming, underground water tables are becoming dangerously low from Texas to South Dakota.

Once again, I guess when I first came on the Council and I asked that we - I wanted to really get involved in the water process. Another national publication has come out again and stated what a serious problem it is, it's going to be more serious and we're going to continue with growth rates that have a tremendous amount of people coming into our area of the country and problems servicing them with water energy and other things. So, I for one am going to continue to support the project and support other projects because I know right now that it's cheap compared to what it will be several years down the road, fifteen or twenty years down the road when grandchildren start wondering why, again, the City Council back in 1981 decided not to take a firm stand on surface water and I still believe in my own mind that we need to go out and secure whatever we can in order to be able to have a plentiful supply of water. Again, I go back to this map, this article and the many articles that have been written on it talk about the droughts that dry up water supplies and spread economic hardships around the country and what it's doing to America, so anything I think that we can do to put our best foot forward and get into surface water or other means of water, be it Canyon or others, I think we need to do it. Thank you.

MAYOR CISNEROS: Mrs. Dutmer. We have two citizens by the way, when the Council discussion is over.

MRS. DUTMER: We have - we've been fighting the water battle since Texas had the first inhabitants set foot. The guy that controls the water controls the territory. Water is a very volatile question and personally in San Antonio I can remember in the 40's that's before you were even thought of, Jim, the 40's we were fighting this very same battle and at that time it was predicated that San Antonio would go down the tube within ten years and this is documented evidence that San Antonio would go down the tube within ten years if they didn't do something besides that Aquifer up there. We're still here.

I don't find any problem, Mr. Mayor, with you calling the meeting. I do know that it's the prerogative of the Mayor or the Manager to call an emergency meeting at any time that they feel that it's an emergency, so I don't have any problem there. Where I will have my problem is that I cannot conscientiously vote for \$105 million mud puddle that has a possible and no matter how remote the possibility of being another Mitchell Lake on the southside of San Antonio. Very simply and candidly and this escalation of the cost of surface water can escalate up to \$3.5 billion. Now you're fighting about STNP now, you're going to have a water fight, too. There are alternatives to fuel and to heat and to other things but there is no alternative to water. They're simply not making anymore and I don't know anybody great enough to walk the earth and hit a rock and create some more. So, of course, I will be voting against it even though I did seconded it to get it on the table for discussion. That's simply the way I feel about it and I will say that if you go forward with it and you go forward with the Applewhite then believe me from the bottom of my heart I hope that it is all that they say is going to be, but I don't think so.

MAYOR CISNEROS: Thank you, Mrs. Dutmer. Mr. Eureste.

MR. EURESTE: If three people of the Council can call a meeting can three people of the Council also place an item on the agenda for that meeting being called?

MAYOR CISNEROS: If you're asking me, the operating procedure that we've utilized is that six persons would sign an item asking that that item be placed on the agenda for, during the course of a week for the meeting that week or for a subsequent week.

MR. EURESTE: Watch this. You have this in here, these resolutions are being dealt with right now to the powers that are outlined in the Charter. The Charter says that the Mayor can call a meeting. If you can call a meeting, you can place these items on the agenda, is that correct?

MAYOR CISNEROS: The language of the call of the meeting says discussion and consideration of actions relative to the permit, so these would fall under that category, that's correct.

MR. EURESTE: Right, then three members of the Council would have the same powers, that's what I'm asking.

MAYOR CISNEROS: In call the special meeting and indicating what was going to be discussed, yes.

MR. EURESTE: Yes. So immediately after taking the vote here three of us can get together and call another special meeting for tomorrow and that would not be a majority position of the Council or at that time it would not be, it will just be three Council members.

MAYOR CISNEROS: That's the way the Charter reads, Mr. Eureste.

MR. EURESTE: All I'm saying is that I don't recall having used that procedure in the past.....

MAYOR CISNEROS: I do.

MR. EURESTE: Well, you've been here longer than I have. Was it during the Council term that I was on?

MAYOR CISNEROS: I believe it was on the '77-79 Council on which we served together and I'm trying to think what the incidents were. Gebe is over there whispering what the mediums of the meeting were. Aquifer

matters as I remember - a meeting was called - Phil Pyndus - I'll dig that out .....

MR. EURESTE: You see, basically the rule of the Council, the Charter is one thing, Henry, the rule of the Council was simply to do nothing more than to protect against frivolous, okay. Against frivolous actions. And all I'm saying is that we can be going at this for a whole year and three of us that might not be acting straight could be calling one meeting after the other.

MAYOR CISNEROS: I see the problem, but perhaps that is one of the items we ought to submit for Charter revision and just change the Charter on that point. I understand from what Norma is saying that that case of the Aquifer that there were three signatures. So I'll check the record and bring it to you on Thursday or tomorrow or whenever, but I understand that the procedure that we used in '77-79 involved three signatures.

MR. EURESTE: But you would agree that it is rare?

MAYOR CISNEROS: I would agree that it hasn't been used often. I would also tell you that in this situation I felt that there was a problem and the problem is this, that - let me just tell you, I frankly - I frankly don't care whether we win or lose in this particular matter. I would just tell you that I would like it to be a Council action and here is my position, pure and simple, bottom line. If we're going to lose the permit and it's going to set us back years then, Lord, let it be with the Council saying that they wanted to do and not some other process, again, not pointing fingers at anybody but just some other process. I mean, let's just make a decision and say and let's do it officially. So frankly, whatever way the Council wants to do it, I can live with. I can take a loss on the Council. I've taken many losses over six years on the Council, lots of losses, but I've rather lose it in Council Chambers than lose it through interpretation, and innuendo and hearings, etc.

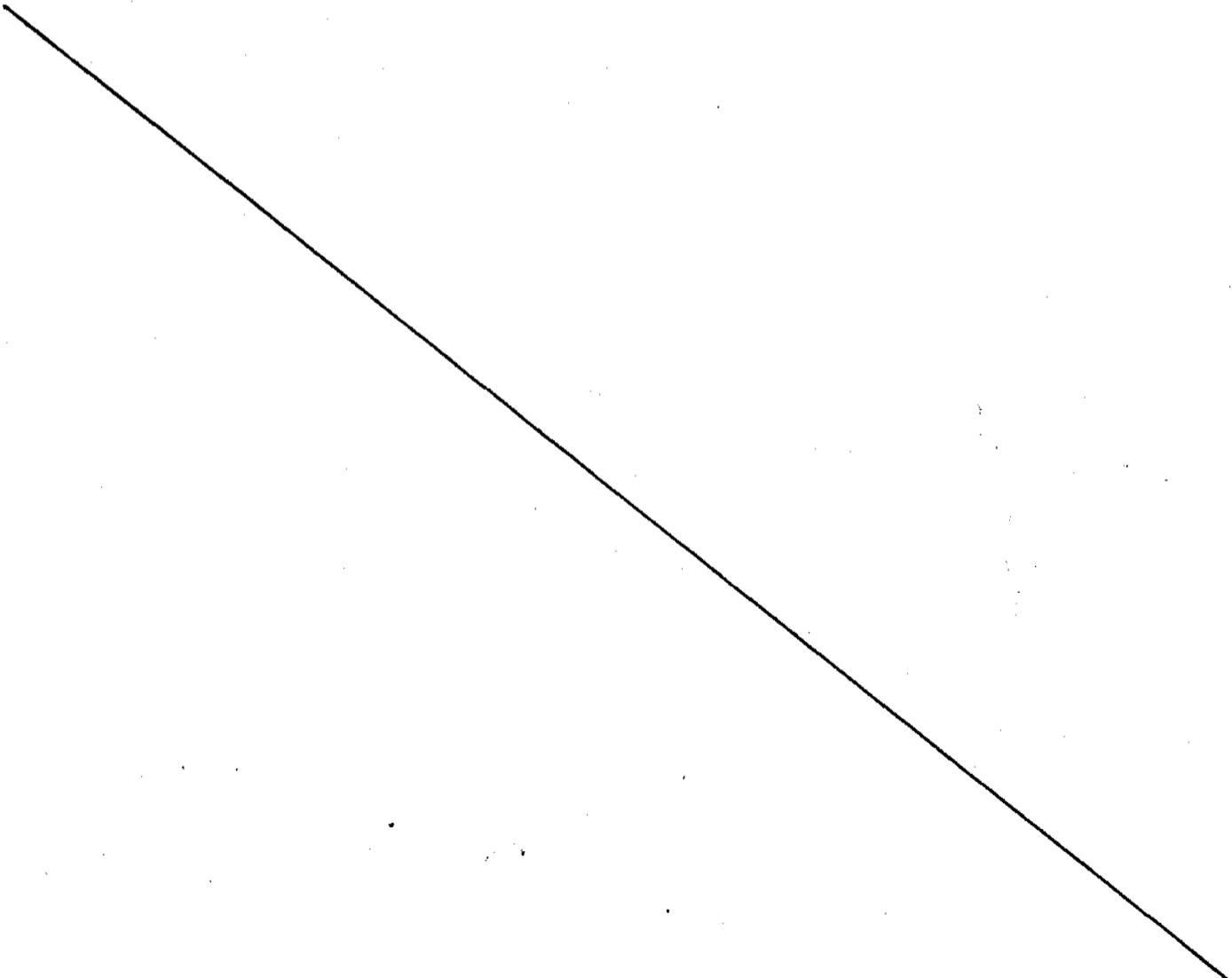
MR. EURESTE: All right, let me speak to the issue, now, that's procedure. You do agree though that we need to examine this matter a little bit more closely, right?

MAYOR CISNEROS: I would join you in a request - joint memorandum to the Charter revision committee which we will appoint that that question be included on their deliberations. Mr. Eureste has the floor. At 7 o'clock we have to post a meeting of the Bexar Delegation where we are the hosts.

MR. EURESTE: Henry, all I would care to say about this is that I continue to be opposed to surface water. For those of you who are not clearly apprised of the action, this action which favors surface water at Applewhite carries with it future rate increases that you need to be apprised of. The last time that Mr. Van Dyke was before this Council we drew out from him the fact that it does carry with it increases in the rate structure. The reason for that is we are selling a lot of bonds under the Applewhite project we're selling over \$105, \$106 million worth of bonds and that is at today's projected cost. It's very likely that like any other major project this project will have a cost escalation down the road and given the magnitude of the project and given the fact that it is a type of project that we have not been involved in in the past as a City that it carries with it an increasing cost that very easily could double by the time we finish, very easily. At the \$106 million figure it represents one of the largest capital projects of the Water Board in its entire history. I don't know how much we have done in capital projects but this has to be a project that is 10 times the cost of the major projects of the Water Board. By looking at the revenue that's

coming into CPS - I mean City Water Board, you will note that it runs at about \$25 million. It takes you about \$1 million to sell about \$10 million worth of bonds. If we're looking at a remaining 100 million, close to that, we're talking at about \$10 million to float those bonds. \$10 million of \$25 million easily represents 40 percent of the rate structure or 40 percent of the revenue that is coming in today. It is a bonded indebtedness that the City Water Board cannot afford with the current rate structure, you will have to increase rates. Very likely the amount of rates at \$106 million that we're talking about is a 40 percent increase in rates over the next few years while this project is being accomplished. If the cost doubles then you're simply talking about an 80 percent increase in rates. And don't say that it couldn't happen, because any major project that we get into has that kind of problem associated with it. Look at the Lanier swimming pool which is a small project in comparison to this thing. Look at the STNP which from initiation has had an over 300 percent increase in cost and it's going to double again by the time we finish that will give us about a 600 percent increase in cost by the time we are finished.

And all I'm saying is that as the - as with the STNP if you are going to vote for surface water in good conscience and in order to be fair to your voters and to the constituency that you represent. You should also vote the rate increases when they are presented before this Council in the future. Do not vote for bonds and then not vote for the rate increases as some of you do here. There are some of you that will vote for a bond at CPS but will not vote for a rate increase and one carries the responsibility of following through on the other. And that's all I'm telling you, to be very, very aware of what you're doing for yourself and what you're doing for future Councils and Council members that will sit here and have to be dealing with the rate increases when the Water Board brings them to us. Thank you, sermon is ended.



MAYOR CISNEROS: Go in peace.

MR. EURESTE: Go in peace, my children.

MAYOR CISNEROS: Let me just say once again, while the bulk of Mr. Eureste's discussion centered on the question of price and debt, etc., the decision here...the decision to try to get a permit, and the question of future decisions, public hearings, generally open process still is available to us. We are trying to keep an option open so we don't have to restart a process of several years.  
Mrs. Dutmer.

MRS. DUTMER: But how many times do I have to repeat, that that's what they took the exception to.....

MAYOR CISNEROS: We'll see.

MRS. DUTMER: .....was your remarks in the minutes. Oh, I know we've got a lot of power, we've got the big guns here and all the rest of it, but nevertheless I want to go on record again as taking exception to your remarks that they are considering innuendos and suggestions and negative thoughts and all the rest of it. If they are taking anything into consideration, it's exactly what were in these minutes and it was said by you, your honor.....

MAYOR CISNEROS: Okay. All right.

MRS. DUTMER: ....and by several of the Council people on here: Mr. Thompson, Mr. Hasslocher, everyone of them agreeing that they're not firmly committed to Applewhite but they are to surface water. So if you're going to continue making references, they're pointed toward me whether you say they are or whether they are not.....

MAYOR CISNEROS: Not intended to be.

MRS. DUTMER: .....and I take exception to them.

MAYOR CISNEROS: All right.....

MRS. DUTMER: .....because there were no innuendos, there were no suggestions, there were pure facts.

MAYOR CISNEROS: All right. Want to recognize two citizens and then we'll hear from the two...there are two Council members who are signed up after that. One of them is...the first citizen to be heard is Mr. John Schaefer, chairman of the Water Board. The second one will be Mrs. Beatrice Cortez, the president of the COPS organization. Mr. Schaefer, you have five minutes.

MR. SCHAEFER: Thank you. I'm John Schaefer, chairman of the City Water Board. I'll be very brief. I did not ask for this meeting to be called; I didn't...I was informed that it had been called and am appreciative of the fact Mayor, that it has been called because there has been some confusion in the news media as well as, I believe, at the hearing in Austin. I've heard your City Attorney say that your Resolution supporting the Applewhite project was still in effect. However, I don't believe there's any question but what the bringing up in any form of the straw vote and the possibilities that this straw vote would in the near future become a reality in cancelling this project has caused confusion in the minds of the commission. I believe that the City of San Antonio risks a very dangerous credibility problem with the state officials in this situation, and I feel that it is essential that we clear the air for this commission and let them know whether this Council wants to proceed with the hearing and they wish to obtain the permit for the Applewhite reservoir, or which they in fact do not. We recommend that this permit be obtained. I've discussed this with this Council and previous Councils before. We have shown through the Bureau of Reclamation, the Corps of Engineers, the Texas Water Resources Board and the City Planning Department the need for surface water in the future, and this is one step in that direction. There are many avenues to approach surface

water. The need is very, very well documented and I again will be brief and say that I do feel that it is essential that the air be cleared for the commission in Austin to understand what the wishes of this Council are. Thank you.

MAYOR CISNEROS: All right. Mrs. Dutmer had signed after Councilman Thompson and Webb. They were up first. I had written them down before the board was cleared. I'd like the Council's permission to hear from Mrs. Beatrice Cortez, and then take questions from whom...whoever.

MR. WEBB: Fine.

MAYOR CISNEROS: If that's acceptable to the Council, Mrs. Cortez, would you please come forward.

MRS. BEATRICE CORTEZ, PRESIDENT OF COMMUNITIES ORGANIZED FOR PUBLIC SERVICE: My name is Beatrice Cortez, President of Communities Organized for Public Service. First of all, I would like to ask, who called for this meeting?

MAYOR CISNEROS: I did.

MRS. CORTEZ: Yourself.

MAYOR CISNEROS: That's correct.

MRS. CORTEZ: And no one else?

MAYOR CISNEROS: That's correct.

MRS. CORTEZ: I would also like to ask, what's the emergency?

MAYOR CISNEROS: The fact that the public hearings are going on in Austin at this time, and there has been introduced information which suggests that the City Council favored abandonment of the Applewhite project, and I wanted to clarify whether that was the Council's true position in order that we could clarify it for the board at the time the permit hearings are going on, which is right now, today and tomorrow and the next day.....

MRS. DUTMER: Two weeks, your Honor.

MRS. CORTEZ: And...that's my question: how long are the hearings going on and when are they going to terminate...what's the hurry?

MAYOR CISNEROS: I do not know when they'll terminate. I.....

MRS. DUTMER: Two weeks.

MAYOR CISNEROS: I think they will probably go on until some part of next week.

MRS. CORTEZ: So then it's not an emergency in having it today.

MAYOR CISNEROS: In my judgement, the matter needs to be clarified as to whether the Council is going to abandon the Applewhite project. If it is, may as well say it up front as a Council position. If it is not, and we want the permit, we ought to say that we want the permit, as well. That's my position and I do think that the sooner it's gotten into the hands of the commission that is doing the hearings, the better.

MRS. CORTEZ: That's fine, Mr. Cisneros, but the COPS organization met with you before your election and one of the questions posed to you was that the citizens of San Antonio would have public hearings in regard to surface water, and you agreed to that.

MAYOR CISNEROS: And I still do.

MRS. CORTEZ: And I talked to you yesterday, and you brought no reference of having this meeting or having any thoughts of having this meeting. The hearings in Austin were going on, and yet you gave no word and we get a short notice of being notified at five o'clock today for a meeting that's going to be held at five-thirty, and that's very poor, when you're talking about not having anything shadowy, you want to have open meetings, you want to have full participation, and that's exactly the opposite.

MAYOR CISNEROS: All right.

MRS. CORTEZ: I want to know so that I can relay this back to the organization because of the short notice: are public hearings going to be held before any commitments are made to Applewhite, and that means land acquisition, planning, design, the whole works.

MR. HASSLOCHER: Point of order.

MAYOR CISNEROS: That would be my intention, personally, and the other Council members have indicated the same on previous occasions.

MRS. CORTEZ: I'd like to ask the rest of the Council if that's their understanding.

MAYOR CISNEROS: We have a procedure that doesn't really allow for that. However, if someone would like to make some motion to that effect or something that would.....

MR. WING: I would make that motion. This Council has already gone on record.

MAYOR CISNEROS: I believe it has. I believe that's correct. The Council has gone on record indicating that it wants those hearings.

MR. WING: What I was saying, Mr. Mayor.....Point of Information, to reaffirm that. Why don't you do reaffirm that? This Council did go on record for public hearings. We.....

MAYOR CISNEROS: Before this meeting is over, we can deal with that question.

MR. WING: Well, reaffirm it, is all I'm saying.

MAYOR CISNEROS: That's fine.

MRS. CORTEZ: It's our understanding that the money is held in escrow and that no monies are going to be released for land acquisition of any sort for Applewhite until such time as public hearings are held.

MAYOR CISNEROS: That is absolutely correct.

MRS. CORTEZ: And your response to us that public hearings would be held in September.

MAYOR CISNEROS: Well...we said 90 days, I think, the last time the Council talked it over.

MRS. CORTEZ: All right.

MRS. DUTMER: But, Mr. Mayor.....

MAYOR CISNEROS: Just a minute.

MRS. DUTMER: If I might clarify something.

MAYOR CISNEROS: What is your point?

MRS. DUTMER: Once again, what you are doing here is saying that you're not sure about Applewhite. You're going to have the hearings and then

you'll decide on Applewhite, and that's what the Commission is confused about, is: do you want it or don't you want it? You have to say "yes" now or "no" now, or else you're merely leaving things status quo, no matter how many Resolutions you pass.

MAYOR CISNEROS: Okay. Mrs. Cortez, do you have any other comments?

MRS. CORTEZ: I would like the response from the Council.

MAYOR CISNEROS: I will try to get you a response before the meeting is over, on the question of the hearings. The Council's already stated that. Mr. Wing has indicated that he would make a motion at the appropriate time, reaffirming our intent as a Council to undertake hearings.

MRS. CORTEZ: And that's the understanding of the Council, that's what I want to know.

MAYOR CISNEROS: Yes, madam.

MR. HASSLOCHER: That's not my understanding.

MR. ARCHER: I think we have to vote on the thing, one way or another.

MAYOR CISNEROS: All right. Now, we have two Council persons signed to speak, and we have had two citizens, and that exhausts the citizens, but we have two persons, Mrs. Dutmer for one.

MRS. DUTMER: All right. Mine is in response to Mr. Schaffer. I believe that one of the statements that he made was the reality of us going back and rescinding. The way the question was put to me, Mr. Schaffer, up there was, Mrs. Dutmer what do you see happening down the line now that you have six votes on the informal session and my answer was, I don't see anything one way or the other. It depends on what happens between the vote that was taken informally and the formal vote session and that was my answer. So anyone that says that it appeared that it was going to be a reality just don't know what they are talking about. And this is a matter of fact in the transcript up there, anybody that doubts my word.

MR. SCHAFFER: No, I don't doubt your word, Mrs. Dutmer, this was - I read this in the paper this morning and that was the impression that the news article got. There's no intent on my part to say that you were speaking for the Council. I merely pointed out that this had clouded the issue with the Commission in understanding what the true position of the Council was.

MRS. DUTMER: We'd be a lot better of if we believe nothing we hear and believe only half of what you read.

MAYOR CISNEROS: All right. I'm going to take Mr. Thompson and then Mr. Webb. Mr. Thompson I had knocked out earlier. Mr. Thompson and Mr. Webb.

MR. THOMPSON: You had punched the button off. I didn't know that the minutes had been used. I don't know how they were translated into that forum where a hearing has been held but I think it necessary if these hearings are going to have any relevance in other hearings that we need to make our position very clear. I am for surface water, I am for the Applewhite project and I want to make that very clear. And when someone can show or persuade me that there is a better way to pursue surface water I will then change my mind. But I will not state that there's any cloud in my mind I am certainly committed to surface water, Applewhite is the number one project that I am looking at and when we see a better way I will change my mind. I'm very concerned as I hear something about a straw vote or something, that has absolutely no

relevance whatsoever, no relevance. And if that's being considered it's no more than street gossip and I hope street gossip surrounds that whole operation, that whole message and then maybe its put in proper context.

MAYOR CISNEROS: Okay. Mr. Webb and then really in the interest of courtesy to the people that we're hosting which is the entire Bexar County Delegation we want to try and wind this down over the next five minutes.

MR. WEBB: Well, first of all I really am quite taken back by the fact that we've discussed almost everything except water here today and it sort of clouds the issue when you have to deal with that sort of problem. I was notified this morning early and my administrative assistant called me and Shirl Thomas called me and I had ample time to get here and it looks like to me all the Council members are here and apparently had ample time to get here. Unfortunately in a special session many citizens will not be notified so you can decide whether you're going to call a special session. - special sessions always get alot of comment because special sessions are just what they are. They're special because you're not able to notify each and every citizen of San Antonio and I can understand that some organizations are concerned about the problems more than other organizations and I appreciate that, but that's exactly what a special session is, is one - it's a short notice and everybody doesn't get notified. Frankly I wouldn't care whether you call one or not.

Now on the question of the water, it's unfortunate that we have to get ourselves in these kind of situations to deal with certain problems but, of course, that's the risk and that's the fact of life and that's the problem with being a Council member either to be or not to be. But I have a problem, Henry, with the resolution and voting for it. The one that speaks to the authorization and request of the Water Board of Trustees to take all necessary actions to plan, design, finance, construct, operate and maintain the Applewhite Dam and Reservoir together with their pertainment apparatus for the purpose of maintaining the surface water supply for the City of San Antonio and it is for that reason that I'll be voting against the resolution simply because I have mixed emotions about building the Applewhite. I presently have mixed emotions about surface water at this time because we've got to figure out a way to help our citizens pay the bills. So with that I'm saddened somewhat by all of the rhetoric and all of the cloud that surrounds this issue today. I personally would like to be able to support the Mayor and I'd like to call him the new Mayor in as much as I possibly can but with this issue, Mayor, I will have to take issue with you.

MAYOR CISNEROS: Very fine. Okay, we'd like to move to the vote now if we can. I see two members who have signed up once again. I'd like to ask them as a courtesy to keep their comments as brief as possible, but we do have a matter that as a Council we agreed jointly to schedule and it is now 7 o'clock.

MR. VAN ARCHER: Henry, I'll tell you what. I think this is real inconsiderate when we've got people we invited them to come over here.....

MAYOR CISNEROS: We'll proceed with the Council members who want to speak and I ask just as a courtesy that we try to move it along.  
Mrs. Dutmer.

MRS. DUTMER: I just want to point out from the record, Mr. Thompson, you made a very beautiful speech. Last week you said, I think all of us have some concerns, none of us are totally committed to Applewhite without reservations. The point I want to make is that I can't give and I don't think

that anyone has asked for the total unreserved committment to Applewhite. I'm not ready to give that. From the record, Mr. Thompson, and I know you'll appreciate that. Mr. Wing, as you well know and he always has, my position has always been on Applewhite and the fact that I have seen it trend on the Council not against surface water but away from the Applewhite. I would then be inclined to stay in there as long as possible knowing full well that the trend of the Council is for surface water but not necessarily the Applewhite.

These are the things they looked at. These are the things I did. I'll tell you how they got there. We had a meeting last Thursday and do you think that everybody is so stupid when they're fighting a battle up at the State that they don't have someone sitting out there. I sat out there for five years and reported back to my boss, for five long years I reported everything that went on down here because there was one huge project in this City that was supposed to go forward and he wanted to know every time the Council opened their mouth about that project. And they were sitting out there Thursday, that's how it got there.

MAYOR CISNEROS: All right. Mr. Eureste, and again just as a courtesy I'd ask that the comments be kept brief. Mr. Eureste.

MR. EURESTE: Yes. Me too, Dr. Cisneros, I would like to be with you on most issues. On this one you know my position on surface water and I'm against it.

MAYOR CISNEROS: Let me try to move to the vote. I just would like the Be It Resolved section of the item to be read by the City Clerk so there's no doubt about what we're voting on.

CITY CLERK: Be it resolved by the City Council and the City of San Antonio that the City Council hereby states that the position that the City Water Board should continue seeking the permit for construction of the Applewhite Dam and Reservoir and urges the State to consider the application favorably.

MAYOR CISNEROS: It deals with the question of the permit and that's it. Will you please call the roll.

AYES: Wing, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros.  
NAYS: Berriozabal, Webb, Dutmer, Eureste.  
ABSENT: None.

CITY CLERK: The motion carried.

MAYOR CISNEROS: Mr. Wing, would you care to make the motion that you suggested along the lines of reaffirming the Council's intent to have hearings on this subject?

MR. WING: I move that we reaffirm the Council's position that was made earlier at the request of Communities Organized for Public Service for public hearings on surface water.

MR. EURESTE: Second.

MAYOR CISNEROS: I'd be happy - let me just say as Mayor, to ask to meet with either the Policy and Priorities Committee or any other appropriate committee to design, work with COPS and other interested parties to design the format and timing of such hearings.

MRS. DUTMER: A point of order, Mr. Mayor. I believe that the motion was

that we have hearings on surface water. I think what Mrs. Cortez asked for was a motion that we have hearings on the Applewhite.

MAYOR CISNEROS: I'm sure that will come up at the time that there are hearings.

MRS. DUTMER: That is besides the point. The point is .....

MR. ALDERETE: I'll amend it.

MAYOR CISNEROS: It's agreeable to the maker and seconder that hearings on the Applewhite per se, is that what you're saying? Okay. Mrs. Dutmer has spoken, Mr. Eureste briefly and then we'll try to move on.

MR. EURESTE: And I would assume that the purpose of this motion is so that the Council can decide up or down what we will be doing in Applewhite. Is that correct?

MAYOR CISNEROS: I don't know that - it's to set public hearings and the Council has options as to what course it wants to take at that point. To set public hearings, that was the motion, direction. Mr. Canavan.

MR. CANAVAN: If I may, if I am in order. The surface water should be brought up with specifics relating to Applewhite but I think when you pin it down to Applewhite what you are doing is reaffirming what Mrs. Dutmer has been trying to tell that it will weaken our position. I would state I am not willing to weaken our position in that regard. I would certainly state that a review of surface water with the Applewhite included is in order. But don't anybody vote thinking that it's not a vote to kill the permit.

MAYOR CISNEROS: All right. Make a substitute motion to that fact.

MR. CANAVAN: I would make a substitute motion, Mr. Mayor, that the subject of surface water come in on the "B" Session agenda as soon as possible and that the Applewhite be included in that discussion.

MAYOR CISNEROS: All right, are you talking about public hearings?

MR. CANAVAN: For public hearings.

MAYOR CISNEROS: There's a motion, is there a second for discussion of the general subject of surface water and the best way for San Antonio to proceed A through Z on the question of surface water .

MR. HASSLOCHER: Second.

MRS. DUTMER: No, Mr. Mayor, that was not the intent of the motion. That was not what Mrs. Cortez asked for.

MAYOR CISNEROS: I'm not after what Mrs. Cortez' intend is, I'm asking what the intend what the intend of the maker of the motion around this Council table was. And there was a motion and a second .

MR. CANAVAN: To provide for a public hearing on the general disucssion of surface water to include the Applewhite.

MAYOR CISNEROS: All right. Mr. Thompson, very quickly, please.

MR. THOMPSON: Pass.

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MAYOR CISNEROS: Mr. Eureste.

MR. EURESTE: Pass.

MAYOR CISNEROS: All right, those in favor of the substitute motion which is the general subject of surface water and public hearings say "aye". Opposed "no". Roll call vote.

MRS. DUTMER: No because you repeated the motion and did not mention Applewhite.

MAYOR CISNEROS: Oh, I'm sorry.

MRS. DUTMER: Will you please state the motion formally.

MAYOR CISNEROS: To include Applewhite.

MRS. DUTMER: A point of order, Mr. Mayor. Will you please state the motion in full.

MAYOR CISNEROS: The motion made by the maker of the motion as I understand it, correct me if I'm wrong, is that public hearings would be established which would deal with the general question of surface water, San Antonio's options and alternatives to include a discussion of the specific subject of the Applewhite Reservoir. There's a motion and a second on that.

AYES: Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros, Berriozabal

NAYS: Webb, Eureste

ABSENT: None

CITY CLERK: Motion carried.

MAYOR CISNEROS: Motion carried. The original motion as substituted - those in favor say "aye", opposed "no". Motion carried. Gentlemen the Commander's House at 7 minutes ago. 7:00 o'clock.

There being no further business to come before the Council the meeting adjourned at 7 o'clock.