

SPECIAL JOINT MEETING OF THE CITY
COUNCIL AND THE PLANNING AND ZONING
COMMISSION OF THE CITY OF SAN ANTONIO
HELD IN THE COUNCIL CHAMBER, CITY
HALL, ON FRIDAY, NOVEMBER 7, 1975.

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The meeting was called to order at 1:30 P. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: BLACK.

The following members of the Planning and Zoning Commission were present:

Mr. G. E. Harrington Chairman	Mr. Joe B. Machado
Mr. Anthony Specia	Mr. Carl McNamee
Mrs. Olivia Garza	Mr. Dario Chapa

Mr. Charles E. Williams, Sr.

75-67 The following conversation took place:

MAYOR LILA COCKRELL: There is a quorum present. The purpose of the meeting was to have a meeting between the City Council and the City Planning Commission and to have reports from our staff on a number of questions that I have requested be placed on the Agenda. Since the Agenda was prepared, we also had several additional questions that have been made available to us by one of our City Council members and there may be others from other Council members.

Mr. City Manager, you have furnished us with an Agenda. I notice the first item is Mr. Sueltenfuss.

CITY MANAGER SAM GRANATA: That's correct. The first item is a brief discussion of the Edwards Aquifer by Melvin Sueltenfuss. If you don't mind, I'm going to ask for Commissioner Bustamante to sit in Rev. Black's chair so he doesn't have to.....

MAYOR COCKRELL: That will be fine. Commissioner Bustamante, let me give you a welcome. I'm sorry I - you slipped in and I guess I didn't see you. I would have welcomed you. Please come right on up here. We appreciate your being with us today, Commissioner.

COMMISSIONER ALBERT BUSTAMANTE: Judge Reeves couldn't be with you, Mayor.

MAYOR COCKRELL: All right, we'll start with Mr. Mel Sueltenfuss who will give you a brief description of the Edwards Aquifer.

MR. MELVIN SUELTFENFUSS: Is this on? We've prepared an Agenda this afternoon, and we've covered some twelve items. Each of the items have some supportive material with it. Some of it we won't obviously, we won't go through all of it this afternoon, but there are certain portions that are available particularly the copy of the Water Quality Board Order, some of its interpretations and those are given to you for future reference. We might just take a brief few minutes to talk about the Aquifer so everybody starts using the same terminology, and we'll all get on the same base. This map represents the official Texas Water Quality Board map that outlines the Edwards Recharge Zone. This is in the yellow here, and as you see, extends

through six counties. The blue line is the drainage area that drains onto and across the Recharge zone. We have put on here in red Bexar County, and we have put the City limits, and you may not all be able to see it. It is that little green line that extends right into the Recharge there. A little portion right here, and we might just very quickly go through some of the facts. If you'll turn to page.....

MAYOR COCKRELL: Mr. Sueltenfuss, I wonder if perhaps, the map could be turned so the citizens can also see it, and would you just go over those outlines again for them.

MR. SUELTFENFUSS: Very quickly, the yellow area is the area that is known as the Recharge zone. The blue area outlined is the drainage area and all of this water drains on from the north to the south over the Recharge zone, and it enters the Aquifer in this yellow area. Very basically, and if you want to follow us under Tab 1, those of you that have them, the total Recharge zone this is the yellow, for the six counties is 963,200 acres. In Bexar County, we have 81,920 acres. This represents 8½ percent of the total Recharge zone. The City limits of San Antonio has 7/10 of one percent - Seven-tenths of one percent. The other City limits including those are - Hollywood Park, and those other cities that are on the Recharge zone have 2/10 of one percent. So within the incorporated limits of cities we have 9/10 of one percent. In addition to that the City of San Antonio has what we call the ETJ or the Extraterritorial Jurisdiction area. That area comprises a total of 5.8 percent. So, the balance that's in Bexar County that is not under either ETJ or City limits is 1.8 percent.

We might just take a minute, then, and turn to the third page which talks about the drainage over the Edwards Aquifer. I think with that we'll get into the other portions of the program. The total recharge on the Edwards Aquifer - I mean of the Edwards Aquifer the total recharge is 427,000 acre feet that goes directly into the - comes into it from the streams. An estimated 24,000 comes in from the direct transfer from the Glen Rose and other sources for a 451,000 acre feet. Now, this is based on a study through 1953. These numbers have changed somewhat, but basically the proportion is still the same, but only about 5.4 percent of the recharge occurs other than through streams. I think with that brief introduction, if there are any - unless there are any questions, we'll then go to Item 2.

MAYOR COCKRELL: Will you review the existing zoning?

MR. SUELTFENFUSS: All right, fine. All right, the existing zoning on the Recharge zone, and that's found on the second page. The acreage of rezoned land within the Recharge zone inside of the City limits is 30.6 percent of it, and the zonings are broken down into various categories. The total drainage area of the Recharge zone inside of the City limits is 4,150 acres and 33½ percent of that land within the drainage area has been presently zoned.

MAYOR COCKRELL: All right, if there are no questions, then we'll proceed.

MR. SUELTFENFUSS: Fine. All right, the next item will be item two which would be discussion of the legal authority of the City to institute controls and Mr. Tom Finlay will handle that item.

MR. TOM FINLAY, ASSISTANT CITY ATTORNEY: We have a number of things we can do to control development over the Aquifer, and, of course, the one thing that you just mentioned - zoning.....

MAYOR COCKRELL: Mr. Finlay, would you speak right into the mike?

MR. FINLAY: The one most usually thought of is zoning, and, of course, we have, in fact, already gone into that aspect and adopted an overlay district designed for this area. We have - and that is on land use control - now, we have that power, that's the general power of the City that we have always had. Of course, also remember that the overlay district is not a district in itself. It is to be used in conjunction with some other of the regular districts. So, in making the decisions on zoning in the area, any of our regular zoning districts; R-1, R-2, R-3, B-1, B-2, B-3 are considered as to what is appropriate in connection with the special overlay, ERVD, it's called. So, it's a combining of the two.

Now, that power controls the type of land use over the Aquifer. We also have subdivision regulations which affect such things as future extensions of streets, utility extensions. Whenever a subdivision goes in, it has to be submitted to Planning and Zoning to make sure it conforms with our master plan for the physical development of the City. In that regard also if you will recall, we have put in a requirement that no subdivision plat will be approved until (in the Edwards Aquifer area) until it has been submitted in accordance with the Texas Water Quality Board Order, and they have approved the subdivision also in their rules and regulations on it.

The only third thing that I would like to mention because I know it's been of concern, and I've tried to get this down, when the state did enact the Water Quality Board Act, that was one specific state agency given complete authority on actual water quality standards, and the cities were taken out of that area of control. They have a procedure set up that they do have to give notice including notice to cities involved. They then hold a hearing and they then can adopt an order. Now, cities are involved in that cities are given, well, in fact, it's even said to be a duty of cities to enforce orders of the Water Quality Board. It is also a duty of cities on non-point, well, there's two types of pollutions. One is where it can be identified, where it comes from a specific industry under the discharge; where it comes from a specific subdivision plat.

MAYOR COCKRELL: Mr. Finlay, let me ask if you'll raise your speaker, and I'm afraid your voice is not carrying quite to the back.

MR. FINLAY: Okay. Is this better?

MAYOR COCKRELL: I think, just talk right into it as close as you can.

MR. FINLAY: Okay. Now, those are two types. One type the Texas Water Quality Board sets the order for and issues any subdivision has to be approved by them, and they put conditions on it. I never had seen one until this week, but you can see here's the one for one subdivision they approved. They require such things as weekly vacuumed sweeping of the street. Such things as monitoring of runoff water, and reporting at least four times yearly on storm water as to its content. Most of the things they've done on drainage, on runoff, most of the rules and regulations that they've adopted in their order are much more stringent, of course, as far as sewage than it is runoff water. Runoff water is something that they have taken jurisdiction over for which they really haven't adopted any specific rules on. I mean any tight rules on. I don't.....

MAYOR COCKRELL: Yes, Mr. Hartman.

MR. GLEN HARTMAN: Madam Mayor, I think this is a real, real key and critical point here with regard as to what options are open to the City beyond the enforcement. I think the key word is enforcement of the Texas Water Quality Board Order. Now, as a City, we're charged with enforcing the Texas Water Quality Board Order. We can establish ordinances as we have that, in effect, address themselves to that portion of the TWQB Order, for example, as we have done in the case of the overlay. Now, the question, I guess, revolves around what can the City do insofar as control either within the City limits or within the ETJ beyond the realm that is addressed within the TWQB Order, and I think this is a real crucial one.

MR. FINLAY: Well, yes, there's not much.....

MAYOR COCKRELL: Let me just interject one thing and that is that, of course, Mr. Finlay would be speaking from the legal point of view, and then under Item 10 - no 9, I guess it is, we'll be discussing the Board Order and the storm water runoff, right. So, Mr. Finlay will be the legal....

MR. HARTMAN: Since it is a legal aspect, here, I want to get a real clear fix on this. Are you saying, in effect, that we cannot address matters that are not addressed in the TWQB Order?

MR. FINLAY: On drain - on specifics, rules for protecting the quality of the water. The wording, "all general local and special laws enacted prior to September 1, 1969", that's the effective date, "are repealed to the extent that those laws given local government the authority to set and enforce water quality standards other than those adopted by the Board", under.....(inaudible)...charge. So, we are stuck with that. But there's even, well, one thing we can do is ask the Board to adopt or change their order. We can do that at any time. That's even specifically called for in the act. "At any time any local government can petition the Board to adopt what standards and rules it wishes to have promulgated for its territory". I talked to people in the Attorney General's office who have handled this, and they seem to think that they know at least one or two of the members of the Board want to do something or want to at least initiate discussions on this. I've talked to others with the Environmental Protection Agency who say that the Federal Government right now is already spending a lot of money in research in this area. It very well may be that some day EPA is going to require it anyway in some sort of treatment, something like that for storm water runoff just like they do sewage, but right now those studies aren't complete, and they haven't made any determination of what's going to be required.

MR. HARTMAN: Even if we were to enter into a cooperative agreement with the state for example.....

MR. FINLAY: We have the right - they have the right to enter into agreements with local bodies for things like enforcement, for things like testing, for things like categorizing discharges and things like that. But that's, again, just attendant to the enforcement aspect. It hasn't anything to do with us setting regulations other than - or standards other than those adopted by the State body. I think it's just a - it seems to me to be just a finding of the state that water is - well, it says that water is "all water is the property of the State of Texas" and water doesn't follow City limits lines and things like that. Maybe they just assumed that, well, look we're going to set up one body, and they're going to have full jurisdiction over it.

MAYOR COCKRELL: All right.

MR. HARTMAN: I think we need to come back to that point. I think that.....

MAYOR COCKRELL: All right, are there any other questions regarding the legal authority of the City?

COMMISSIONER BUSTAMANTE: Mayor Cockrell,.....

MAYOR COCKRELL: Yes, certainly, Mr. Bustamante.

COMMISSIONER BUSTAMANTE: The TWQB, Texas Water Quality Board, is required to, one time a year starting in September, 1975 to have a public hearing between September of this year and of 1976 on the Edwards Aquifer.

MAYOR COCKRELL: Yes, fine, thank you, and we will be discussing the forthcoming public hearing, a special public hearing that will be called and what would be appropriate for the City to offer as its testimony. All right, we then go on then to Item 3, the review of the City's master plan with particular emphasis on the Edwards Aquifer. Mr. Cipriano Guerra, Director of Planning.

MR. CIPRIANO GUERRA: Mayor and Council members, I intend to read what I have to say, so I'll follow the paper I have. This is Item 3 in your folder.

THE SAN ANTONIO MASTER PLAN

The City Charter states: "the master plan for the physical development of the City shall contain the Commission's recommendations for the growth, development and beautification of the City territory."

The first Master Plan for San Antonio was prepared by Bartholomew and Associates in 1933. This plan was updated in 1951 by Walter H. Lilly.

The latest revisions to elements of the Master Plan or elements added to the Plan are as follows:

Sanitary Sewer Plan	1956-Revised 1968* Revised 1971* currently being revised
Major Thoroughfare Plan	1957*-Revised 1963* currently being revised
Electric System Master Plan	Continuously updated
Gas System Master Plan	Continuously updated
Fire Protection Plan	1961* -Revised 1966
Library Master Plan	1961* -Revised 1975
Economic Base Study	1964
Special Impact Area Definition	1972*
Park Master Plan	1964* Currently being revised
Storm Drainage Master Plan	1956
Water System Master Plan	1960* - Revised 1965 - Revised 1971* Revised 1975
School Master Plan	1967*
Airport Master Plan	1967* - 1975*
General Development Plan	1968
Short Range Transit Study	1972
Mission District Master Plan	1974*
Short Range Thoroughfare Plan	1974*
Housing Plan for San Antonio 1975-1980	1975*

*Approved by City Council

Bicycle Master Plan	1975
Level II Update of the SABCUTS (Highway) Plan	1975

There is no inflexible list of elements to a Master Plan. As can be seen from the preceding list, the San Antonio Master Plan is not a single document, but rather a collection of area-wide, district and functional plans.

We have reached a point, however, where simply updating elements of the plan is no longer adequate. For example, internal migration has become a serious factor. Attachment A depicts the internal migration and growth that has occurred in the last 15 years. Attachment B depicts our estimate of internal migration and population growth in the next 25 years. Though we have attempted to deal with this flight from the inner City in the Housing Plan, the rest of the elements of the Master Plan do not deal with this problem. A totally new master plan is in order. A master plan should reflect a coherent, unified set of policies which express the means for reaching the desired state of the City 20 to 25 years from now. It is not intended as an inflexible blueprint for the future. It is intended to be a guide to decision-making.

To assist the City Council and the Planning and Zoning Commission in the development of a set of policy statements in which a new master plan can be based, we have undertaken several studies. Two of the studies are the Alternative Growth Study and the Population Report Update. In addition, we are currently analyzing shifts. These analyses will yield an Existing Trends Alternative. Based on a review of the implications of both the Existing Trends Alternative and the completed Alternative Growth Study we hope there will emerge a set of policy statements from which a new master plan can be developed.

THE EDWARDS AQUIFER RECHARGE ZONE

There are 6,880 acres of the Edwards Recharge Zone within the City limits of San Antonio. There are 55,366 acres of the Aquifer within San Antonio's Extra Territorial Jurisdiction (ETJ) in Bexar County and an additional 6,000 acres in San Antonio's ETJ in Comal County. Within the city limits of other cities in Bexar County, there are 2,040 acres. The total Aquifer Recharge Zone acreage within Bexar County and within San Antonio's ETJ in Comal County is approximately 87,920 acres, or 9.1% of the total recharge zone.

Of the 6,880 acres of the Aquifer Recharge Zone inside the City limits, only 590 acres were developed in single family units as of January 1975 with UTSA occupying an additional 210 acres of the Recharge Zone. Currently, therefore, only 11.6% of the 6,880 acres of the area is developed. Of the 6,880 acres of the Aquifer Recharge Zone inside the City limits, 4,768 acres (69.3%) is zoned temporary R-1, another 300 acres (4.3%) is zoned R-A, and 770 acres (11.3%) is zoned for higher density residential. Commercially zoned acreage is 956 acres (13.9%) and 77 acres (1.1%) is zoned light industrial.

Based on the densities permitted under the zoning now in effect on the Recharge Zone, a total of 83,360 people could be accommodated in the residential acreage and the equivalent of 16 shopping centers the size of North Star Mall could be accommodated on the 965 commercial acres. As a point of interest, the combined acreage of the seven largest existing shopping centers (including Windsor) is only 430 acres. The possible population of 83,360 represents 27.6% of the expected population increase through the year 2000.

Since zoning is the major implementing mechanism for a master plan and since there is an overabundance of commercially zoned land already over the Aquifer, allowing the free market forces to determine the eventual use of the balance of the land will have little additional negative impact on the Aquifer. Were the City Council to determine that a major rezoning of the land over the Recharge Zone is practicable before massive development occurs, then a master plan that would minimize the potential pollution to the Aquifer could be prepared.

Because the Aquifer is on the edge of existing development, it is being addressed within the on-going analysis that will result in the new master plan discussed earlier in this paper.

That's all I have here.

MAYOR COCKRELL: All right, may we ask if there are questions from the Council at this point. Dr. Cisneros.

DR. HENRY CISNEROS: There is a question on one of the statistics on page 2, Cip, the 27.6 percent of the expected total population increase for the City, is that correct?

MR. GUERRA: The City and Bexar County.

DR. CISNEROS: The City and Bexar County, right.

MAYOR COCKRELL: All right, on the.....

MR. HARTMAN: Madam Mayor, if I could just paraphrase the second to the last paragraph as I get it is the main message from what you're saying here, Cip, is the fact that the staff and, in fact, the Planning Commission are looking for precise statements of policy with regard to growth policy in order which you will have before you can develop an overall master plan.

MR. GUERRA: Yes, certainly the staff does. I won't speak for the Planning Commission, but I think they're feeling - correct me, if I'm wrong, Mr. Harrington has said we are looking for a set of policies.

MR. HARTMAN: So the ball is in the court of the City Council so far as delineating policy that indicates what the new master plan will look like.

MR. GUERRA: No, I don't want to say that we don't have any responsibility at all; by developing this alternatives for you, you'll have a basis from which to exercise your judgment with regard to policy statement.

MR. HARTMAN: So, the alternative growth study which staff developed, is then intended as a guide from which information will be used for the development and the selection of alternatives to establish a policy for growth.

MR. GUERRA: Paraphrasing from the study, I don't have it here, I think in the opening paragraph, first or second paragraph, I said that the alternative growth study was intended to initiate discussion between the Planning Commission, the City Council, the City Manager, and the citizens with regard to what the policies ought to be in which a new master plan may be developed.

MR. HARTMAN: Where are we in regards to that mechanism at this time?

MR. GUERRA: The alternative growth study was presented to the Planning Commission a couple of months ago. They reviewed it. They have instructed staff to come back with other alternatives. That's the basis for the work we're now undertaking under existing trends. We feel that somewhere between the alternative growth which was based primarily on efficient growth study, in other words, we looked solely at the dollar cost, we didn't look at other implications of the plan. Somewhere between that very restrictive definition and the existing trend which is a very expansive type of development lies a set of policy statements in which a reasonable master plan can be formulated.

MAYOR COCKRELL: All right, so you are, in other words the staff will then go back to the Planning Commission. That's the next step.

MR. GUERRA: It's difficult at best for us right now to develop one plan that will be acceptable, because we're doing it without explicit policy statements. So, what we're doing is simply analyzing existing trends and saying if these continue here's what the town is going to look like. But that is not a recommended plan.

MAYOR COCKRELL: In terms of the alternate growth study, in terms of that particular study as I understand it, you said they had asked you to come up with some other choices or other specifics, and when you do that you'll be going back to the Planning Commission, is that correct? And that will be coming to the Council?

MR. GUERRA: Yes, that is the normal procedure.

MR. HARTMAN: One other point of clarification - does the Planning Commission at this stage feel that they have adequate policy delineation by the Council upon which to review this?

MAYOR COCKRELL: Let's review that to the Chairman of the Planning Commission, Mr. Harrington, I think on that question this involves the Planning Commission.

MR. G. E. HARRINGTON: Mr. Hartman, I mean Councilman Hartman, I'm not sure that I understand your question entirely. Could you repeat it for me please.

MR. HARTMAN: Well, you feel you have proper policy delineation from the Council in terms of growth, that your body can review and make decisions upon aspects of alternate growth. In other words, to review the alternative growth study and to make recommendations to the Council.

MR. HARRINGTON: I'm not sure that I sense any definite direction from the Council. I think the Commission reviewed the alternate growth study with the expertise and knowledge that they had as individuals. I think it was an evolution process. We looked at the alternate growth study with what we thought was a critical eye and we had some problems with some areas of it. So we suggested that it be returned to Planning for additional study and to dilate the options of the plans. I think it was the feeling of Planning and Zoning Commission that some of the items related to in the alternate growth study were being taken out of context, and we wanted it clearly defined.

MR. HARTMAN: I gather from that that you view the alternate growth study of having been a series of recommendations rather than alternatives.

MR. HARRINGTON: That is what we wanted to accept it as, as series of recommendations and we wanted, when we sent it back to Planning, some additional options worked into the plan, as a basis of study, as a basis of evolution, as the development process for a plan, but not a

plan per se in itself. It was being presented to the Planning and Zoning Commission and referred to by many of the people that came before us at the plan for the development of the City of San Antonio.

MR. HARTMAN: I would like to ask Mr. Guerra if this was the intent of the alternate growth study as it was presented to the Planning Commission.

MR. GUERRA: No, sir, hindsight is a wonderful thing. In looking at the document, we happen to have used the symbol of the San Antonio master plan, a rather large logo on the cover. And since we have used that logo before on other plans, elements of the master plan, I think that it did lead to some confusion as to what this document was. But the letter of transmittal very clearly states that it is a study and it is intended to initiate discussion leading to eventual policy statements on which the planning can be based.

MAYOR COCKRELL: All right. As a procedural matter here, I'm just wondering on behalf of the Council, if in this case it might be helpful to have a joint meeting on this alternative growth study. The ordinary practice was for the Planning Commission to review it and then for it to come to the Council. I'm just wondering since the Chairman of the Planning Commission has said he has some feeling of not having a strong sense of direction on this issue from the Council.

DR. CISNEROS: I wonder if the procedure wouldn't be not to focus on that particular alternative but rather to consider a range of alternatives and meet with the Planning Commission to discuss the broad subject of how to go about getting this policy direction that apparently doesn't exist. I agree with Mr. Harrington that it probably doesn't exist because this Council has taken no steps to formulate anything that resembles policy. Mr. Harrington would you agree that this ought to probably proceed as a broader discussion of policy issues and not just focus on one particular alternative.

MR. HARRINGTON: This is one of the problems the Planning and Zoning Commission has with the alternative growth plan. While it came to us as a study, we were afraid since there were areas of it that we could not be in concert with and caveats we saw in it that we thought needed to be ironed out. We were afraid once we endorsed it, then it would become policy rather than a study or a viable study that it was probably intended to be.

DR. CISNEROS: I guess you're saying that because we're two different bodies, with staff action going on in between us that it might be useful for us to all get our heads together and look at the range of alternatives and begin to devise---I think it's imperative that we have a master plan for our City. I think it's imperative that we have a master plan and that that master plan also serve as a guide for utility plans at the Water Board, at the Transit Company, and also at the Transit System and CPS. Frankly, we haven't pointed the directions...neither the Council or the Planning Commission. You're ahead of us in the sense that you have at least begun the process of requesting the study. First one of which is the alternative growth study but I'd hate to see us focus on just one alternative with all the implications that has for confusing people as to what we're up to without, in some more rational fashion, some broader fashion looking at a number of alternatives and beginning to devise and make some hard policy choices about what San Antonio is going to look like.

MR. HARTMAN: Madam Mayor, I hate to seem to be belaboring this point, but I think we're at the very crux of this whole problem right here. And that is to ensure that there is a clear, concise understanding. As to, number one, what the alternate growth study was intended to be. My own reflection on the alternate growth study, and grant you it has the caveat of San Antonio Master Plan on the front of it, very frankly, I was puzzled when I heard that the alternate growth study was being reviewed for adoption or non-adoption. I never conceived that the alternate growth study to be that kind of document. I saw it as being research material

that was made available by the staff of this City that could serve as a basis for selecting and making judgements as to what the future growth should be of the City. And, therefore, the matter of asking for the further development of the alternate growth study into some form of document which, in effect, constitutes a recommendation, I would think perhaps would be erroneous for this reason. I think the policy has to evolve first and foremost from the City Council on matters of what is our growth policy. I think that the alternate growth study and such other data that may be available should provide to the Council the basis for making those selections. It would then appear to me that the next step after that, after these policy delineations have been set forth, that the staff should then take that and develop a recommended, or use that as a basis for the first draft, if you will, of the master plan. Then at that point the master plan would be of such a nature as to go before the Planning Commission which, it would then view in the context of its job as the planning body for the City, to see whether it were compatible with the whole spectrum of your area of consideration. I think this is real important because perhaps the reason that we're found lacking in adequate planning in San Antonio, is the fact that there may not be a good understanding and not, purposeful but perhaps the fact that we just haven't gotten down to discussing it, a good understanding is to, you know, how, what the sequence is. In other words, I think the task at this point, it looks to me like, is for the City Council to make some delineation statements of policy on growth and to use the alternate growth study as a basis for that.

MAYOR COCKRELL: All right. With these observations which I think were very valuable, I would like to make one additional one and that is....

FATHER BENAVIDES: May I speak on this issue?

MAYOR COCKRELL: No, you may not, I am sorry, no, no, sir but we will hear you later at four o'clock.

FATHER BENAVIDES: But you are no longer on the aquifer, you are on growth which is very important to us in the future, we would like to....

MAYOR COCKRELL: I am sorry, I will have to call this out of order, I am sorry, at this point, I want to continue, Mr. Harrington, and that is I feel that in.....

FATHER BENAVIDES: (Inaudible) I don't think it is right, Mrs. Cockrell, we are talking about alternative growth.....

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: I am very sorry, we.....

MR. HARTMAN: Madam Mayor, may I address the gentleman who is speaking?

MAYOR COCKRELL: Yes, sir.

MR. HARTMAN: Father Benavides, I think up until now I think we have pursued in a reasonably orderly fashion. I think we are getting to the nub of the problem. I think we can pursue this in an orderly fashion and then at such time as I think the Council will assure you there will be every opportunity to discuss this but I think we need to delineate some basic facets first. If it please the Council, I think we must proceed according to the schedule we have here. I think the points that have been raised with regard to growth are pertinent and must be delineated but my point is though, I think there are some other pertinent points that must be introduced, so if you please, I think we do need to pursue it in that context.

FATHER BENAVIDES: It looks like you thought you needed (inaudible)....

MAYOR COCKRELL: Thank you, Mr. Hartman. I am sorry but you are out of order now. This is not the opportunity for the citizens to be heard.

FATHER BENAVIDES: (Inaudible).

MAYOR COCKRELL: Mr. Benavides, I am very sorry you are out of order, Father, I do ask that you follow directions of the Chair.

MR. HARTMAN: It is an integral part of the discussion.

MAYOR COCKRELL: All right. At this time I would like to comment to the chairman, it seems to me that one of the key points here and I would like to ask Mr. Guerra's comment on this subject, you had stated that there had been a professional outside consulting firm that had come in to review and to update the master plan in 1951, the firm of Walter H. Lilly and that since then the staff has continued to update segments of it. In recognizing the fact as we all do that there has to be a major update of the master plan, I am wondering at this point if perhaps we should ask the City Manager for comment officially to advise us as to whether or not this is something that can be done in-house and if we are trying to approach it on this basis and just to really get a status report.

CITY MANAGER GRANATA: Yes, as far as I am concerned and, correct me we can do that in-house and in fact, there is a task force now addressing itself to everything that needs to be done, as you know, Cip, with and working with you on our planning matters and a report should be forthcoming to the Council very shortly.

MAYOR COCKRELL: All right. Well, the fact is we have a master plan and overlays and pieces of one but what we need really is a totally updated comprehensive master plan.

CITY MANAGER GRANATA: It has got to be all put together. We have what we call a master plan. For example, you got a master drainage plan, a master sewer plan, you got a master library plan, fire plan, police plan, bicycle plan, and they all just got to be pulled in together.

MAYOR COCKRELL: And then the Council's role in trying to delineate the policy alternatives in some of the areas, particularly in the alternate growth in how we are viewing our City's expansion has to be fed into this process and we have to develop our own decision-making process here.

CITY MANAGER GRANATA: Every plan that I have mentioned has been ratified by the Council and is a part of our master plan.

MAYOR COCKRELL: But they have been done in segments and.....

CITY MANAGER GRANATA: Segments and fragments, that's right.

MAYOR COCKRELL: Yes, Councilman Cisneros.

DR. CISNEROS: Madam Mayor, a master plan is something that can be done in a fixed amount of time, a year, a couple of years, something of that sort, but the thing that gives a master plan life, of course, is implementation through the process of zoning and through policy decisions that are made in terms of utility extensions and a lot of other things like that, location of major economic generators and so forth. The Commission before us today, or who is meeting with us today, deals with that process every week through zoning. They are jointly entrusted at the moment with planning responsibilities and also with zoning responsibilities. I think it is fair to say right now that those are two different processes as they are viewed right now and it is nobody's fault but the fault of the system, the system as evolved over the years. I just wonder what, I would like to give Mr. Harrington's view on how he sees the process of zoning proceeding apace with a

master plan, should we go through the trouble of developing one.

MR. HARRINGTON: Councilman Cisneros, I am not sure how to address that just right off the cuff because I have some feelings of my own concerning a master plan. I envision the Planning and Zoning Commission not incrementally developing a master plan for this City. In the first place, it is too honourous a task to ask that a commission of nine members tackle that job when they have other responsibilities in the community outside of that. I view the Planning and Zoning Commission's responsibility to review in earnest everything that is brought to us to be viewed from this City through the natural modus operandi that this City takes and not to direct it except within those confines and to address the things that come before us in earnest and with the charge that is given us but as far as sitting down and drawing up the master plan, I do not think that it is feasible for a planning and zoning commission to do it.

DR. CISNEROS: I have a question.

MAYOR COCKRELL: Yes, Councilman Cisneros.

DR. CISNEROS: Would you, people have talked about this various times but I just want to get your opinion. Because of the size of the City now, because as you mentioned the nature of the job and size of the job that would be involved, and the fact that everybody has to make a living and so forth, would you agree that perhaps it is time to begin thinking about separating the planning aspects from the function of zoning, that is to say a City planning board or commission that would be separate from the body that would be engaged in zoning per se.

MR. HARRINGTON: It is my opinion that it should not be done so.

DR. CISNEROS: It should not be separated?

MR. HARRINGTON: It should not be separated. My reasoning is that I'm not sure how large the planning staff is but I am saying that if the planning staff the size that it is, if they cannot do that sort of planning, I can't envision in the greatest stretch of my imagination how a planning and zoning commission could do it.

MAYOR COCKRELL: All right, let me just share with the Council the fact that we have now spent almost an hour and we're on the third item and we've got thirteen total so we do need to move on but on this just to sum up where I understand that we will be getting a report from the City Manager, from his task force, on their recommendations on how we are proceeding on the master plan and evaluation of where we are, what needs to be done and the Council does desire to definitely become more involved in the policy direction and particularly on the alternative growth study and the total picture of the policies for future growth for the City. Yes, Mr. Hartman.

MR. HARTMAN: Madam Mayor, I just want to distill one, I think, key point out of this discussion, if I may. I think that it would appear logical that the first step that has to be taken has to be the delineation of growth policy by this Council as a basis for the rest of the process to continue.

MAYOR COCKRELL: All right, may I ask if you would see that as, for example, the Council reviewing at the same time concurrently with the Planning Commission the alternate growth study and any other proposals that might be available?

MR. HARRINGTON: I would think that it could in some instances be concurrently with, however, I think the basic response only for growth policy has to be that of the City Council. I think we have the input that is necessary in order to delineate this policy and I think as it is developed, then I think there would be occasion where there would be a concurrent discussion. I think the basic policy problem of growth policy for the City is the City Council.

MR. PYNDUS: Glen, I'm not following you with regard to the master plan. If you say that we should delineate a master plan for the entire City.....

MR. HARTMAN: Not master plan, I'm talking about a basic set of policy.

MR. PYNDUS: A basic set of policy for the entire City. Now, to me we have our priorities in reverse. My concern, first of all, is the aquifer zoning ordinance and how we set a master plan in that area. To me that should have the highest priority. Concurrent with that, I feel that we could work on the master plan that is a longer range situation but we have a situation that is in a critical stage of development. We have some facts that have not been substantiated with regard to pollution and to me I think that the density in that area should have priority over a master plan.....

MR. HARTMAN: I don't disagree with you as to priority, Phil, I think we're basically saying the same thing. My only point is that I think the Council's job is that of policy delineation. I think that has to be a first step on growth.

MAYOR COCKRELL: All right. Now this concluding paragraph there on page 2 in the center just before it goes to the Edwards Aquifer Recharge Zone, where it mentions the alternative growth study, the population report update and the existing trends - alternative. Those are areas that Council needs to be involved with and needs to definitely establish policy and then out of that the new master plan can be developed.

MR. HARTMAN: As a matter of priority.

MAYOR COCKRELL: We concur with those statements.

DR. CISNEROS: (Inaudible).

MAYOR COCKRELL: All right. What is your projection on when all the reports are coming forward?

MR. GUERRA: Well, we hope to have some sketch plans on the existing trends within three weeks and once you sketch that out, it's basically a matter of distributing the population that we forecast on small mass. That's basically what that amounts to. You're recognizing that there's certain utilities are already in, certain places where utilities are going in, areas where utilities have been committed to, those things are addressed in developing the sketch plan.

MAYOR COCKRELL: Then say in about three to four weeks then we could set a work day to go over that. All right. I think we need a separate work day on that subject and then perhaps our own session first and then jointly. Then on page 3 in particular, there were the items relating to the aquifer. As Mr. Pyndus has mentioned this needs to be a matter of special emphasis and the question is on the amount of the - on the major rezoning of the land and this issue may be discussed a little bit later but I think in particular we need to determine whether or not we wish to request that a master plan of zoning be developed for this area that would minimize the possible pollution to the aquifer and would take into account all the factors. It seems to me that this is something that we need to be looking at.

MR. PYNDUS: I strongly recommend that that projection be made. You have broken down into the 6880 acres, Cip, the percentages of the zoning, the largest amount being 4,768 acres which represents 69% of "R-1". I, for one would like to break that area down geologically or geographically by zone to say can we put 12 shopping centers of this mass in this area or should we recommend three and to me I think the whole geographical area with the sensitive areas taken into consideration be broken down into a proposed zoning. If we can't put the zoning in particular areas,

we might limit the amount of, for instance, commercial zoning or "R-3", "R-6" something of that nature. How many can we stand in that area. To me that has utmost urgency.

MAYOR COCKRELL: All right. This also comes under Item number 5 when Mr. Vann will be reporting to us.

DR. CISNEROS: I totally agree with Mr. Pyndus but I do think that and frankly, my main objection over the course of the last couple of weeks is that I don't think we have the information to do what Mr. Pyndus is asking. We just don't have the technical information to do what Mr. Pyndus is asking. That's why in one of the requests that I made, and we'll get to it later, but I just wanted to bring it up now. One request was that we take steps to get the kind of hydrological, geological, water engineering expertise that relates to geology and so forth and it tells us where it's possible to do and where it's not. In other words, taking a map and putting different colors in the map and saying that we're going to zone here and we're not going to zone here doesn't relate to the geological formation of the caverns, to the sensitive areas out there on that ground over the aquifer. That's why we have never had that kind of expertise at any stage of our decision-making.

MAYOR COCKRELL: We will address some of this in Item number 8 when we get to our report on where we are in the delineation. Well, thank you very much, Mr. Guerra, and we'll move on then to Item number four and come back to Mr. Sueltenfuss.

MR. SUELTFENFUSS: Mayor Cockrell, since the transportation map is up and it's about to fall, I'm going to let Mr. Kiolbassa proceed.

MAYOR COCKRELL: All right, fine.

MR. FRANK KIOLBASSA: Up here is the basic master plan or master transportation plan for the area which covers the recharge area and immediately surrounding it. The heavier lines cover what we call our major thoroughfares which are identified as part of our major thoroughfare plan or one of the plans Mr. Guerra talked about. This plan as in your outline in your packet was revised earlier this year so it is a current plan. In the area we have some 22 projects of which 8 of those are directly over the recharge area. These are primarily and probably exclusively street or highway construction projects. Five are by the highway department, the biggest one, of course, coming up is the upgrading of FM 1604 adjacent to the UTSA. There are 14 county bond projects. There's one trans operations project which is the UTSA shuttle going from Wonderland to the University and there are two City-state projects which are urban systems projects which are not over the recharge zone area but are in Wurzbach and Fredericksburg Road. Of these there are no, as I said, no City project exclusively being constructed or are scheduled to be constructed over the recharge zone. The only one that was under construction was the University Drive Boulevard which was the south perimeter road of the UTSA and that has been completed.

As far as major traffic generators, I think the area as outlined in red covers the basic commercial uses that are generators as we see now or in the immediate future. There are several large residential subdivisions such as Thousand Oaks, University Hills, Encino Park, which are major generators as a result of that residential development potential. As far as projects we see envisioned are necessary because of planned or continued growth of the areas as going on now we see a total of seven projects that will probably be needed. These projects I will not go over in detail, they are in your packets. Basically, there are two state projects. One is the continued expansion and upgrading of FM 1604 primarily from San Pedro to Bandera Road and, of course, the other one being Interstate 10 from FM 1604 down to 410.

We see the need for four city projects, Babcock Road, DeZavala, Hausman Road and possibly O'Connor Road. Of course, some of the larger high schools being built out there are in case the O'Connor and DeZavala

are necessary there. We see additional transit projects primarily an issue of park and ride type of operation such as at the proposed mall site or down toward Bandera Road.

The development of the areas, the residential development will more or less dictate when a feasible line service can be provided out there. In the interim though we'll look at more express service or club service as have now been going on throughout the City and unless, of course, other changes go about to change the growth in the area we see these projects as being needed.

MAYOR COCKRELL: Thank you. Yes, Mr. Hartman.

MR. HARTMAN: Madam Mayor, I believe this, what has just been shown here perhaps exemplifies one of the main problems that we have by not having some basic policy. I think we have a lot of things delineated here that I am not really sure from the standpoint of an overall policy that this Council has really either addressed or would fully agree with. I think this is the reason why there is such an urgent need to have a basic policy framework from which these things can generate. In effect, what we've had - we've had pieces of the master plan generating on their own without any overall set of perimeters and I think that's why we get into problems.

MR. PYNDUS: I agree with you, Glen, if you give that first priority that area that we.....

MR. HARTMAN: Yes, I have no difficulty, I think that - but my point is though that what is put here, you see, I think perhaps violates some policy that we may unconsciously feel but have never delineated and that's the reason why I feel so strongly about the need for the City Council to come to grips with underlying policy statements that are needed with regard to growth.....

MAYOR COCKRELL: All right, if there's no objection on the Council to that statement.....

MR. BILLA: This pattern has been established. It was established outside the City limits.

MR. HARTMAN: But you see, though, well, I fully don't agree with you, Bob, for this reason because the patterns that have been established here have been either unconscious or at best subconscious but there's been no conscious effort to really delineate this is for the best of the community and I think this is where we need the basic policy.

MR. KIOLBASSA: I would like to add one thing just as one of the questions asked what is the value of this work going on in the 22 projects. We estimate this work in the neighborhood of a little over 10 million dollars so that's the work that's being planned or going on. That's the 22 projects I spoke of.

MAYOR COCKRELL: All right, thank you. Now, Mr. Sueltenfuss.

MR. SUELTFENFUSS: One of the other items on the agenda, on this item are the growth generators, I think, Frank covered them very hurriedly. I think that growth generators are those particular facilities probably that do two things. One is actually to generate traffic in the area, the other thing is the proximity of residence to where you are employed. I think as we look at Randolph, certainly Randolph Field as long as it has been there can be considered a growth generator because we have a lot of people living in New Braunfels. We've got UTSA which is a tremendous growth generator. We have a high school going in. We have USAA Medical Center and the airport and a lot of these facilities were there way back. I think the development to a large extent in this area is trying to accommodate those facilities that some of these generators have created but we just took a few minutes to put those on there. So is there any further comment on that?

(At this point, the meeting was briefly interrupted by a citizen wanting to speak).

MR. SUELTFUSS: The other item.....

CITY MANAGER GRANATA: Mayor, if he has a different issue, I suggest that he must come back Thursday for Citizens to be Heard.

MAYOR COCKRELL: This is not a Citizens to be Heard at this time.

(UNKNOWN CITIZEN): All right. Okay, like this gentleman told me I had to come back Thursday. Madam, when can I ask to find out?

MAYOR COCKRELL: You may ask at the end of the session and I will recognize you.

MR. SUELTFUSS: This map represents the recharge zone in red here. The City limits is the orange line and relates to the water facilities that are on the recharge and if you'll bear in mind this red line is the recharge line. These indicate water systems and extensions to the subdivisions that the City Water Board has made to subdivisions on the recharge. There are presently also several facilities pumping stations planned in this area. We have San Antonio Ranch which sits right here which will be served by the City Water Board. One we did not get on here is the proposed Encino Park subdivision which sits up here. Very basically, you can see that the water extensions that have occurred to date are on the periphery of the Edwards and occur at these points. I might also point out that you have zone C which lies between these red lines on B and zone A and zone A is the area where you can get excellent quality of water. This is actually where all of the good water is. You can punch a hole and be relatively sure it's going to get good water. Zone B as they've listed is the minimum quantity, questionable quality. That comes through here through zone B. Then when we get into zone C which is from here on up the Water Board lists this as poor quality, poor quantity and zone D which is the rest of the area no potable supply available. You can see that at the present time the extension of water in these areas just barely on the periphery of the recharge zone but there are a couple of major pumping stations planned in this area.

MR. PYNDUS: Will you point out F.M. 1604?

MR. SUELTFUSS: All right. F. M. 1604 runs right here.

MR. PYNDUS: And I.H. 410.

MR. SUELTFUSS: 410 comes right down here.

MR. PYNDUS: Okay. C is between 410 and 1604.

MR. SUELTFUSS: Basically, yes, that's a good definition. All right, now, let's take a look at sewers although that's not in the agenda. Our sewer system - we have what we call a regional sewer system and our regional boundaries correspond to the City limits line all around until we get to 1604 and we follow 1604. Now under the Water Quality Board Order, this is the area in which we serve. So we do have some areas obviously that are in the recharge zone. The other thing that I might mention is that a lot of these areas are inside the City limits. We have this particular situation here where we are extending some sewer lines up here now. This will also serve the Hills and Dales area though that is an unsewered area. Basically, our jurisdiction as far as the Water Quality Board ends at the black line which is basically 1604. You will recall we have contracted with Encino Park to provide their sewer facilities beyond this point right up in this area.

MAYOR COCKRELL: Are there any questions?

MR. SUELTFUSS: The City Public Service Board map is a relatively simple map. Their service area, of course, is basically Bexar County and beyond. They have heavy transmission lines in the area and they are in a position to serve all of that area without any major extensions.

MAYOR PRO-TEM TENIENTE: All right.

DR. CISNEROS: What's the process of indicating the pumping stations and so forth of the developing of the master plans for CPS and Water Board? I think we talked about that before but, specifically, a past Council, I guess, approved those master plans, is that correct?

MR. SUELTFUSS: Yes, the master plan, basically, comes to the City periodically. There was one before you sometime back. I think it's never been brought back.

DR. CISNEROS: Was that the one that Mr. Van Dyke indicated it didn't matter whether we passed it or not?

MR. SUELTFUSS: I think there was a statement made to that effect.

DR. CISNEROS: Why would that be it wouldn't matter?

MR. SUELTFUSS: I think the Water Board has the authority to initiate master plans. I think their feeling was from a legal standpoint that they did not necessarily need City Council approval to proceed with that.

MR. HARTMAN: Mr. Mayor, I think that another area in which this particular problem or area will be addressed there is currently a review of water rate policies, part of which will be the main extension policy which we are now reviewing which will be a subject to (inaudible).....

DR. CISNEROS: I knew it would become a habit again.

MAYOR PRO-TEM TENIENTE: All right. Are we ready for.....

CITY ATTORNEY PARKER: Incidentally, there's some possible legal questions involved as a result of the new utility rate thing and we hope to have some additional information on that next week. It may involve water rates and water policies.

DR. CISNEROS: I wonder if Mr. Parker could comment on the point Mr. Sueltenfuss made a moment ago about the need of City Council to pass or not to pass.

CITY ATTORNEY PARKER: I'm not familiar with that. I'd have to look it up.

MR. SUELTFUSS: I'd like to mention one other point that we get into legally and, Jim, if you can bear with me on it. One of the items we have to remember is we have annexed some territory over the recharge zone and there comes the question of are we legally obligated to serve that area and I kind of leave it at that. In other words if a person under the State law requests service we have a certain minimum time on which to provide service to them so that question has arisen.

DR. CISNEROS: All right. How many people do we now have the capacity to serve over the recharge zone because of the sewer lines that are now laid?

MR. SUELTFUSS: We have, we can serve all of the recharge zone with the existing sewer lines where they are available and let me preface that to the point, for example, some other extensions would have to be made, for example, this one planned to serve the Hollywood Park area. That extension, of course, obviously would pick up some more in between but our major trunk lines, to answer your question, Dr. Cisneros, do have the capacity to serve.

DR. CISNEROS: How about with respect to Ranch Town?

MR. SUELTFUSS: They would have their own sewage treatment plant.

MR. HARTMAN: Would you explain that, what is the arrangement with regard to Hollywood Park?

MR. SUELTFUSS: Hollywood Park at the present time is in the process of working with the Texas Water Quality Board to obtain a grant and to put in a sewer system. The City's policy has been that if they extend the line to our existing line, we will entertain the thought of treating it just like we do anybody else that wants to come to us.

MR. HARTMAN: So they're coming to us? In other words, they're joining on to our facility?

MR. SUELTFUSS: That's the official plan, yes, sir.

MR. HARTMAN: With a contract to service them?

MR. SUELTFUSS: Yes, it'd be a contract to serve.

DR. CISNEROS: I've got some conflicting information that has come to my attention in recent weeks. It didn't track well with what Cip was saying before. Now, Cip used the figure of something like 83,000 or something like that which would have been 27.6 percent of the City's projected growth between now and the year 2000, I guess it was. Yet I'm told that we now have sewer lines in position to serve 250,000 people. Can you comment on why that discrepancy would exist?

MR. SUELTFUSS: Well, I can't relate to specific numbers. Now, obviously when you build trunk mains in many cases you build them to serve an ultimate water shed development. I would say that that could well be the case that, for example, along the Salado, along Leon, all of these areas probably the trunk capacity of the sewer lines is certainly sufficient to serve more people and it could be in that range. Of course, the basic projection that we use, we are using to the year of 2000. All of these lines ultimately would have to be paralleled some day if the whole area is developed but there is a certain area that.....

MR. GUERRA: I overheard your question on the discrepancy. The figure we used is simply the land within the City limits which is already zoned. We did not use the total land over the Aquifer.

DR. CISNEROS: Your figure is for possible further annexation to the north?

MR. SUELTFUSS: No, sir, all over. I think the number of 200 - I shouldn't be commenting on the number because I'm not familiar with it but, basically, maybe the capacity that he's talking about for sewer capacity that we have would be for the entire City of an additional 250,000.

MR. GUERRA: I do not address capacity, I simply said that with the current zoning if you use normal density and the number of houses that go per acres.....

DR. CISNEROS: What's currently zoned?

MR. GUERRA: Right, but in effect, what is currently within the City limits because technically all of it is zoned even though a good portion of it is temporary "R-1" but within that area of the Aquifer within the City limits with the current zoning we can handle around 83,000.

MR. HARTMAN: Madam Mayor. Cip, before you leave, what growth rates were used in the computations you talked with regard to development up to the year 2000?

MR. GUERRA: I don't remember the figure.

MR. HARTMAN: Probably 11 percent.

MR. GUERRA: We used a growth rate slightly higher than the national but I don't recall what that figure is.

MR. HARTMAN: Now, the current growth rate is less than two percent. Is that right?

MR. GUERRA: Yes. We use something higher than that. I don't recall the figure but it's slightly higher than the national.

MR. HARTMAN: You don't remember if it was 3 or 4?

MR. GUERRA: No, 2. something I believe.

MR. PYNDUS: Mayor Cockrell, I suggest that we move on.

MAYOR COCKRELL: All right. Fine, we do need to move on so we will on these points where additional data has been asked (inaudible)..... So Item Number 5.

MR. GEORGE VANN: Madam Mayor, I would like to first with your permission, read a letter from Mrs. Lecznar into the record if you would permit.

MAYOR COCKRELL: I think we can just ask that it be made a part of the record. Go ahead and not read it.

MR. VANN: Currently, staff is working on delineating the Edwards Recharge Zone District for the Edwards Aquifer Recharge Zone. Names and addresses of property owners are being obtained so that a public hearing can be held. The Planning and Zoning Commission will initiate the zoning application and set the date for the public hearing. If, at a later date, it is determined that other areas need to be placed in this overlay district, public hearings will then be held for these areas.

To the best of my knowledge, since 1957, no proceedings have been initiated to place temporarily zoned property into a permanent zoning classification because there has been no land use master plan. It is my understanding that the Comprehensive Planning Division of the Planning and Community Development Department is working on such a plan. It must also be noted here that the Building and Planning Administration staff prepares individual land use studies on every zoning case and hold staff conferences with staff members of the Traffic and Transportation Department and the Planning and Community Development Department, incorporating all recommendations with our recommendations prior to the time zoning cases are presented to the Planning and Zoning Commission and the City Council. When applicable, the Edwards Aquifer Protection Office is also included in staff discussions and recommendations. Therefore, in reference to the Planning and Zoning Commission initiating permanent zoning for temporary "R-1" zoning, at the time of the public hearing to designate the recharge area as the Edwards Recharge Overlay District, I believe it would be possible to convert all Temporary "R-1" zoning in this area into a permanent "R-1" district. In my opinion, however, this is unadvisable without a master plan to guide us in delineating zoning boundaries. I am of the opinion that we should move forward at this time to place the recharge area in the overlay district and then at such time as a master plan is completed and reviewed, the Commission should initiate zoning proceedings for land within a temporary residential classification.

MAYOR COCKRELL: All right. We're going to have to keep our questions at a very bare minimum, in fact, we've had one suggestion that perhaps we limit questions. Is there any just very short comment that anybody needs to make at this point? All right. Let's then move on to the next. In terms of Council reaction on this particular point, the recommendation is that they - first of all, complete their work on the Overlay and that you then hold your rezoning until you get the land use master plan.

MR. VANN: That's correct.

MAYOR COCKRELL: All right. So I think the Council is very interested in moving on both of those things, but that seems like the logical order to do it. Is that - does that meet with everybody's consensus?

MR. PYNDUS: I concur.

MAYOR COCKRELL: Yes, the question on time - we will be getting our first round of policy, what days, in about thirty days. 20, 30 days and Mr. Vann, do you have any concept of how much time this is going to take us to work through this?

MR. VANN: The time-consuming work on this, Madam Mayor, is the gathering up of the names of the property owners. Where about, I think it will take about 500 to 600 names that we will have to go through. We originally had started with doing them by hand. Now we're going to go to the computer and see if we can speed up the process. I would say that within the next three to four weeks we will be asking the Planning Commission for...

MAYOR COCKRELL: Now that's for the Edwards Overlay. But on the second part of it, moving to getting the master land use plan and then moving to the permanent zoning on all the temporary zoned property. What do you think would be our best time there?

MR. VANN: I think that - that timing I think is really being set by the Council because it should be part of the master plan that we're to get in January 1 of 1976.

DR. CISNEROS: Madam Mayor, that leaves one question which is what we do about zoning cases over the Aquifer in the interim.

MAYOR COCKRELL: Well, that comes a little bit later. We'll get to that. That was one of your questions, wasn't it?

DR. CISNEROS: Yes, but it's the flip side of this discussion.

MAYOR COCKRELL: Well, right and I think we will just note that question and note that is a policy area. Mr. Rohde.

MR. ROHDE: I want to relinquish my time. Mrs. Garza, she's been asking to be recognized.

MAYOR COCKRELL: All right, fine. Mrs. Garza.

MRS. OLIVIA GARZA: Madam Mayor, I want to ask the audience to keep their talking to a minimum. It's very difficult for us to hear and this is very important for all of us.

FATHER BENAVIDES: Well, I think if this Council would have the decency of hearing us early, it wouldn't be continuously insulted, not only by members of this Council and by members of the Planning Commission we have been sitting very quietly and I think we should be commended for following the orders of the Council and not be insulted and humiliated and embarrassed. I take that as an insult to (inaudible).....

MAYOR COCKRELL: All right. We will now then will move to item number five.

FATHER BENAVIDES: I don't see why this Council is afraid of hearing the citizens. I certainly wish the City Councilmen would certainly take the side of the people and let us speak.

MAYOR COCKRELL: Father, you know that you are out of order and.....

FATHER BENAVIDES: And you know that you are out of order by not hearing the citizens of San Antonio, Mrs. Cockrell.

MAYOR COCKRELL: All right. The Council is going to take a five minute recess.

FATHER BENAVIDES: We haven't - we've acceded the every request made of us today and we still are insulted. Now, do you think that's fair, Henry?

DR. CISNEROS: I think it was (inaudible).

FATHER BENAVIDES: We're certainly not going to let this happen again.

MR. ROHDE: Stay cool, Father.

FATHER BENAVIDES: And if you do love us like you say, Mr. Rohde, we wish you would show it, not by word but by action.

MR. ROHDE: Thank you.

(The meeting recessed for five minutes)

MR. SUELTFUSS: I am going to outline the steps the City is using to make sure that the Texas Water Quality Board Order is being enforced since creation of the Edwards Protection Office, these duties have been assigned entirely to that office with very close surveillance by, some of us, I'm particularly watching the surveillance very closely. We have done, taken some very positive steps. Did you have a question?

MR. PYNDUS: I have a difficult time hearing you.

MR. SUELTFUSS: We have set up procedures, and I'll go through them very briefly, on subdivision plats over the recharge. We will not sign off on them until such time as the Water Quality Board has approved them and signed off on them. In addition to that, any improvements required by the Water Quality Board in connection with the subdivision plats will be inspected by our office in addition to anybody else who will inspect them. We will also require bonding to assure that those facilities will be installed. In connection with building permits issued over the recharge zone, Mr. Vega in the Edwards Protection Office will get copies of all building permits issued on the recharge zone. He will research each building permit to see what element of that building permit require Texas Water Quality Board regulation. Everyone of them will require an inspection by a registered engineer of the house level. He will not sign off on a Certificate of Occupancy. I think this is a very important thing where we have a very strong wrench until all the requirements of the Water Quality Board have been met. I think this is a very, very...I think the creation of this office has been, frankly, I think, a very good boom to all of us. I think it's working very well and if I may just take a minute and ask Mr. Vega to stand. I don't think you've met him. I would just like to afford that opportunity. Frank, are you still here? I guess he left.

MAYOR COCKRELL: Will you sort of go over again how this office is going to relate to the County?

MR. SUELTFUSS: All right. Of course, as far as the County is concerned, the County has the licensing authority for septic tanks. Obviously, anything that we get inside the City or within our ETJ for subdivision plats will immediately be referred to the County. I might say one other thing. We held our first meeting last Friday. We had eleven agencies there. We had the man down from the Texas Water Quality Board. I think it's kind of exchange of information that is just most valuable. We all agreed that if any of us saw anything wrong anywhere, we're going to tell on one another. I think this is the kind of attitude and spirit that it's going to take to assure proper enforcement.

MAYOR COCKRELL: Fine. Dr. Cisneros.

DR. CISNEROS: I'd like to indicate as I have before that I also think that Sam, and you Mel, George and everybody else involved, you've done a very good job in putting this thing together according to the function for assuring monitoring and enforcement. I wonder, will you not agree with me that we are weak as a City in terms of ready access

to the technical data that's required to make policy decisions. Not for enforcement, or monitoring, but for policy decisions. I'm asking for example, information that will allow us to say yes or no to the implications of that mall, in technical terms for example. What are the implications of that mall, in terms of water pollution for the hydraulics engineer? Do we have that kind of capacity on the staff?

MR. SUELTFUSS: Well, let me answer it in two ways, number one, of course, we have to rely heavily on, we do rely heavily on some of the other agencies that are involved. For example, the Edwards Underground gets a copy of every plat that we submit. We ask for their comments on it.

DR. CISNEROS: All right, comment on that one, for example.

MR. SUELTFUSS: I can't. Now this is just a zoning case. Now, we have not set up any procedures on zoning. This is as we get into platting. One other thing I might add that the Water Quality Board last week at their meeting indicated an interest in seeing more zoning cases if they involved.....

DR. CISNEROS: Because I was going to say, there's a big gap there.

MR. SUELTFUSS: Yes, all right, and zoning generally is a sort of thing that we feel is the first step involved. So many other things afterwards wherein the, you know, the real technical applications come.

DR. CISNEROS: Part of the problem is that if you're in the position of an enforcement body, then you let one of the tools get away just because it's the first one.

MR. SUELTFUSS: Let me say this. We agreed Saturday - I mean Friday, that the Edwards Protection Office will comment on all zoning cases. That's the first step. Incidentally, we had one last week that we commented on.

DR. CISNEROS: So your answer then, I guess, was that we do either, if we don't have it in the house, we do have access to somebody who knows the problem.

MR. SUELTFUSS: That's right and let me say the second step comes...

DR. CISNEROS: Now who are the people who are going to comment the Edwards Underground District. That's two people, Mr. Weinert and another man.

MR. SUELTFUSS: Yes, that's correct. Let me go one step further too and say that the real technical reporting comes in connection with the Environmental Impact statement that comes at the time of platting and that comes at the time when the subdivision goes to Texas Water Quality Board. I guess what we're saying is, do we want to apply that, I don't want to use the word expense, that procedure on the zoning case when it will follow later. I think it's a matter, zoning comes so much ahead of platting and all of these things. I think there lies the real basic question.

DR. CISNEROS: Madam Mayor, I'd like to highlight what I think is a real issue here. I think that zoning is a step in the process. It's the first step and our rationale today has been, and our rationale for example on the Mall was that zoning didn't matter because we had a lot of.....later on. If you're really in the point of view of an enforcement body, trying to do monitoring and enforcement, then why let one tool of your arsenal get away from you just because it's the first one. You see, what I'm saying - when that's a possible tool that ought to be used. Now, another question comes up here. The Edwards Underground Water District consists of two people, Colonel Weinert and one other man.

While they have a lot of expertise and a lot of years and so forth they don't have the capacity to address some of the hydrological and so forth, issues that ought to be addressed early on. I think we need to talk later on about developing that kind of capacity at the zoning stage. That's what we've been missing, that kind of information.

MR. HARTMAN: I concur.

MAYOR COCKRELL: On a consulting basis or.....?

DR. CISNEROS: Let me tell you, for example, how it works. The Edwards Underground Water District has \$600,000 of money that's paid to them by the counties that are members. They are at the moment, this money is being banked. I mean it's drawing interest in the bank. I've talked with people, for example, from Southwest Research who would be willing on a third-party basis, not as a party to the debate, staying out of the politics, staying away from governmental agencies like the City government, but as a third party with their credibility beginning to devise the environmental impact assessment at the zoning stage and making their signed credible analysis available to the City staff and the City Council at the time this decision is made on the zoning case. It wouldn't cost us a cent. Just a matter of sitting down and working it out.

MR. ROHDE: Mayor, that procedure is there now in the Texas Water Quality Control Board when they approve the plats and subdivisions. I don't think any other additional things are needed in this area.

MAYOR COCKRELL: Well, at any rate we'll take the suggestions under advisement and let the Council...in fact, if you would furnish the Council with a little more detailed information along the lines that you're suggesting, I think that would be helpful.

MR. PYNDUS: He has some sound ideas.

MR. BILLA: I have a question. Doesn't platting address drainage, what happens to it?

MR. SUELTFUSS: Yes.

MAYOR COCKRELL: In particular, I think we might ask our City staff to comment, too, on the suggestion by Dr. Cisneros of the helpfulness of additional technical data, and if you want to review it and think about it and let us have your opinion, I think that will be helpful.

MR. SUELTFUSS: Fine. Madam Mayor, I don't think there'll be too much difficulty in acquiring a number of tables of perimeters - co-efficients and what have you. Some of them are already available. I think the Water Quality Board and the Edwards Districts both have such information. There might be some that are not fully developed yet. The serious problem, however, with all those tables, all those perimeters and everything else is - nobody still really knows just exactly what they mean in terms of the effect underground. We can compile, computer models everything else but nobody knows and probably will never exactly know exactly what the effect 100, 500 and 2000 feet underground is. However, I've no problem with acquiring that data.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: I think the point, though, Ford if I may address that question. I think it's comparable to, if I may draw a simile here for a moment. The question is as to the dangers of nuclear testing, for example. You have a whole vast variety of different opinions as to what the impact to that is. You range all the way from Dr. Teller, who says there's no harm regardless of what you do; ranging to those who are extremely conservative on that point with regard to saying no testing at all. I think you have a similar situation here. The point is, though, that you have to come to an agreement that you will accept

one source of authority and then go from that point on. In other words, you have to have an authority that relates to what we're talking about here, and I think that this is what we're lacking.

MAYOR COCKRELL: Of course, by law the authority is the Texas Water Quality Board, isn't that correct?

MR. SUELTFUSS: Again, if we're talking in terms of treatment and standards. Whether or not, you could as a zoning matter, state that this is a potential pollution problem on somebody's opinion and say as a result of this we will not zone this property. That would be a legal question and I would have to defer to Mr. Parker.

CITY ATTORNEY PARKER: You would have to have zoning regulations that prohibited the zoning on that basis.

MAYOR COCKRELL: All right, let's see. Mr. Pyndus, have you spoken yet on this subject?

MR. PYNDUS: No Madame, and I'd like to conclude it, if I may. I think the point has been well made and I think it has a lot of merit. I do think that we can use a lot of pros and cons at this point, and I would like to go on to the next point because we do have a real presentation. If it's all right with you, all I think with the remarks in the record, it covers your good recommendations.

MAYOR COCKRELL: All right, fine.

DR. CISNEROS: I would just like to make two points if I may, Madam Mayor. One is with respect to Mr. Rohde's comment that we ought to do it at the planning stage. The problem with that is that practically speaking, at the act of zoning that alone creates pressures for development that might not exist if one had to justify the change in zoning. In other words, the fact that that 129 acres is now "B-2" is a different situation than before when it was "R-1" and different in economics, different in terms of pressure to develop it and a lot of other (inaudible) and a lot of other things and if one had to justify the act instead of at the planning stage but at the zoning stage, that's a different kind of justification. The second point, if I may is that and we can check this with the City Attorney, but there's no reason why platting doesn't have to occur before zoning. In other words in the past and in other places, platting has to occur before zoning.

MR. BILLA: There's an expense and you wouldn't want to do it unless you got.....

MAYOR COCKRELL: May I make this suggestion and that is a suggestion has been made to me which I would like to share with the Council. On any zoning case on the Aquifer, we might wish to require that they get the approval and go through the Texas Water Quality Board prior to coming on the zoning case. I think that is one thing that might have merit. So we'll take a look at that. All right, then, let's go on to the next one which is the PUD Ordinance. Mr. Vann.

DR. CISNEROS: Madam Mayor, how are we going to look at it. You said that we'd look at it. Are you asking me to submit further details?

MAYOR COCKRELL: Yes, fine.

DR. NIELSEN: I'll ask but you can certainly overrule me. I want to ask, however, that one person for five minutes and I guess it's going to be Father Benavides be permitted to speak now and one person only for five minutes and anybody else that wants to speak can wait till, I don't know what you said before, until it's four o'clock or till the end or whatever.....

MAYOR COCKRELL: The Chair overrules the suggestion. I have already made the ruling that at 4:00 o'clock we would extend the time. In view of the fact that we already had an agenda adopted and in view of the fact that there is more than one group here who is represented and who would like to speak and it would be unfair to all of the other persons here who are here from many different groups and who have equally as much right to speak before this Council as the one that is pushing to be heard in advance of the other citizens and so we will then go on, and I appreciate your suggestion, but I am not going to take it.

DR. NIELSEN: Let me just explain why. I understand there are a number of mothers here who before 3:30 need to get away from here so they can get their children. There is justification for this suggestion.

MAYOR COCKRELL: Let me just add this further comment that everytime this particular organization has ever appeared in large numbers, they have always demanded to be heard in advance of other citizens and out of the regular order of business. I do not feel that is fair to other citizens who also have equal rights, and in addition, I have made the suggestion to the spokesman, Father Benavides, that if he knows in advance that he is bringing a large group of persons who might be inconvenienced by having to wait, then I advise him in the future to contact the Chair. I would be glad to suggest the time to him at which time citizens will be heard so that he can bring his citizens at that time. They will not have to wait and they will be heard at that time and this can all be done to his courtesy in calling the Mayor in the Mayor's Office. I'll be happy to make those arrangements in the future. In each time in the past I have.....

FATHER BENAVIDES: Statement inaudible.

DR. NIELSEN: Statement inaudible.

MR. PYNDUS: May I hear the next speaker please.

DR. NIELSEN: Statement inaudible.

MR. PYNDUS: Why do you want to show favoritism, Ford?

DR. NIELSEN: It isn't a question of favoritism, Phil.

MAYOR COCKRELL: All right. Then we are now going to the next item which is, Father Benavides, is out of order, now then, we will then proceed with number seven. Mr. Vann.

MR. BILLA: Father, why do we have to follow your procedures, we have set this meeting for this Council to get information for all the citizens of San Antonio. Your special group is demanding privilege time and I don't see any reason...it's a matter of opinion why don't you sit down and conduct yourself like the man of the cloth.

MAYOR COCKRELL: The Chair has made a ruling and we will now proceed with the meeting.

MR. BILLA: We gave you a concession. Now you're demanding more.

MAYOR COCKRELL: If it is not possible to continue the meeting in order, the citizens, we're not ever going to get to the point where we will be hearing the citizens. We will continue with our agenda. Let's proceed then to the next item, which is the review of the PUD ordinance and that's Mr. George Vann.

MR. VANN: Madam Mayor, the PUD ordinance, in my opinion, is one of the best controls we have over the Aquifer at this time. Insofar as the scope of options available to the Planning Commission on open space, on landscaping, on regulation of density, on control of sewer installations, the only problem I can see with the PUD is the regulation of runoff. The reason they do not have this authority is because the QB Order does not give them that authority. I think that, under the PUD, the Planning Commission can do near anything except those items that are controlled directly by the QB Order.

MAYOR COCKRELL: All right. Are there any questions?

DR. NIELSEN: George is there, just for the record for everyone hearing this, is there a time limitation within which PUD or one or two have effect?

MR. VANN: Yes, the time limitation is.....

DR. NIELSEN: Six months, is it?

MR. VANN: No. Construction must start within two and a half years of effective date of approval.

DR. NIELSEN: Approval of what?

MR. VANN: Approval of PUD.

DR. NIELSEN: Approval of the plan or PUD?

MR. VANN: Of PUD designation.

DR. NIELSEN: PUD designation. There is a two and a half year statute of limitation.

MR. VANN: And then the Planning Commission can extend that time another year, as I understand it.

MR. HARTMAN: George, to make sure I understand that you're saying that in effect there's a two and a half-year time period when the construction began after a PUD designation. But the Planning Commission can extend.

MR. VANN: The Planning Commission can extend.

MR. HARTMAN: How about the Council?

MR. VANN: On application only. If the developer for some reason comes before the Planning Commission and gives valid reason, it can be extended another year.

DR. NIELSEN: But in the event the two and a half year statute limitations is exceeded and no request for continuation or whatever, the whole zoning, it goes back then?

MR. VANN: It goes back to whatever zoning it had prior.

DR. NIELSEN: Right.

MAYOR COCKRELL: All right. There's quite a lot of material here for us to read and we'll just simply have to do that in the nature of homework because we won't go through that entirely. Are there any other questions regarding the PUD procedures? All right. We then go to the status report number eight on the delineation of the sensitive areas. Mr. Sueltenfuss.

MR. SUELTFENFUSS: Here comes one of the touchy ones. The sensitive areas in the staff's opinion are those areas and this is our definition where a major recharge of the aquifer occurs. These areas are primarily those areas where the streams that originate over the Edwards Plateau across the recharge zone. It is estimated that 95% of the recharge occurs from the streams as they cross the recharge zone. Also, in the opinion of the staff, there is little benefit to purchase these areas, since there is no practical way of preventing water from entering these areas from the storm water entering the streams. When the City and the County having adopted the Federal Flood Insurance Program, development of the flood plains areas of these streams is prohibited. The City can and will prohibit development of the flood plains of these areas, and I am sure that the County will too in connection with their enforcement of the floor plains ordinance. There's been much discussion concerning the

sensitive areas and there have been certain groups that have prepared maps of what they consider sensitive areas. However, these maps have not been made available to the staff for evaluation and I would again invite anyone that has any information on it to present it to the staff because we are certainly not closeminded on this matter. We'll continue to study the matter with a final report due to the Council January 1976. So that all persons having any such information will bring it to the staff. I have listed all of the professional, a bunch of professional opinions regarding sensitive areas. You'll see them in the next two pages of the report, I don't know if you want to reach each of those.

All right. Let me just take the first one the Edwards Under-ground Water District retained Certified Geological Consultant, Porter Montgomery of San Antonio who has wide experience and is an acknowledged authority on the Edwards limestone formation who will report to the district on the necessity and feasibility of purchasing parts of the recharge zone from the water supply.

The following is an excerpt from his report of May, 1975. It says, "In the case of our own regional problem of protecting the Edwards Aquifer, this procedure of buying the watershed might require buying tremendous acres of land. The drainage basins contributing to the Edwards Aquifer include about 4 million acres. Some long established communities are within these watersheds. The areas which could have an influence on water would include not only the outcrop of the Edwards limestone but also the Glen Rose outcrop over the entire drainage basins of streams which contribute water to the Edwards Aquifer.

All the rain water except that lost by evaporation or by plant use which falls upon the Edwards and Glen Rose within these basins eventually flows across the Balcones Fault Zone. Actually only a part of this flow can be seen at the surface.

Any plan to combat possible pollution of the Edwards Aquifer must take all of the various paths of water flow into consideration and must be able to control pollution at its source before it enters the Edwards and Glen Rose formations or any stream pattern.

The reasons behind such an inclusive statement are briefly as follows:

We have recharge into the Edwards in three important ways; two of which are not visible and have not been measured. First, the broad interstream areas; second, the underground flow under the visible stream channels; and third, the visible streams which have been subject to measurement of water flow and biological analyses for possible pollution."

We have additional ones on the USGS and the City Water Board's opinion from ground water hydrologist, William F. Guyton. I'll be happy to read it or in interest of time, the data is there.

MAYOR COCKRELL: All right. Then will you read Mr. Dykes' comments?

MR. SUELTFUSS: The City Water Board obtained an opinion from its consulting Ground Water Hydrologist, William F. Guyton, on May 6, 1975 which states in part:

"I have given considerable thought to this matter, and have concluded that I do not believe it can be done within practical limits. I believe all areas in the recharge zone should be considered to be of about equal importance. Although some localities might be found with more cavities or fractures at the surface than others, the pollution in the water which does not seep into the ground in the tighter localities must run off the surface. Unless the surface drainage from these tighter localities is directly onto impermeable rocks of other formations, the runoff crosses other portions of the Edwards limestone and has a good chance of entering the underground reservoir there."

MAYOR COCKRELL: All right, then. Dr. Nielsen.

DR. NIELSEN: One question somewhat technical and legal. I know there are some controversies over other areas of the water infiltration and reuse and pumpage and everything else that regards sinkholes. They don't call them sensitive areas. Is there anything, first of all, legally that would prohibit the City in the case of a major water shed, completely channeling that area in concrete as far as the major runoff? Is there any legal prohibition whereby we could not because of covering some of these sensitive holes or sinkholes or whatever?

MR. SUELTFUSS: I know of none. Of course, the basic philosophy there is that if we covered all the recharge zone, we wouldn't have any recharge.

DR. NIELSEN: No, not all of it.

MR. SUELTFUSS: No, I'm talking about and yeah, no, I don't know but it relates back to...No, I don't know of anything.

DR. NIELSEN: As far as you know, there is no legal prohibition. Okay, technically, in terms of just within the City limits, let's say, there are at least what three....

MR. SUELTFUSS: Three major streams that cross, yes, that's right. We have the Leon. I think you're right on three, the Cibolo goes on the upper portion of it, yes.

DR. NIELSEN: As far as any development over the recharge zone within the City limits which is the only place we have any control, technically speaking, is it feasible to line those stream beds in those three major water sheds or whatever you want to call them over the recharge zone lined with concrete so that anything that runs in there has no chance of polluting?

MR. SUELTFUSS: I think we, theoretically, it's possible, let me say that. Technically, it's possible. I think we're talking about very, very large, for example, the Leon Creek, the Cibolo, we're talking about tremendous amounts of flood waters being carried in these streams. But to answer your question directly technically, it could be done.

DR. NIELSEN: Yes, sir. Thank you.

MAYOR COCKRELL: All right. Are there any other questions?

MR. HARTMAN: Madam Mayor, just a very brief comment. I think that first statement with regard to the...in fact, you're talking about four million acres, although granted, sure we can talk about it, we've discussed this many times now, we can discuss that as being the "drainage area" but I think that's being a little bit, you know, not realistic. I think it's being - I think it's over-generalized.

MR. BILLA: Why not?

MR. HARTMAN: Well, it's over-generalized.

MR. BILLA: It's a fact of life.

MR. HARTMAN: Total water shed but that is not the same. We're not concerned with the total water shed.

DR. CISNEROS: I'm glad that you had Mel read Dr. Guyton's remarks. I think that makes a very strong bit of evidence, and I am told that he's a first rate hydrologist and has a very strong taste for the drainage and runoff - the necessity for drainage and runoff - particularly that last sentence.

MR. ROHDE: Mel, for the record, I'd like to ask you if you'd read the next one because it's from a man who heads the University of Texas and this man is an expert geologist, I understand, and engineer. He knows our problem and he heads the University of Texas at San Antonio which is on the Aquifer, and I'd like for our citizens out there to know his comments because I think it's a very material point here that we're discussing today. That was under Dr. Peter Flawn's statements.

MR. SUELTFUSS: I think that occurs in another item.

MAYOR COCKRELL: I didn't see it, I was looking at Item 8.

DR. CISNEROS: It's under Item 9.

MAYOR COCKRELL: Under 9. Well, we'll go on then and get into Item 9.

DR. CISNEROS: I was going to say if we're going to read editorial comments, this is from an editorial publication.

MR. ROHDE: It's from your boss, Henry.

DR. CISNEROS: That doesn't make a bit of difference to me. What I'm saying is that if we're going to hear editorial comments then we should hear from the citizens as well.

MR. ROHDE: We're hearing from an expert geologist.

DR. CISNEROS: And also from a man who has a position as head of an institution on top of the Recharge zone has a lot to say about it.

MAYOR COCKRELL: All right. Let's go ahead then with Item No. 9.

MR. PYNDUS: I'd like to follow the agenda and then getting to the other item.

MAYOR COCKRELL: All right. Fine.

DR. CISNEROS: It was Mr. Rohde that wanted to leave the agenda, wasn't it?

MAYOR COCKRELL: At any rate, let's go on with Item No. 9, okay. Mr. Sueltenfuss.

MR. SUELTFUSS: The next item that we'll discuss is the Texas Water Quality Board Order and Storm Water Run-off. I'll again take a minute to read this. "There's been much discussion of stream water run-off and its effects on the Aquifer. The drainage area for the Edwards Aquifer is outlined on the attached map which you have a copy of in your book and let me say that you'll find a slight conflict in what is now the drainage area. Research has shown that this additional drainage, I mean the Recharge area has been added is very slight, and it's to the west past Bracketville. So, there is slight conflict in this map and the official Water Board map, but this is from the publication that was done in 1954. I do want to point that out.

A summary of the drainage area in square miles and the total estimated recharge based on a study from 1934 to 1953 is summarized as follows. It should be emphasized that approximately 95% of the recharge occurs from the streams.

It is felt that treatment of storm water run-off, if deemed necessary, must be handled on a statewide basis, or at least a regional wide basis as far as it effects the Edwards Aquifer.

In addition, a summary of the Hydrological Data for Urban Studies in the San Antonio Metropolitan Area by the U. S. Geological Survey is attached. This report indicates that of 32 samples collected during the period 1970 through 1973, none exceeded the U. S. Public Health Service Drinking Water Standards, as they pertain to the items that are listed. The area that was sampled is an area which drains into the Olmos Creek and the sampling point was at Dresden Drive. And I want to point out this is not over the Recharge, this is a sampling area that the U. S. Geological Survey is taking samples at. The area contains 21.2 square miles of residential, commercial and light industrial usage and would probably be typical of the urban areas that would be developed over the Recharge zone.

The adequacy of the Texas Water Quality Board Order has also been under much discussion. The adequacy of the Order has been discussed by various professionals as follows."

I think I'll read these because that again I'm - I think I'm quoting from the Edwards Underground Water Bulletin No. 170, the other was a quote from that too, so that we do know where the source of the information came from.

Dr. Ernest F. Gloyna of the Engineering Staff of the University of Texas at Austin was retained incidentally, jointly by the City and county and the Environmental Underground Water District to review the TWQB order, and on August 22, 1974, submitted a detailed analysis of the order, the closing paragraph of which states:

"Basically, I am of the opinion that the TWQB order does not stand alone. This order supplements the existing statutes. For example, every discharger of wastewater (private septic tanks excluded) must apply for a separate waste control order (WCO). Presumably, the member counties of AACOG have the authority to establish their own septic tank criteria. I do not see a basic inadequacy in the construction standard. The fertilizer aspects of the wastewater and the monitoring of those wastes are dealt with satisfactorily in the TWQB order. In conclusion, the TWQB order provides a most restrictive pollution control document, and further restrictions would most likely create a high degree of inflexibility in the management of people and their associated wastes." The City of San Antonio Water Board.....

MAYOR COCKRELL: Yes, just a moment, Mr. Sueltenfuss.

DR. CISNEROS: Mayor, just a question on all that. It seems to be very general. I wonder whether a scientific man would, while he might make general statements about the order, make equally strong statements about a specific project or a specific case. What I'm saying is, that this is all very general and it really doesn't have much applicability, in my opinion, unless you are talking about a specific piece of ground and a specific project and a specific use and a specific density. So, this is really just padding to the argument, but it really, I mean it's in there gratuitously.

MR. SUELTFUSS: Well, I think, let me answer that this way, I think that they felt if there were some additional things that should have been incorporated to assure that any piece of property regardless of the situation, you know, could have been affected, that I think they would have suggested that the order include that.

DR. CISNEROS: I guess I'm saying that it really is just so much fluff, unless you're talking about something specific.

DR. NIELSEN: Wait, the TWQB order had to in a policy manner address a general situation and did not get into five acres or 25 acres, and I don't get at what you're driving at, Henry.

DR. CISNEROS: We're going to have to deal with.....

MAYOR COCKRELL: This comment is relating to the TWQB order and the professional evaluation. May I ask, this was part, this is just a piece of that total report, is that correct?

MR. SUELTFUSS: Yes, that's correct.

MAYOR COCKRELL: And could we have that made available.

MR. SUELTFUSS: Yes, I have a copy of that. This was done in cooperation with the City and the county and the Edwards Underground Water District. I have a copy that's available for you.

MAYOR COCKRELL: How large a document is that.

MR. SUELTFUSS: I think it's about five or six pages. Basically, what it was, let me tell you what the study was. Remember when the AACOG Committee got in a hassle, an argument of whether the TWQB order was adequate or should we add all of the AACOG comments. We asked them at the time to comment on the additional AACOG items that were involved.

DR. CISNEROS: I just fail to see how this relates to our decision making or anything on specific cases.

MAYOR COCKRELL: We are reviewing the TWQ Board order and particularly we are going to be getting into whether or not we need to make any additional recommendations to the TWQB, and I think in that respect possibly it is pertinent. All right. Will you continue, Mr. Sueltfuss. Mr. Pyndus.

MR. PYNDUS: One observation. This was dated August of '74, and you know we're picking up more information and technical knowledge in the last 12 months. Is there an up-date on this particular TWQB order or is this the latest we have on it?

MR. SUELTFUSS: Well, see this was just prior to the final order that was passed in January of '75. So these comments related right prior to the passage of the order at that time.

MR. PYNDUS: So this is the latest we have.

MR. SUELTFUSS: This is the latest. This relates to the order as it was proposed at that time.

MR. PYNDUS: Thank you.

MAYOR COCKRELL: All right. Then let's continue.

MR. SUELTFUSS: The San Antonio City Water Board obtained an opinion from its consultant, Ground-water Hydrologist, Wm. F. Guyton of Austin, which concluded:

"In general, I think this is a strong Order even without the AACOG changes", and again keep in mind this was reviewing the AACOG who recommended changes. "If it is enforced, I believe it will prevent a substantial amount of pollution to the Edwards Aquifer, and I would guess that it also will limit the development of the land overlying the recharge zone."

Dr. Peter Flawn, President of the University of Texas at San Antonio stated in "SAN ANTONIO" (official publication of the San Antonio Chamber of Commerce, August 1975) as follows:

"In my view the current Texas Water Quality Board Order requires high-quality engineering systems, and if that order is enforced -- that's the key and it won't be cheap -- then I see no reason that deliberate, judicious development should not proceed on the Recharge zone of the Edwards Aquifer."

The Edwards Underground Water District retained Water Resources Consultant C. Thomas Koch, P.E., to view the order, and under date of May 6, 1974 he submitted an exhaustive analysis to the District which stated as follows:

"In summary, I have concluded that the order, if rigidly enforced, would probably protect the Edwards Underground Reservoir from degradation of existing water quality."

I do want to read the Edwards Underground Water District Policy because it does present one of the negative sides, and I do want to make sure that nobody considers that we're impartial in the items that we have presented here.

EDWARDS UNDERGROUND WATER DISTRICT POLICY:

The Board of Directors of the EUWD has formally approved the TWQB order as adequately protecting the Edwards Aquifer if it is rigidly enforced, and is cooperating with county licensing agencies, the regional office of the Texas Water Quality Board in San Antonio, and the Texas Water Quality Board to insure rigid enforcement.

None of this factual data should lull anyone into a false sense of security nor should it be interpreted as endorsement by the District of any construction in the recharge zone. At a special meeting on December 14, 1971, this Board of Directors of the District adopted a resolution which stated the policy of the EUWD to be:

1. That urban development within the recharge zone of the Edwards Underground Reservoir be and the same hereby is discouraged.
2. That any governmentally sponsored project encouraging urban development of said recharge zone be and the same hereby is expressly opposed.

In addition, the City Water Board has stated that in their opinion the order if properly enforced is adequate to provide protection to the Aquifer.

MAYOR COCKRELL: Any questions? All right, then, we'll go on to the next item.

MR. SUELTFUSS: On Item 10 there has been some confusion about the scheduled Water Quality Board hearing which will occur on Wednesday, November 12. The hearing is scheduled Wednesday for the purpose of advising those permit holders who treat sewage from the Edwards Recharge zone that they must comply with the Edwards order requiring submission of Inspection Reports by Registered Engineers for house lateral connections. This is the only item that will be discussed Wednesday, and, of course, the City of San Antonio, we're doing this at the present time. We certainly, what they're trying to do is make it official that we have to submit these reports. There was a request by the Alamo Area Council of Governments that the hearing be open to other matters. They have stated that they will not open this hearing to these matters, but they will schedule a hearing on the entire order at a very early date. By law it is required that it be done once a year. Yesterday, Mayor Cockrell requested that the AACOG Task Force on the order be reactivated. We had our first meeting yesterday. Councilman Hartman is on that committee. We had decided that the technical people involved in this matter, let me say there are a lot of just minor amendments that have to be made just to make the thing more functional. That we get all that together and any additional requests, and we will take them, and we will then prepare a document to the entire committee which in turn will go to the executive committee of AACOG for review on this report.

MAYOR COCKRELL: All right, so this hearing that they're going to have is not going to accept testimony on any proposed strengthening of the order?

MR. SUELTFUSS: No, Madam, and our position from the City standpoint - what they want to do and tell us to submit these reports, we have no quarrel with that.

MAYOR COCKRELL: Fine, all right, I think that perhaps a misunderstanding occurred because of the fact that they are required to have this kind of hearing, and we just thought that possibly they.....Dr. Cisneros.

DR. CISNEROS: What Edwards Task Force is that?

MAYOR COCKRELL: This is the AACOG.

DR. CISNEROS: Just AACOG, not the one that met.....

MAYOR COCKRELL: It's not the City's no.....

MR. SUELTFUSS: This is one that has all of the governmental agencies, the county, the Water District, the Water Board. It has both the Managers and the Board Members.

DR. CISNEROS: Specifically, what are their charges?

MR. SUELTFUSS: Their specific charge is to re-review the Edwards Order and come up with recommended changes.

MAYOR COCKRELL: They had about a year or so ago, they had recommended the changes that were reflected in the ruling of January, 1975. So, this is to have them offer any additional suggestions that need to be made in this next round. Yes. Dr. Nielsen.

DR. NIELSEN: Mel, I'm not all that familiar with what the feedback mechanism is from the Water Quality Board, not necessarily exactly like Judge Spears had in mind for San Antonio Ranch, but what kind of feedback do we get other than in terms of platting and lawsuits or something like that. They give us a report monthly of the quality of their program or what kind of activities they encounter or do they just not supply that sort of thing?

MR. SUELTFUSS: They have a monthly Board meeting in which reports are made and, of course, Mr. Vega from our office is now attending all of those Board meetings. In other words, it's to their Board which relates somewhat to the activities, but to answer your question directly, there is no specific detailed report that I know of that is written on the Recharge Zone or the Edwards activities, no.

DR. NIELSEN: So as far as the basic responsibility for monitoring and evaluation of what's going on right here, that's still fundamentally our responsibility.

MR. SUELTFUSS: That's right, except that these...

DR. NIELSEN: They are regulatory but not to the point of feedback or any kind of compiled report.

MR. SUELTFUSS: We are getting a lot of feedback through our monthly meeting now through their staff member which we find very helpful.

CITY MANAGER GRANATA: They do have a regional office here. We are certainly in close contact with them. Well, not entirely, but again we...

MAYOR COCKRELL: All right fine. Yes, Mr. Hartman.

MR. HARTMAN: Madam Mayor, I think in view of the fact that in an earlier portion of this packet we discussed the matter of what the City could do additionally, and I think basically we got the legal opinion that the state has pre-empted this. I think, in effect, and this spells out that our next course of action has to be through this particular procedure. In other words, I think it's the City's responsibility to develop what they want with regard to addressing any other aspects like storm drainage, presenting this through the AACOG Committee and then this would be the channel.

MR. SUELTFUSS: I feel very strongly about that. The more I get into it. This is something that just can't be handled locally.

MAYOR COCKRELL: All right fine. We will then be continuing to prepare items that will be going into that process. Dr. Nielsen.

DR. NIELSEN: We don't have to get into great discussion, but one exception would seem to me to be however if we decide within our City limits in terms of stream flow or storm water run-off or whatever because we build concrete culverts in three-sided or some times four-sided boxes for that sort of thing all over the place. Would we have to go to the TWQB to do that sort of thing?

MR. SUELTFUSS: No, not as long as we didn't specify water quality standards to say they have to treat the water to meet the certain standard. In other words, just conveying it through the special conveyance office, no.

MAYOR COCKRELL: All right, fine, let me just say if at any time any of the members of the Planning Commission who are sharing this meeting with us want to ask questions, please feel free to raise your hands, too. Then we'll go on to the next item which is, well Item 10 and that you have more or less covered that and the fact that the City will be preparing its testimony and working through AACOG. Then No. 11, then we'll go on

to the legislative plans of the Edwards Underground Water District. We know that they are planning to ask for additional authority and would you bring us up to date, Mr. Cosgrove.

ASST. CITY ATTORNEY N. P. COSGROVE: I called on Col. Weinert on Tuesday and it was his statement that the District Board does not plan to seek additional legislation for the purpose of protection of the Recharge Zone.

MAYOR COCKRELL: Well, I think there must be some misunderstanding because he appeared before the AACOG Executive Meeting and stated that they were going to the legislature and that they were going to be asking for additional authority for their particular agency.

CITY ATTORNEY PARKER: I think what that had to do was not as to the quality of the water, though, Mrs. Cockrell. It had to do with regulations concerning the taking of water from the Edwards and how the cost of that would be spread out among the individuals plus the inclusion of surface storage and recharging.

MAYOR COCKRELL: That's part of it but at least it refers to strengthening their authority over a number of matters. That's what I wanted a report on.

CITY ATTORNEY PARKER: We understood there would be inquiries to be made as to their control of pollution as to that part of the Edwards, not as to the taking of water from the Edwards.

MAYOR COCKRELL: No, this is a very pertinent matter in that in the whole consideration of the Edwards as our primary source of water, at the moment our sole source until we get any water from the Guadalupe, one big part of it is the fact that at the present time there are no ground water controls. We are taking water but we have no assurance of how long we can take it and how long we can continue to take it. Also the fact that in seeking eventually additional sources of water that we're interested in how the costs are shared. So, the whole area of supply of water and quality of water are inter-related.

DR. NIELSEN: They were in that discussion that day, very definitely.

MAYOR COCKRELL: Yes. Yes.

CITY ATTORNEY PARKER: I'm at fault there. I thought the entire subject matter that you were concerned with was the quality of the water and not as to other legislation involved that they may be interested in as to securing additional ground sources.

MAYOR COCKRELL: Well, fine, we'll just ask that you get...

CITY ATTORNEY PARKER: We will get that additional information for each one of the Councilmen.

DR. NIELSEN: You or the staff get a further clarification on Col. Weinert as to what they're planning.

CITY ATTORNEY PARKER: We will.

MR. SUELTFUSS: Why don't we report in the packet then next week.

CITY ATTORNEY PARKER: We will try to endeavor to get that into the packet to you next week.

MAYOR COCKRELL: All right, then, in terms of number 12, the status report, you've given a little bit of this, would you just kind of summarize that.

MR. SUELTFUSS: I have a copy of Mr. Vega's monthly report in the file. I could take the time to read it. I think it's pretty well self-explanatory. It listed all the activities for the first month that the office has been in formation. I think that I am personally very pleased with the way that office has worked and the way that it is functioning. I think we have a very good man there. I'd be happy to try to answer any questions about the office. Like I said, I think the report, I could read the report.

DR. CISNEROS: Madam Mayor, I request that Mel does read it. There are a couple of things there that are, looks to me to be important, though I wouldn't know how important without having a chance to ask Mel.

MAYOR COCKRELL: Yes fine. Will you go ahead and read that.

MR. SUELTFUSS: Very basically, Mr. Vega says, "After the establishment of this office in the second week of October, a meeting was immediately set up with Mr. Bob Matthews of the Edwards Underground Water District. The meeting was held on October 14, 1975. Mr. Matthews loaned the new office his Recharge Zone maps and offered his future cooperation.

Contact was made with the City Clerk's Office to furnish copies of all Council deliberations on the Aquifer." I think Mr. Vega knows better than I what the Council wants because he's taken every item and read through it.

"A modest reference file has been set up for use in this office and a filing cabinet has been ordered. Mr. Van Naylor, Subdivision Coordinator, and Ms. Lois Armor, Executive Secretary, have assumed some administrative duties with this office.

The office was represented at the TWQB monthly meeting held in Austin on October 28 and 29, 1975. Relevant to the City of San Antonio, the Thousand Oaks Units 4a, 8, 9, 10 and 11 Subdivision Master Plan was approved."

DR. CISNEROS: That last sentence I didn't understand how significant or where we are on that or what.

MR. SUELTFUSS: This is the master plan that was submitted. We have also had a chance to review it. We find it in compliance with the Water Quality Board Order. This is the master plan for Thousand Oaks.

DR. CISNEROS: They find it in compliance with the Order?

MR. SUELTFUSS: Yes, that's right, they have found it. Now, we will get a copy of that Order and also it will be, in fact, I think we have received a copy of that Order.

MAYOR COCKRELL: All right, and then continue.

MR. SUELTFUSS: "Interpretations of the Edwards Board Order was ratified at the meeting with this significance: the City should refrain from purchasing of any vacuum-type street sweepers until it is established that they are absolutely required and guidelines are established; and the City will be required to biennially report results of infiltration-exfiltration tests for all lines located within the Edwards Recharge Zone including those constructed before passage of the Order." And that's going to be quite a chore, but we have no argument.

"A meeting was called on October 31, 1975 to acquaint with each other all agencies involved with the Aquifer. Represented at this meeting were City Department of Public Works, Building and Planning Administration, Health Department, County Public Works and Health,

Edwards Underground Water District, Texas Water Quality Board local office and state attorney, and a representative from the Greater San Antonio Builder's Association. All procedures were discussed along with a review of the Edwards Board Order. It was pointed out by Mr. Phil Paine, attorney for the state, that in accordance with HB 1321, signed June of this year, the Board Order will be reviewed publicly once each year. Review for the present year shall be prior to September, 1976." That's your legal limitation.

"Liaison has also been established with the local office of the U. S. Geological Survey which office carries a continuing program of Aquifer surveillance and research. Their cooperation is assured.

Two sets of building plans have been reviewed by this office; an apartment complex and a restaurant. These are located in the University Hills area of the Recharge Zone. Five determination of location cases have been resolved, twenty-one Engineer's Certificates of compliance have been forwarded to the State on house connections (sewer laterals). Four Certificates of Occupancy have been presented for clearance and are being processed. The County has issued seven new septic tank permits, requested five variances from TWQB and registered 30 existing septic tanks.

Additionally, this office has fielded questions from the public in general and has assisted developers in particular interpretations of the Board Order.

A field trip has been scheduled for November to tour the Recharge area with Mr. Dick Reeves of the USGS office." The other memo is the memo that created the office.

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

MR. PYNDUS: I had a gross misunderstanding. It said the County has issued seven new septic tank permits, and I understood that the use of septic tanks would be eliminated.

MR. SUELTFUSS: No, sir, that's not the case. No, they are permitted under various regulations.

CITY ATTORNEY PARKER: Under the Edwards Order.

MR. HARTMAN: But there are new standards with regards to size and so on.

MR. SUELTFUSS: Yes, there are new standards.

DR. NIELSEN: They are or are not, however, permitted over the Recharge Zone?

MR. SUELTFUSS: Yes, they are permitted over the Recharge Zone. This Mayor Cockrell, concludes the staff report. We have an Item 13, but we didn't have anything that we didn't feel hadn't been covered.

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: Yes, Mr. Hartman.

MR. HARTMAN: As a matter of information, we have discussed the fact that AACOG has a very definite role, and I think as we go down the line, I think this is becoming an increasing role. I believe Mr. Al Notzon is available, if anyone would have a question from Al. I believe Al is in the audience or was supposed to be here.

MAYOR COCKRELL: Mr. Notzon. Fine, well, I think that Mr. Hartman

has asked particularly in relation with the item of the scheduled City testimony before the Texas Water Quality Board, what Mr. Sueltenfuss is working on, how this will relate to the AACOG testimony. The City will be preparing testimony for the next scheduled hearing of the Texas Water Quality Board at which the subject is appropriate to be addressed. As I understand it, the AACOG Task Force met yesterday and made some assignments. Mr. Hartman has given us a little capsule report. I think it would be appropriate for you to just state what staff you have available, and how they can be available and relate to the City staff.

MR. AL NOTZON: The whole question of the Edwards Recharge Zone and its relationship to what's being discussed here today, we yesterday, at the Task Force Meeting decided that there were two issues we're looking at now. One were the permit holders, the second thing is the whole question, there's a memorandum from Hugh Yantis, or one of his attorneys, talking about interpretation of the Board Order. That interpretation, I think, was an actual change to the Board Order without a public hearing. We are going to be looking at that interpretation fairly closely by the Task Force. In addition to that, yesterday at the Task Force Meeting there was material provided to us by Comal County; the Texas Society of Professional Engineers indicated that they had some material that they wanted to change. Again, most of it seemed to be fine tuning rather than major substantive changes at this time except for the change recommended by Mr. Yantis. On my staff, we've just begun this 208 Water Quality Process. I think a lot of the material that's being developed in that study is going to have a direct bearing on this entire issue.

MAYOR COCKRELL: All right. Thank you. Yes, Dr. Cisneros.

DR. CISNEROS: I think AACOG throughout this whole process has been doing a really excellent job, thank goodness that AACOG exists to fill the gaps between what other governmental agencies have done.

MR. NOTZON: Thank you. We do have one other person coming on board, a Mr. Art Jenke, who was with private industry, and then joined Environmental Protection Agency, as their ground water expert.

DR. CISNEROS: He's coming on board on intergovernmental transfer. He should be on board Monday. What I've heard about him and so forth, he sounds like a real expert in this area, and we will make him available, too. I've already told Mel that he'll be available as well as the rest of the staff on 208.

MAYOR COCKRELL: Thank you very much. We are now going to accept some commenting questions from citizens, and I'll start out by recognizing Father Benavides.

FATHER ALBERT BENAVIDES: Members of the City Council, one of the reasons why we insisted on being heard earlier is because many times when we are left to the end, we don't usually have a full quorum. As you notice, Mr. Richard Teniente has left, and we were hoping that he would return because we feel that his presence is crucial. It's crucial because he's one of the ones who voted to zone the mall right over the Recharge area of our sole drinking source of water, and this is what we want to direct our comments to. The fact that we think that was a very tragic and terrible mistake. The fact that it's a risk which in our estimation is completely foolish and not worth taking. The City of San Antonio stands to lose everything and gain nothing. What does it stand to lose? The City of San Antonio stands to lose its pure water source. It puts itself in the direct possibility of possibly spoiling the water from which all of us take the water for all of our needs, and all of us know what that means in terms of cost. Right now, we are able to secure pure, good water for very, very little money. In fact, the figures we have say that we can buy one thousand gallons of Aquifer water for seven-hundredths of one cent. A thousand gallons of GBRA water would cost us three to four

cents. We have excellent pure water that costs us very little. Now we place ourselves in the distinct possibility of possibly spoiling that water. If that water is spoiled and if it needs to be treated, it's going to cost us perhaps seven to ten times more.

This will be an Oscar Wyatt in reverse. In terms of the fact that as our electricity and gas rates grow so dramatically, so will our water and will have risen dramatically simply because we would have taken the risk of placing construction in an area that could possibly spoil it. There is a lot of talk about the probability of it not happening. But even if there is one slim possibility, we feel that that's one possibility too much. We have a good thing, why don't we keep it good and pure and inexpensive.

Yet there is another item that is even of greater interest to all of us who have sat here for so long listening to what most of you have already known. We feel that what you have heard is really a rehash, everyone knows the issues here. The issue that we feel is so critical to all of us is the fact that as you extend services and as you extend construction and as you extend the City out in areas where no one is living right now, it kills off the rest of the communities. It kills off the inner City; it kills off the Central City. I'm sure if you look at the report that the City Planning Department gave you it shows how from 1960 to 1975 what approximately 40 to 60,000 people left the inner-City, left the Central City, and went outside of Loop 410. From 1975 to the year 2000 perhaps another 50,000 will do the same. All of you are interested in the revitalization of the downtown and central City area. All of you have very publicly expressed your interest. Yet while you express that interest you allow the zoning to allow a mall in an area that will make it very attractive for people to live, not in the Central City but outside the Central City, outside of Loop 410. This continues to kill our area.

All of us live, most of us that have come here live in the Central City and most of us will want to continue living in the Central City. As long as the City, as long as you the Council allow for construction way to the North of us, and as long as we continue to have sub-standard services in our areas, you will not revitalize the Central City area. But you will continue to kill it. It will continue to die and in 15 years it might very well be a ghost town. If it is, you must share some of that responsibility, because it is you who allowed the mall to be built and thus made it very attractive for citizens of San Antonio to live everywhere except the Central City. We feel that because of the possibility of our water source being spoiled and us having to pay more, and we feel that because it will further siphon tax monies and services away from the Central City to other areas of the City that San Antonio stands everything to lose from allowing that mall to be built and nothing to gain. The question we ask is, is this risk worth taking? Is the risk of possibly spoiling our water worth taking? Is the risk of our Central City becoming more of a ghost town worth taking? If it isn't, then why have you taken it? We ask that this Council reconsider that very, in our opinion, very wrong vote and that you downgrade the zoning not only of that area, but of the 900 other acres that have been zoned in exactly the same way. Our answer to the question, is the risk worth taking, is no, it is not. We ask you, Mrs. Mayor, as one of the ones who voted for it, do you feel that risk is worth taking?

MAYOR COCKRELL: Father Benavides, let me say, I think you have raised some very serious questions, and I recognize that these are issues that citizens are considering and I think it's certainly well to ask the questions. In terms of this particular zoning, I'll be glad to tell you some of the factors that I considered in my vote. First of all, I considered what development had already occurred in the Aquifer. I thought,

for example, I compared this in my mind with the University of Texas which is over the Recharge Zone, and right now they have paved spaces for over, I believe, it's three thousand parking space. They have four thousand students. Well, now as they grow and get up to 25,000 students, obviously their parking needs are going to be much in excess of a mall-type development. Also, the number of buildings that they are going to have are going to be much larger in impact than some buildings that would be built at a mall-type development. I also looked at a zoning case that we had in August that was right next to this. A very large tract of land and that eight members of this Council also voted for it. It included "B-3" zoning and it included "B-2" zoning, and it included "R-3" which is, of course, residential for apartment. It seemed to me quite logical that if that zoning were just to the east that this zoning should also be considered for business zoning. I looked at also another decision that all nine members of the Council had voted favorably on, which was just a little bit south on San Pedro that also had "B-3" zoning. So looking at the other decisions that had been made, it did seem to me to be a logical decision. Now in terms of the possible threat of pollution to the Aquifer, this is a serious question and I think that there is no way that any person can say absolutely, positively that they can guarantee that any particular thing that happens over the Aquifer will not add some pollution. But as you know you heard today there are residences that are going in with septic tanks. There's no way to prevent those. There are many other types of developments that can already go in, and my feeling in evaluating everything that has happened and sort of the state we're in, is that the best thing that we can do is to work as hard as we can to see that the Texas Water Quality Board standards are just as strict as we can get them, and that our own enforcement is just, and our own zoning overlays, that all the procedures are tightened up as tight as we can get them. Proceed to try to be as restrictive as we can, but I can't really see how we can say realistically that no development is going to occur over the Aquifer. I think there's no way that we can say that because we're not prepared to buy all the land over the Aquifer.

FATHER BENAVIDES: You mentioned, Mrs. Mayor, the question of UTSA. Okay, the fact that precedence has been set does not in any way say that it was a good precedent. If all of us can admit, and I think a large percentage of San Antonio admits that putting the UTSA where it is was a big mistake, but using that as a precedence to justify another mistake seems to me to compound the problem and not solve it.

MAYOR COCKRELL: Let me just mention one other thing to you, Father.

FATHER BENAVIDES: If UTSA was a mistake, then why build another one?

MAYOR COCKRELL: You asked me a particular question and so I know that there are perhaps other Council members who would like to speak, and also there may be other citizens and so I don't want to monopolize you.

FATHER BENAVIDES: That's all right. This is our time, isn't it?

MAYOR COCKRELL: Yes it is.

FATHER BENAVIDES: So, you may continue with your remarks, Mrs. Cockrell.

MR. BILLA: Mayor, if you're through.

FATHER BENAVIDES: Would you answer that question, Mrs. Cockrell? Why make another mistake?

MAYOR COCKRELL: All right, well the question is, is it a mistake?

MR. BILLA: In your opinion...

MAYOR COCKRELL: All right, you are saying that it is. Have you been listening very carefully to all of the protection? All right, was it a mistake then for all nine members of the Council to vote for a B zoning south of this?

FATHER BENAVIDES: That's not the point. The point is we're talking about the Recharge area and we're talking about the possibility of polluting our water source.

MAYOR COCKRELL: We're talking about.

FATHER BENAVIDES: And these are the things that are directly over the Recharge area.

MAYOR COCKRELL: Are you saying there should be no business zoning on the Aquifer?

FATHER BENAVIDES: That's not what we're saying at all. What we're saying is that if a possibility of pollution exists, then that possibility needs to be looked at very, very carefully because if it does happen, it's going to involve a million people, and certainly a million people have rights which must be considered by this Council.

MAYOR COCKRELL: Right. We agree wholeheartedly with that statement that pollution needs to be looked at very carefully. This is a responsibility in not only every zoning case, but in every subdivision plat in every case before the Texas Water Quality Board. I agree wholeheartedly with that statement.

FATHER BENAVIDES: There are types of development which are not as potentially dangerous as a huge mall or a huge university. There are. This is what we are saying that the Council needs to look at. What about the whole question of urban run-offs? The waters that run off of the asphalt into the Recharge area loaded with pollutants? Nothing has been said about that. What's going to be done about that? These are the questions that we say need to be addressed. There is development that is possible that does not pose the great threat to the Aquifer that the mall does. If we are looking at the mall on its merits, we find it has perhaps the most dangerous type of development, and it's that that we're asking this Council to address itself to.

MAYOR COCKRELL: Well, on the matter of the run-off, I think this today we have addressed that several times, and discussed that particular subject. I think during the day we have mentioned the fact that in our AACOG and in the City, we're going to be reviewing any additional standards that may need to be made. There is difference of opinion, as you have heard, among the so-called experts about the whole subject of surface water run-off and how it may or may not affect the discharge into the Aquifer, and what standards might need to be set. This is an area where we are continuing to review and in fact Mr. Hugh Yantis, the Executive Director of the Texas Water Quality Board, in an appearance before the City Council when we were discussing the zoning overlay, stated that through the University they are doing additional studies and tests, and that the Texas Water Quality Board was looking at those tests in view to any future incorporation into their Texas Water Quality Board Order of any testing program that proved to be beneficial.

FATHER BENAVIDES: Thank you.

MAYOR COCKRELL: Then also in connection with the Texas Water with the water quality, the 208 Water Quality Program that is being done through AACOG, the whole area of non-point sources of pollution, point sources of pollution, all of those areas are going to have to be reviewed in terms of the water quality.

FATHER BENAVIDES: Thank you. Dr. Nielsen, you very unfortunately, in our estimation, voted for zoning this area "B-3" so that they could put the mall out there. Do you feel that it's fair that we continue in our areas in the Central City and other areas of the City with sub-standard services while the City siphons out its tax monies and its resources to other areas that are not in as great a need as we are?

DR. NIELSEN: What do you mean by sub-standard services?

FATHER BENAVIDES: Well, do you know that in San Antonio there are still 250 miles of sub-standard water mains whereas out in some of these areas that we have been talking about, they're putting eight and sixteen inch water mains where the population really doesn't call for it because it's not there?

DR. NIELSEN: What is sub-standard? Do you not have adequate clean water?

FATHER BENAVIDES: No, two inch mains. 250 miles of two inch mains. That's not the only sub-standard service.

DR. NIELSEN: Do you not have pressure?

FATHER BENAVIDES: How much pressure can you get out of a two inch main?

MR. BILLA: Well, you turn the faucet on. There's water coming out.

FATHER BENAVIDES: If two inch mains are so standard, why don't they put them where they're putting the eight and 16 inch mains? Now the other question is what about drainage? What about streets? So many of our areas are not eligible for housing funds simply because they say you don't have good drainage, you don't have good streets, and these are services which the City should provide, and it's not. While at the same time, we're expanding completely in other areas where there are not even people yet, and we say, is that fair?

DR. NIELSEN: As far as the drainage question, there's no problem at all. We've got a lot of drainage problems all over this city.

FATHER BENAVIDES: Then why do we put ourselves.....

MAYOR COCKRELL: Father, let him answer you.

DR. NIELSEN: We've begun to spend a lot more money. Place that at a much higher priority. I think in the most recent years now, finally, that problem is being addressed. I hope you're also aware that we've got some drainage problems in some areas that maybe are just 10 or 15 years old. Now, as far as the streets are concerned, in terms of policy there's no question. Wherever we can, when money is available, all right, but wait, let me finish now.

FATHER BENAVIDES: But that's not the point.

DR. NIELSEN: Yes it is.

FATHER BENAVIDES: The point is, why do you allow money to be spent on this mall, and why do you allow for services to be expended out there when they're badly needed elsewhere?

DR. NIELSEN: The point is regarding streets, Father Benavides. There was no policy in this city for years that required when a subdivision was put in that the streets had to be paved. Is it really fair, everybody in this town, a lot of people who in the last 20 years have been paying for the streets that are paved in front of their homes when they buy the home through the subdivision? Is it fair for them to pave all the streets you know, everywhere else for the last 40 years prior to that were not required? Okay, I think it's a good question to ask that. Now, let me get to a point.

FATHER BENAVIDES: First of all, why did you vote for the mall when it poses such a great danger to San Antonio?

DR. NIELSEN: I have no data, I'm not talking about politically or any other way. Technically speaking, I have no data that would convince me that this zoning will pollute any more than any other kind of zoning that has gone on. I'll agree politically speaking that UTSA should not have been built where it was. We do not know, technically speaking whether or not that is any more of a pollutant than anything that's gone on for hundreds of years in millions of acres north of here, in terms of all that run-off that has through these years accumulated and run into the Aquifer. Nobody can prove to me. One more thing, then I'll let you ask the question. As far as any kind of risk is concerned, I do not believe in unnecessary, unwise risks.

FATHER BENAVIDES: Well you just took one.

DR. NIELSEN: No, nobody can prove that.

MR. BILLA: In your opinion.

DR. NIELSEN: With the political risk, you may be right. That's the whole case, nobody can prove it one way or the other.

FATHER BENAVIDES: The burden is not to prove that there will be pollution, the burden is to disprove there won't be pollution.

DR. NIELSEN: I think what's so extremely relevant and I even disagree with Glen at this point that you also got to consider the vast, vast majority of the water we drink does not come from the area within the Recharge Zone itself. It comes from the run-off, from the rainfall from millions of acres. So, it's extremely important that we understand that.

FATHER BENAVIDES: So, we should pollute someone else's water, right?

DR. NIELSEN: I'm not talking about pollution at all. I'm simply pointing out a hard fact that we've all got to realize.

FATHER BENAVIDES: That's true.

DR. NIELSEN: There's one more fact that's extremely critical regardless of what's developed or not developed we may be in terms of real risk and technology and everything else, risking a great deal more because all of this water that other than what goes into the Recharge Zone is pumped out south of it and any pollutants and whatever else that goes with it, hydrocarbons or otherwise are going to finally end up in the ocean. So what we may be doing to the ocean if you want to really get serious about some kind of risk may at some point far outweigh any kind of consideration for our Aquifer. Now what was your other question?

FATHER BENAVIDES: Well, then if that's the case, then why vote for it? That's all we are asking.

DR. NIELSEN: My question is if that's the case, then why are you so concerned about an Aquifer when you've got an even overriding risk?

FATHER BENAVIDES: Because that's where we get our drinking water, Dr. Nielsen, that's exactly why. Mr. Billa, why did you vote for it? Do you see the danger it imposes to our drinking water and to our Central City?

MR. BILLA: Father, if you let me answer your question without interrupting me, I'll be happy to answer it. First of all, I'm not a water expert and certainly you're not. I don't know that you are. Okay, just on the simple zoning aspects of it I voted for it because based on all the information and what the planners say, it's good zoning. It's a

major intersection. The mall can never occur unless other development occurs out there. So, I think it's good planning in that respect. Okay, as far as the possible pollution of the Aquifer is concerned, in the absence of any technical absolute data that was presented to me that the Aquifer would or could not be polluted, I voted for it because they tell me proper safeguards have been taken or would be taken with the development of it. Now, I wish that instead of you coming in here jumping on this City Council...let me finish.

FATHER BENAVIDES: Okay, but don't get personal. I mean, direct yourself to the mall, don't get personal.

MAYOR COCKRELL: Father, let me just clarify one thing. That is that I am the Chairman of the meeting and Mr. Billa has been recognized and he will continue to speak.

FATHER BENAVIDES: Fine, we just don't want him to get personal.

MR. BILLA: I wish you'd recognize that, Father, for once in any meeting that you come to whoever's conducting the meeting, extend the courtesies that you yourself expect and get. I voted for it because I think that all the proper safeguards have been taken to permit this development, but the main thing is that you come in here and jump on the City Council has very little control over a very small portion. Why don't you get after the State legislature? Why don't you get after the County? Get after them.

FATHER BENAVIDES: We will Mr. Billa.

MR. BILLA: Okay, because their run-off is coming into our area, the water that's running off that you're so concerned about is actually going to pollute the water. This City has taken good absolute positive safeguards to protect all the citizens. The information that I get from people that I know that are doing things, that are actually paying for this development, make these things happen, say that they are satisfied with the way I am conducting myself. Okay if you want to get in this hot seat which I'm occupying, you run for election next time because the citizens elected me.

FATHER BENAVIDES: That's not the point Mr. Billa. The point is not who is going to take your place. The point is Mr. Billa, why did you vote for that mall? The point is Mr. Billa does it have to be established that pollution will not occur before you undertake a construction that might very well result in pollution? That these are the types of far-sighted decisions we expect from our Councilmen. In ten years if our water is polluted and we have to pay ten times more, will you pay it Mr. Billa?

MAYOR COCKRELL: You had asked for fifteen minutes, we have given you twenty. We now will conclude. If you haven't concluded your statement...

FATHER BENAVIDES: Mrs. Cockrell we asked for five minutes two hours ago and we're going to take a little more time.

MAYOR COCKRELL: At this point is there any other citizen in your group who wants to be heard Father? Did you want to have another citizen recognized.

FATHER BENAVIDES: We have already established our strategy.

MAYOR COCKRELL: Are you the main speaker for the group? Let me establish that.

FATHER BENAVIDES: That's right.

MAYOR COCKRELL: Is there any other person, then you are not asking for any other person to be recognized, is that correct?

UNKNOWN SPEAKER: We have given our time to Father Benavides.

MAYOR COCKRELL: In that case since the other persons are not asking to be recognized, I will an additional five minutes and I will hope that you will comply with that, thank you sir.

FATHER BENAVIDES: Mr. Rohde.

MR. ROHDE: Yes, Father I'm listening. I listen to my voters.

FATHER BENAVIDES: Good, we certainly wish you would have listened two hours ago. Mr. Rohde, why did you vote for the mall when it poses such a threat to San Antonio?

MR. ROHDE: Father, I want to make a statement that our water is cheap. I'm going to drink to that. It's pure and it's plentiful and it will stay that way for the people of San Antonio as long as I'm on this City Council. We've heard a lot about doctors today, and how professional they are and whatnot. But I'm going to ask you some questions. As a self-doctor, would you perform your own open heart surgery, as a self-dentist would you perform and fix your own teeth, as a self-optometrist would you fix your own glasses? I have had the best experts on the Aquifer matter since I've been on this Council for six months. I know this is as a fact Father, that the City of Bracketville is on the Aquifer. I know that the City of New Braunfels is on the Aquifer. I know that the City of Uvalde is on the Aquifer. I know the City of Hondo is on the Aquifer. I know the City of Castroville has been on the Aquifer, and I know the Aquifer has been studied since 1890. There are mysteries of the Aquifer but these cities that are built on there were built with no regulations with no stringent controls and whatnot and they have not polluted the Aquifer yet and that is a fact. I know this. The thing that I am getting very concerned about is that I can only protect the people of the City limits of San Antonio and I'm going to do that as long as I'm here on the City Council. I'm going to be a watch dog of the Aquifer. I'm going to make responsible judgments. I'm going to make responsible decisions. I feel that there's too many self-appointed witch doctors running around the City of San Antonio talking about the Aquifer that do not have all the facts. They're using scare tactics. They're using fear tactics to disturb our citizens and whatnot that our water is going to be polluted. I'm very concerned and as long as I'm responsible about my vote and my act, I'm going to look that way. I'm not going to be here by fear and I'm not going to be hear by scare. If you do that, you will not have a Council that will act for the citizens of San Antonio. I have a duty to perform under the City Charter. I saw the matter. I had the information. I had the facts, and I voted. I can't substitute my vote to anyone else. I represent the majority of the citizens of San Antonio. I'm going to run for re-election, and I hope that my performance and duty in this matter will warrant and support my supporters that I've acted right. I hope that you, in fact as of today, I feel more comfortable about my vote. I've received new information I didn't have before. I pledge to you and all the people of San Antonio that I will be the watch dog of the Aquifer here as long as I'm on this Council. I'll drink to that with you Father.

FATHER BENAVIDES: Very well, and we certainly hope you are a watch dog of the Aquifer. We certainly hope you begin by reconsidering your vote which we feel will pollute the Aquifer and which we feel will kill off the Central City.

MR. ROHDE: Father, don't listen to the witch doctors of this City. You have some that are disturbing the Aquifer now.

FATHER BENAVIDES: We are not listening to the witch doctors.

MAYOR COCKRELL: Father, that does conclude the other five minutes, and so we appreciate your time, thank you.

FATHER BENAVIDES: Is there any possibility of having these areas that have been zoned "B-3" downgraded?

MAYOR COCKRELL: Before this Council took office, there had been 30 per cent of the land already zoned over the Aquifer Recharge Zone including some business zoning. Mr. Sueltenfuss, will you review those figures of what has already been zoned so you'll get the complete picture and not just the one zoning case?

FATHER BENAVIDES: Mr. Cisneros, will you initiate action to downgrade the zoning of these areas that have been zoned "B-3"?

DR. CISNEROS: My position has been very clear since the day of the vote on the mall. I've tried two weeks since to get a reconsideration of that vote. I believe the Council members voted with inadequate information and we just simply established a precedent in our standard that isn't consistent with good sound, in my opinion, good sound judgments about protecting our water supply. I am serving as one member of a nine member City Council and would have difficulty, certainly cannot do anything that there's not a majority of votes for. I tried the two following Thursdays after the original vote and there was not a Council majority for any action to get a reconsideration. I don't expect that it will be any different for the downgrading of the zoning. It's possible.

MAYOR COCKRELL: Father, may I ask are you asking only on the one zoning case or are you asking for all that has already been zoned for business over the Aquifer?

FATHER BENAVIDES: What we're saying is that if there's cause to downgrade the area over which the mall is going to be, then there's cause to down zone the other areas as well.

MAYOR COCKRELL: So, you're asking for all the business zoning over the Aquifer to be removed, is that right?

FATHER BENAVIDES: The "B-3" zoning, yes.

MAYOR COCKRELL: Well now, if you're saying "B-3", of course, that eliminates the mall because it was only zoned "B-2".

FATHER BENAVIDES: Well, that's why we're referring to the mall by name, Mrs. Cockrell.

MAYOR COCKRELL: Mr. Sueltenfuss, will you advise us as to the total of business zoning?

MR. SUELTFENFUSS: For business zoning 125 acres have been zoned "B-1"; 206 acres, "B-2"; 625 acres "B-3". These statistics were as of our last committee meeting. There have been more since then.

DR. CISNEROS: May I say something.

MAYOR COCKRELL: Yes certainly.

DR. CISNEROS: That decision now in some measure rests with the citizens because of the referendum possibility that's going on. I suspect that is

a viable part of the democratic process by which the citizens can have their say on something that they disagree with the government about.

FATHER BENAVIDES: Do you support that referendum?

DR. CISNEROS: I support a way to get a reconsideration of that vote because I think it is the antithesis of everything that I've dedicated myself to working on this City Council for. I've not decided what role I'll play with the referendum per se because I think, that ought to be a citizen initiated grass roots effort. I may or may not end up actually working for the referendum.

MAYOR COCKRELL: Let me just say one thing to clarify one thing for you Father. The City Council does not legally have the authority to rescind the action that it took in the zoning. The only thing that could happen now would be if a totally new zoning case were initiated that would be rezoning it back to the original zoning. It has to be a totally new case. You cannot just now rescind the action that was taken because the City Attorney advised that the zoning was complete on that particular day. In terms of this case as composed, as compared to many other cases, I will just say that it does not appear to me to be fair to single out one zoning case over and above the other because as I mentioned to you that the property right adjacent to this had also been zoned in August. Eight of the members of the Council voted for that and then the property, some property to the south was also voted "B-2" or "B-3" at an earlier time and all nine members of the Council voted for that and so it doesn't seem fair to single out one case and say that you can't have it but these others can.

FATHER BENAVIDES: Mr. Billa, you were going to say that it wasn't possible to rezone?

MR. BILLA: No, I think it is possible for the Council on its own to initiate the rezoning of the property to a certain degree. We agreed that the City could do it in any area. It can't rescind it. We'd have to go through another zoning procedure, Father.

FATHER BENAVIDES: If it would be the beginning then at least it would show that the Council is concerned about our water source and our Central City.

MR. BILLA: Father, you keep saying we're not, I'm very concerned.

FATHER BENAVIDES: Then initiate the action to rezone now.

MR. BILLA: No, I think that the information I have....

MAYOR COCKRELL: Father, you are saying what your definition of what the pollutants are. You are not a qualified engineer. So the Council, let me just give you some clarification.

FATHER BENAVIDES: Isn't there divided opinion on that, Mrs. Cockrell?

MAYOR COCKRELL: Let me just say this.

FATHER BENAVIDES: Isn't there divided opinion on that?

MAYOR COCKRELL: Not among every official agency that this Council has to go to for advice. We have gone to the Texas Water Quality Board. The Directors stood here in this Council. Dr. Cisneros asked him, "has all reasonable measures been taken to protect the water supply?", and he answered, "yes, one hundred per cent". The City Water Board is our other

official agency. They are stating that we are safe to proceed, that the Texas Water Quality Board Order is correct. The City staff has said to go ahead. The City Planning Commission has said to go ahead and every official agency that we have had has offered us this same advice, and so I might just say that as a City Council, you have to rely on your professional people. Yes, Mr. Rohde, did you want to add anything?

MR. ROHDE: Yes, may I have the floor, Henry? Mayor and fellow City Council members, I didn't want my remarks to be misinterpreted. We do have two doctors on the Council. My term witch doctor does not apply to either one of them. I have the highest respect and regard for the viewpoints of both gentlemen, but that did not apply to this Council. I want the audience and the people of San Antonio to realize that.

MAYOR COCKRELL: Yes, fine. Dr. Cisneros.

DR. CISNEROS: I just wanted to say that there is at least room for reasonable people to disagree on the import of all the technical advice.

MAYOR COCKRELL: Yes, certainly.

MR. ROHDE: I agree with that.

FATHER BENAVIDES: It's upon that basis that we feel that possibility is far too great to take. Mr. Hartman.

MR. HARTMAN: Father Benavides, my vote against the zoning case I saw in two areas. I was concerned about the danger to the Aquifer but I perhaps, if I were to look back and see which factor influenced me more, I think perhaps the second factor was perhaps stronger. I made the statement at the time of the vote and questioning during the zoning case the fact that I felt that the applicant for this zoning case had not provided adequate evidence to indicate that a change of zoning from a Temporary "R-1" to "B-3" was justified. I made point that for us to zone this property to "B-3", to permit a regional shopping mall when, in fact, a region did not exist in that area, represented a premature action in effect by this Council. I feel that when a piece of land is requested for rezoning, there has to be reasonable evidence presented that such zoning or rezoning is warranted. I did not feel that this had been presented and I, therefore, felt that the action was at least premature in the sense that we were zoning for a regional mall far beyond the contiguous area of growth. Now, my principle concern with regard to zoning over the Aquifer, in fact, zoning throughout the City, is from a standpoint of quality growth for the City. I am concerned about growth because growth unrestrained, growth in a rampant manner and growth without any concern for the overall quality development of the community, I think, can be bad. Now, this is where you develop into matters of urban sprawl and an urban sprawl becomes a matter of economic drain on the Central City. So, my view with regard to the zoning of this case was brought to some extent by the Aquifer problem. My concern for the potential pollution of the Aquifer, but I think more importantly and I think this is an issue that the Council is going to have to come to grips with in precise terms. I so indicated my questioning earlier this afternoon. I think we have to delineate a precise, fair, equitable, enforceable, logical growth policy for the City, and I think this is an absolute essential. I think it is the responsibility of the City Council to delineate policy that relates to growth and that is my position. That was my basis for the vote.

FATHER BENAVIDES: This is why we feel that if you continue this policy and lose the 45,000 or 60,000 people of the inner-city and the central city, that it's just going to become a ghost town. I think all of us, we have stated our opinions, we have stated our position to the zoning

that was recently passed. We have stated our opposition to such widespread and huge development over the Aquifer because of the danger it poses to our sole water source and to our central and inner cities. We just want to assure this Council that we are going to take this before other agencies, before whatever state agencies are concerned so that through our input at least, the decision will be overturned and the decision and the interest of San Antonio will be guarded. It's those interests that have spurred us to action and it's those interests that will continue to spur us to action. We're only sorry that three of the ones who were here left because we feel that this is critical to all of us.

MAYOR COCKRELL: Let me just respond to you this way, Father. I am always appreciative of the interest of citizens even when they disagree with actions that I have taken and not speaking as Mayor now but just as one voting member of the Council. I certainly do not regard myself as omnipotent in a sense that I know that every vote that I'm going to make is correct. I do exercise my best judgment when I vote and it is my hope that overall, of those judgments, will be in the public interest because I sincerely intend for them to be. But when citizens disagree with any position I have taken, they are most welcome to pursue whatever actions they feel are necessary. Just overall and certainly as one member of the Council, I will assure you that I will try to act always as I understand in the public interest. I think that's all any person can do.

FATHER BENAVIDES: That's the one thing that we represent, our interest and we are the public and we just hope that in 15 years, you won't be driving to City Hall through a ghost town. That's what we're trying to avoid. Thank you.

MAYOR COCKRELL: Thank you sir.

MR. BILLA: Thank you Father.

MAYOR COCKRELL: I might add that my husband hopes I won't be driving to City Hall in 15 years.

MR. ROHDE: Mayor, I move that the meeting be adjourned.

MAYOR COCKRELL: All right. Before we adjourn, let me see, I think there are other persons who would like to be heard. Dr. Potthast.

MR. BILLA: I think one of the failings of today's meeting is we didn't start with a prayer.

DR. O. J. POTTHAST: I'm Dr. O. J. Potthast. I've been in practice since 1919, and when I got free of the Army just after World War I. This question came up at a meeting of the King William Association which is that old area that has been declared as a historic place and then there was this resolution was passed at the last meeting on Wednesday evening. Now, this is entirely different from demand, this is a request and I just found out that the Board cannot change, but I'll read it because it's apropos and I didn't know anything about this other group that was coming and I agreed to present it because being retired, I have the time.

"Honorable Mayor Lila Cockrell and members of the City Council of San Antonio, Texas.

Dear Friends,

Being alarmed at the undoubted probability of pollution of our water supply, I put those words in there and it was carried. If unrestricted development is allowed over the Recharge area of the Edwards Aquifer from which we obtain our water and also to the citizens of many adjacent communities and surrounding areas; Therefore, Be It Resolved By The King Williams Association, at their regular monthly meeting, that we request the Council of the City of San Antonio to rescind their action allowing

November 7, 1975

-49-

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building of a shopping mall over the Recharge Zone of the Edwards Aquifer."

This resolution was passed unanimously and we will appreciate your cooperation. As the only surviving member of the City Health Board which during the 1930's and part of the 20's I feel that I have to make a statement, an explanation, and I can't help but feel that all of these scientific reports of possibilities and engineering facilities if they are carried out is wonderful and would prevent pollution. But in time, as was even found out by the judge in court that eventually there would be pollution, but we had to close the wonderful swimming area in Brackenridge Park and the river because of pollution. In a few years later we had to close off the San Pedro Pool, and it was closed for years until there was put in a chlorinating plant. Now, the closest that pollution is to our water supply, the more chance that we have of pollution. It's very important to our interest. So far I believe as I know the springs are still furnish our water supply, or rather furnish the supply to our river in San Pedro Park are overflow from the Edwards Aquifer. So, therefore, as our City close to this possibility of pollution and it was declared by one of our Federal judges as being a certain thing eventually, but let us hold that eventual thing off as long as possible.

Let us do all we can. Don't make the University location was a very terrible mistake so far as danger to our water supply is. But let's don't make another mistake as the Father said there. Don't let one mistake warrant another. The pools and the springs are still polluted. It was of course we feel that it was due to the Alamo Heights poor sewage connections and Olmos Park and all of that. Our City has to take care of the pollution, the sewage, from these communities north of town for our own protection. We have to do that. So, therefore, there is a great feeling that the people are realizing that. That's why there was a crowded room at that meeting and all of those people were unanimous to try to help. So, if it is an unanimous feeling coming over this whole City an area that we've got to do something.

MAYOR COCKRELL: Yes sir, I appreciate your coming and I appreciate the interest of the citizens that they are very concerned about our water supply and in many ways...

DR. POTTHAST: I know you are all interested in it and we're all working for the same cause.

MAYOR COCKRELL: That's right and in many ways although it's sort of..

DR. POTTHAST: I know it's a terrible burden upon you. I wouldn't take your job for a million dollars.

MAYOR COCKRELL: Yes sir, that's right. One thing I'd just like to say that in many ways it may be just as well that we've had all of this discussion in the community about this particular zoning case because it does sort of crystalize the whole issue and, again, it gives the citizens to stop and review and where we are in this whole development process and to look over the rules that the City is setting up and to have their opportunity to speak up to the City Council and to discuss the whole process.

There are alternatives to developing over the Aquifer and, of course, one of the alternatives is simply the purchase of all of that land. It involves many, many millions of dollars and citizens and the Council, in fact, one of the comments that Dr. Cisneros has made was the point that possibly we need to spell out very carefully the dollar figures both as a result of development and as a result of non-development or purchase. That was one of your areas of concern. Mr. Billa.

MR. BILLA: I just want to thank the good Doctor for giving us his time and telling us what he thinks. But he used one key word in there in his resolution and it's, permits unrestricted development. I think that's what this City Council is addressing is to have restricted development, controlled development with lots of safeguards, and I don't think it intends to have unrestricted development out there.

DR. POTTHAST: Statement inaudible.

MAYOR COCKRELL: You've got more concern about the mall.

November 7, 1975

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DR. POTTHAST: Because that is the most dangerous source of pollution at this time. I know this is the first time I was aware that the zoning property had been passed on and approved. Although I tried to keep up with the newspapers but most of the people weren't aware of that. In fact, nobody said anything about it when the subject came up.

MAYOR COCKRELL: Right, there are now about a thousand acres of business property that is already zoned over the recharge.

DR. POTTHAST: Personally, I feel that I don't blame people for wanting to live up there in the hills. It's nice. I personally live on King William Street and have been there for 38 years and expect probably to live there so long as I live, but I don't blame the people for wanting to live there. But, if they want to live there, let them not give up their country and don't have a business and malls and everything else close by to help concentrate population and single-dwelling improvements over an area of not less than an acre for a home, and you will lessen that chance. But the more you get unrestricted in developing those areas, you're going to produce more and more liability in--and it is stated in here and everybody wanted to discuss it and I did the undoubted probability. Now that is a peculiar word. I think it's rather far-fetched but that's my honest opinion that it's going to happen. It may not happen in our generation or the next generation, but it's going to happen. Hold to the office as long as you can, and not let it start by that time, undoubtedly we'll have techniques and methods and so forth that we can anti-pollute water, I hope. But we won't live to see it.

MAYOR COCKRELL: Thank you very much. I appreciate your being here. Are there any other citizens who wanted to be heard at this point. All right, let me ask for the Chairman of the Planning Commission. He has shared kind of a long afternoon with us. Since we are both involved in the process of zoning and since the whole area of the Aquifer is one that obviously we both know is a sensitive area, we wanted you to share this meeting, and if there are any additional comments that you would like to make, we would be happy to hear them.

MR. HARRINGTON: Madam Mayor and Council members, I would like to make a comment. But first of all, I have some Commission members that have been here all afternoon, and I believe that they should have the opportunity individually as citizens and as members of the Planning and Zoning Commission to make any individual comments that they would like to make. If you would indulge us, I would like to ask the individual Commission members if they would like to address the Council.

MAYOR COCKRELL: Fine, certainly. Mr. Dario Chapa.

MR. DARIO CHAPA: Yes, this session this afternoon was informative and educational. The presentations, we need as much information as you do to make our decisions. But what I ask Madam Chairman and Councilmen, if it was intended to initiate dialogue between the Commission members, the Council and County Commissioners, I believe it failed, I don't think this was the proper form. Even the physical arrangement was wrong, the format was wrong, it was too much in too little time. I feel that if it did not achieve what I felt we could have achieved if better structure had been planned. I hope that we will have another opportunity to really start this dialogue between the Councilmen and the Planning Commission and others. That's if the Council wants our input. We in turn wanted some policy guidelines to guide our actions at the Planning Commission level, and that's my sincere feeling of this matter.

MAYOR COCKRELL: Thank you. I think your point is well taken. Actually, we wanted to have a briefing and then have the opportunity for dialogue but I certainly concur that it needs to be in a different setting for better dialogue and for really getting into the policy making. Then there were some citizens here that I did not realize would want to be heard and that, of course, also contributed to having it a little bit more difficult to have dialogue. Yes, Mr. Hartman.

MR. HARTMAN: Yes, Madam Mayor. Dario, I think your point is well taken with regard to the need to have not only dialogue but I think the matter of developing the policy and delineating the policy that I think is so desperately lacking. I think that the Planning Commission has been put in an awkward position of having to carve a lot of its own perspective. I think we are looking at a resume, sort of reviewing the way we approach master planning. I think there have been a lot of individual sub-master plans developed without an over review. I think that's where the problem has been in the fact that we have looked at little pieces of this and it's the Council's responsibility I think to provide the policy for amateurs that not only we ourselves need but certainly the Planning Commission needs in order to proceed with master planning. I think that's the important thing. I think the important thing is to develop a viable, precise, clear workable master plan. By master plan, I mean the policy framework tied in with specifics that indicate how and where growth is to occur and what is to relate to growth in terms of utility provisions, in terms of entity, in terms of types of functional areas. I think this is the crux of it and I think that we have a great deal of work to do together.

MAYOR COCKRELL: Fine, thank you so much Dario. Mr. Machado.

MR. JOE MACHADO: Mayor and gentlemen of the Council, I'm the man with the bad voice and it's getting worse every time.

MR. BILLA: But have you given up smoking?

MR. MACHADO: I'm smoking a little less and enjoying it more. Madam Mayor and the Council, you remember that on April the 17th, I appeared, the majority of the Councilmen were not here, it was the other Council, I think it was just Reverend Black and Mayor Cockrell were here.

MAYOR COCKRELL: Nielsen and Teniente were both here.

MR. MACHADO: Yes, that is true. Well, I appeared this 17th asking for a moratorium, help in direction in the matter of the Aquifer which I still consider very serious menace to the only source of water supply to the citizens of San Antonio. We have learned a lot in the past six or seven months. We have accumulated a lot of information. I don't believe that all the questions have been answered. There are many, many questions and answers and those are the most important questions. One would be, will pollution occur? That I'm afraid cannot be answered. Another, it would be in the form of a recommendation. I would like to see a greater citizen participation in this matter. I would like for this matter to go to the citizens for a vote. Sometimes I feel that information from one side or the other can mislead, and it's easy to mislead a vote. I was not long ago called an alarmist in conducting a fear campaign. I heard those words here today. I don't mind it. I will still stand (inaudible) if only something good can come of it. At this time, Madam Mayor, and I realize it's been a hard day, it's late. My only recommendation instead of going into what can we do, how are we going to do it, we're going into the transportation area, we're going into many areas that will be affected, should the citizens of San Antonio initiate a case against this Council for building over these critical areas. The critical areas that I'm talking about, you know, are the Edwards Recharge Zone, the Edwards Aquifer and the areas that drain into the Recharge Zone. All those areas are critical. Until we get an identification of this natural filtering process, I think a moratorium should be declared. I'm still with the same idea, I'm not asking for guidance any more. I think we have enough. I still believe that some type of moratorium should be initiated and allow the people to vote, participate, let us know, I feel that the majority of the people do not want this. I'm not saying stop building completely. I'm saying stop the high density, the big malls, the types of business that could pollute the area. Thank you.

MAYOR COCKRELL: I don't quite understand what it is that you are asking. I understand a moratorium, you mean just an indefinite moratorium on any zoning over the Aquifer?

MR. MACHADO: Yes, Madam Mayor, and most of all.....

MAYOR COCKRELL: May I ask for a legal opinion on that? Could the Council declare an indefinite moratorium?

CITY ATTORNEY PARKER: Absolutely not.

MR. MACHADO: Or a temporary until the people have had a voice. I know you are...very receptive to the wishes of the citizens and I am sure these are the wishes of the majority. You are responsible and receptive, so try the citizens.

MR. BILLA: Mayor, may I just respond to one thing. I've known Mr. Machado for some years and had pleasure listening to his input, good input and so forth, but he suggested that we put this thing up to a vote of the citizens. I think it is up to the vote of the citizens when this Council acts on something because they elected us but you always want to remember you've got to keep this particular subject in the same contact as politicians. Sometimes the citizens make bad judgements.

MR. MACHADO: Not being a politician myself, I wouldn't know.

MR. BILLA: I think we've got to keep it in that sense and I think that a lot of what's happened, reflects that.

MR. ROHDE: Thank you, Joe.

MAYOR COCKRELL: Thank you, Joe. Any others that wanted to speak?

MR. HARRINGTON: Madam Mayor, the balance of the Commission has asked me to convey the message to you and to this City Council that we are receptive and we are fertile field and we are ready to orchestrate with this Council as we see fit. I think you have seen witness though that we are a group of individuals, as you are a group of individuals and we do have diverse views and diverse opinions. We would like to tell you that we are ready to work with you and any members of this City and the citizens as well as we do each week. I would like to recount briefly for you our position when we concerned ourselves with the zoning at 1604 that has been so much in discussion. It was our feeling that this application went through the proper channels in the City. It came to us from the staff with the staff recommendation that it orchestrated with the criteria set up for this City to judge whether or not anything is appropriate as far as zoning at that area. It is a business no. It falls within the designation of uses that is applicable to our ordinance. It was a recommendation by a majority to you, and as you know, we are recommending in body only, and you actually, I assume, legalize it if you can use it that way. I am grateful for one that the Planning and Zoning Commission has to act on a majority vote. I am grateful that this City Council has to act on a majority vote. I am grateful that the citizens elect people to office by a majority and not by a minority. We stand ready to address any questions that you may have individually or collectively. I will do so. The Commission made available to you or myself at any time.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: Madam Mayor and Mr. Harrington. I keep getting back to this point of, I feel the crucial problem is the master plan. I'm wondering while this Council certainly needs to do a good deal more with regard to delineating certain policy, I'm also wondering if perhaps the Planning Commission couldn't take this opportunity to initiate, to catalyze our decision process. In other words, I realize you're going to take another run at the alternative growth study but I'm wondering if the time isn't perficient for your Commission to begin developing specific recommendations to the Council with regard to growth policy?

MR. HARRINGTON: Mr. Hartman, I don't know how to answer you. You know, I have very definite opinions, and I would be able to voice those.

MR. HARTMAN: No, no. I'm talking about your body, its rightful function insofar as delineating or recommending growth policy.

MR. HARRINGTON: I'm not sure that is the proper avenue. I'm not sure that the Planning and Zoning Commission is to tell the staff what is proper.

MR. ROHDE: I concur on that.

MR. HARRINGTON: We try to incite them to come with plans, and they come with plans, and we concern ourselves with those plans, but without a staff that can direct them, you are tuned enough to planning to know that it is a viable thing that has to be addressed constantly. It's not something that you resolve. It doesn't have a final resolution and specificity of application. It is a viable living thing that you would tune all the time.

MR. HARTMAN: Okay, Ed, are you telling me then that you would look to the City staff to develop recommendations for growth policy?

MR. HARRINGTON: It is my understanding that that is their function. If I am in error, I'd like to be corrected.

MR. HARTMAN: How does the staff feel about that? I mean, I guess we're sort of at a question about the procedure here. My concern is how to get this thing going of whose - where is the ball on the court? In other words, who has to initiate action?

MAYOR COCKRELL: Well, in terms of what, the alternative growth?

MR. HARTMAN: Yes.

MAYOR COCKRELL: All right. My understanding what had been said earlier was that the Commission had the hearing, had reviewed it, and had asked for a certain additional things from the staff, and that they were now waiting for the staff to come back to them, is that correct?

MR. HARRINGTON: That's correct.

MR. HARTMAN: The question is, what's going to happen, then when they come back?

MR. HARRINGTON: When they come back, we're going to review it again. If we think that it is a proper document, then we're going to endorse it.

MR. HARTMAN: That's the part, I guess, where I get lost. In other words, the alternate growth study is not, in my view, that kind of document. In other words, it is a thinking document out of which you are to derive and structure certain policies.

DR. NIELSEN: Wait now that assumes that they are a policy setting organization, with some functional and political problems.

MR. HARTMAN: I'd like to clarify this. I think this is key because the alternate growth study is not a document, in my view, that you either approve or disapprove. There's no earthly way you could either approve it or disapprove it. It's not structured that way.

MAYOR COCKRELL: All right. It was apparently believed that this was such a document that would have to move through and get some sort of official stamp of approval as being speaking for the Planning Commission and for the City Council. Now, let me just ask, this document originated with Mr. Guerra's department, didn't it? Mr. Guerra, this is an interesting question that Mr. Hartman is raising, and that is whether this is, in fact, the kind of a study that would have to have specific approval or if it can be simply accepted, you might say, instead of approved, that it can be accepted as a working tool.

MR. CIPRIANO GUERRA: Yes, it can be accepted as a working tool.

MR. HARTMAN: Was that its intent?

MR. GUERRA: Yes, in the letter, as the letter stated it, there is room for confusion. I readily admit that. The cover didn't help it any, and the text there is a set of recommendations. So if you read only that, you would presume that it is saying, this is the only way to go. The thing is the letter of transmittal and the opening remarks all had to do with the fact that this was a think piece. Now with regard to your earlier question about roles. As I read the Charter, I think, that the Planning Commission itself has the role in policy recommendations in making recommendations in regard to policy. However, there are many roads to Rome, I mean, we need to also, if you read the Charter, in effect, provide staff support to the kind of work that the Planning Commission may want us to make. So, I think it's a cooperative effort, a joint effort between staff and the Planning Commission to arrive at a set of policies that we could recommend, that they can recommend to the Council.

MR. HARTMAN: Let me cite one example, if I may, Madam Mayor. For example, in the alternate growth study there is a statement made, the fact that there's enough vacant land within the present City limits of San Antonio to sustain our current growth rate for the next 45 years. Okay, that says something with regard to how do we, in other words, how do we foresee growing beyond our current City limits? I think certain policy recommendations can be made around that point. Okay, you know the mechanism now. Do you all come forth to us and say, you know, we recommend as a matter of policy that we would not foresee based on this, any further annexation for the next 45 years because there's enough under-developed land within the City limits to sustain our growth rate? Is that a valid question, Cip? These are the kind of questions, I think, we need to start addressing. I mean this, to me, is the way that policy gets developed, and somebody has got to start doing it.

MR. HARRINGTON: I appreciate what you're saying. You know, it's still nebulous to me. The alternate growth study does not address the Market Place.

MR. HARTMAN: The alternate growth study lists a whole series of alternatives which people can choose from on which they develop a policy, and that was what it was intended for.

MAYOR COCKRELL: May I make this suggestion at this point? It seems to me that if we assume that the alternate growth study was, in fact, a working tool but remove the recommendation section from it and let that be the area where the policy would be addressed. In other words, I think once you include the recommendations, then it becomes a policy document, and not a working tool. That's the area...I think is.....

DR. CISNEROS: Call them alternatives, instead of recommendations.

DR. NIELSEN: Or another thing, it's going to be very critical as we continue to pursue it, and I hope we will, is instead of calling it alternate growth, just call it growth policy. That's all we're talking about.

MR. HARTMAN: That's what I want to get.

MAYOR COCKRELL: All right, but the Council and the Planning Commission have to address what we select as the alternatives that we agree that the policy is.

DR. CISNEROS: Madam Mayor, you see the problem in that case was that it never went to the Council because it was not approved as an alternative. It was a real problem there, Madam Mayor, I'd like to make some remarks.

MAYOR COCKRELL: Fine, Dr. Cisneros.

DR. CISNEROS: Mr. Harrington, not wanting to be discourteous but nevertheless I would feel less than honest if I didn't indicate to you face to face some things that I've tried to raise privately and in other forms with the Council. That is, I think the process that we're talking about entering into is in some measure compromised by the dual office-holding that we had talked about before. I just wanted to raise that again because I do think that on issues like this one, for example, on growth policy, I would hope that the Planning Commission would be the most, the most open forum possible, unobjective and unbiased forum possible. Yet, you're serving as president of an organization that is taking very distinct positions on some growth related issues, and I've been told from many, many sources that you're a man of great integrity. It does raise some very serious questions that I think in this day and time in government have to be raised, and if I would just raise the analogous situation, for example, if Fay Sinkin or Father Benavides were suddenly named to chair the Planning Commission, there would be a furor from a lot of organizations in the City about what the implications of that might be for City planning. Well, this is an analogous situation where an organizational vested interest is heading the City Planning Commission for the entire City and I just wanted to raise that again as a matter of concern. If the rest of the Council doesn't see fit to do something about that, and if you don't either, then it will be the last time I raise it because I know of no other procedure that I can follow to raise it formally. But I did want to do the issue justice and also be honest by raising it with you face to face.

MR. HARRINGTON: I appreciate that and if the Council would like for me to respond, I would really like to respond.

MR. ROHDE: I think it's very appropriate.

MAYOR COCKRELL: Go ahead, since it continues to be raised.

MR. HARRINGTON: I would be less than fair if I told you that the thought had not crossed my mind. When I was elected as president of the Greater San Antonio Builders Association, to be, before I was installed at the first public hearing, I brought this issue openly in public and asked my Commission for direction as to what they thought that I should do. The Commission unanimously voted that I would remain as Chairman of that Commission. That was their unanimous wish, that I remain as Chairman of that Commission. I then asked the City Legal Department if there was any legal problem, if there was any legal conflict with me serving as Chairman of the Planning and Zoning Commission and President of the Homebuilders Association because I am a citizen of San Antonio like the other people that orchestrate and work in this community. They said there was no legal ramifications or problems to keep me from serving the dual capacity. I talked to several other people and while I did hear some voices of question, I think that you hear those voices of question each time you vote on an issue. There are some that agree with you and some that do not agree with you. After a great deal of deliberation and some waves that I received that I did not try to get too upset about other than trying to evaluate them properly, I went back to the Commission again and I said that I had been approached to resign the Chairmanship. They once again gave me a vote of confidence to serve. If there is anything specific, if anyone can cite anything specific, now I'm not talking about where there's a diversity of opinion because I'm certainly entitled to my opinion, but specific where I have been unfair, showing any reasonable degree of insensitivity to any members of the Commission or any members of the citizens of San Antonio that come before the Commission, I would be delighted and honored to address those things. I take that charge as Chairman of that Commission as a serious charge, and I exercise those duties in a serious light. I think that I had as much right as long as I am not violating the laws of this City, as long as I am not defaming the Council that I represent, to sit as Chairman of that Commission, as long as I have that support and there is nothing but perhaps what it looks like to somebody, an artificial view to support a request for my resignation I do not intend to resign.

DR. CISNEROS: Thank you very much. I just felt that I had to raise it because you know, we had talked about it before. We never really thrashed it out in a way that it would be finalized one way or the other. I do feel there's a, I had serious misgivings about it because of what seems to be a judicial role with that body function in deciding between the merits of one citizen's case versus another citizen's case and the numbers of times in which the members of the association are one of the parties in that sort of judicial set of hearings situation. Then the other problem was just that the Association was taking some very strong positions. Billy Watson, past president, played some very strong roles in the Edwards Aquifer discussions, in the alternative growth discussions and so forth. It just was a situation where you can't serve two masters, and one of them is the citizens of San Antonio and the other one is the association. Their interests are not necessarily compatible. In some instances, they will be, but it just seems to me a very difficult thing to ask of yourself really to try and wear those two hats and do justice to both. One of whom is, I think, well, both of them are very important.

MR. HARRINGTON: I can only answer, you know, that I respect your opinion. I respect your right to that opinion and while you may see us playing diverse roles, as far as homebuilders, as far as developers, and as far as what's good for this City, I think they're one in the same. I think that I've got something to give to this Planning and Zoning Commission in the way of my expertise, and I am a vast minority on that Commission. As you have heard here today, there are those that do not vote the way I vote.

DR. CISNEROS: I think it's on that point that we disagree. They are not one in the same.

MR. HARRINGTON: We are a recommending body only and we send our recommendations to you. You as a Council can overrule any recommendation that we send to you and I stand here with a clear conscience and I address you today in that manner. I appreciate your support of me.

MR. ROHDE: Mayor, there's a line from a very sacred ceremony that we take into light and this Council should address itself. We have six Council members present, that if there's anybody that's objecting to this man to serve on this Council, let him come forward now or forever hold their peace. But I want this issue closed and I say this with sincerity and dedication because I'm going to stand for this man because I think there's elbow room for a dedicated citizen like this. We need his expertise in the area that we're talking about. He's been mislabeled as a developer. I don't think you developed a lot in your life, you're a homebuilder and there's a lot of difference. The thing I'm asking this Council now is if there are any other remarks to be made of this man, this is the time to do it. He's put himself on the cross, now let's have at him, if not, let's hold our peace please.

MR. BILLA: Mayor, I'd like to say that since I raised the question myself and as being a colleague and member of this civil organization of which Mr. Harrington has been and is member of and I just firmly believe that there's nothing in this man that would permit him to make a judgement that would be prejudicial of him. I just don't believe that he could. So I have to stand by him.

DR. NIELSEN: Let me just say this. We have talked about it, you know, and I'm extremely reassured because we have had such support from your peers who have worked closely with you, far more closer than I have in the past several years. Like I told you, I don't want to make a big ado about it, not even now. I just want everybody to know that I have a great deal of confidence, not only in you but in the Planning and Zoning Commission. They certainly are (inaudible). That's great, that's the way it's going to be and regardless of whether you're a recommending body or not, (inaudible) when you've got the support of your peers and if you can continue to merit that, I've got no problem with it personally.

MR. HARRINGTON: As I told you, Dr. Nielsen, I felt that my Commission was in a better position to judge me than anyone else. I went to them in first instance and I went to them again and my statement to you that I made before stands.

DR. NIELSEN: I realize that.

MR. HARRINGTON: I have a clear conscience. When they come to me and they say that we think that you're being biased, a majority of them, and ask me to step down, then I will certainly yield to them. I have made that statement in the record but not to one or two individuals.

MR. HARTMAN: Yes, Madam Mayor. Ed, I would like to say that first of all, I hold you in the highest respect. I have known you for a relatively short period of time. There's certainly nothing in any way that anybody can say that your judgements would be anything except totally unbiased. My only concern, I think, with regard to the dual positions, I think that the San Antonio Homebuilders perhaps placed you in a degree of awkwardness that I think is unfortunate. I have been reassured by the (inaudible) with regard to your reference of this matter to the Planning Commission and the fact that your peers have endorsed the present quality of positions. I think that as a matter of procedure, I do think the Homebuilders have placed you in an awkward position but it is not my say to indicate or even to address that aspect of it. I think it's basically that function of the Planning Commission and I certainly accept the decision of the Planning Commission. By no stretch of the imagination, do I in anyway imply that your decisions would be influenced here. I think it is recognized that there would be occasions, perhaps frequent occasions where the position of the San Antonio Homebuilders would be at times difficult to reconcile with perhaps someone who were with the Planning Commission. who were not in that position.

MAYOR COCKRELL: Let me add my comments and then we'll let Mrs. Garza. I'd just like to add my comments, of course, you are certainly correct in saying that you had consulted the City Attorney and he advised that there was no legal conflict. On that basis, I would not see any appropriate area for any further City Council action on the matter. I think as individuals, there has been some indication of how each person would feel about it and I can only share with you that I, if in your position, I would have chosen to select one or the other as my area of service and just use the one area of service. This is a personal decision which you must make. There is no City ordinance that is being violated. I think it is a matter of personal judgement and decision. I do recognize that there is at least one other commission where we have a very similar situation. We should also be realizing that this is not an isolated case. So, I can only share with you just my feelings that possibly, if I were in your shoes, I would have just chosen to select one or the other as my area of service. Again that's your decision and I respect you as an individual, certainly.

MR. HARRINGTON: I appreciate that.

MAYOR COCKRELL: Mrs. Garza.

MRS. OLIVIA GARZA: Madam Mayor and Council members. I just want to say that you know as active citizens, many times we wear two hats, as we are involved in many different areas. Mr. Harrington has been doing an excellent job as Chairman of the Commission. He did come to us, we wholeheartedly support him as Chairman and I hope this will be the end of this issue.

MAYOR COCKRELL: I'm sure it will be. I think the issue is now closed. All right. Is there anything else that needs to come before the Council. It's getting late. We have a number of unfinished items including a major list of items that Dr. Cisneros had prepared, had given me yesterday and the Council had asked or we wanted to add these to the agenda. I do think they need some staff comments just as the agenda that I had prepared. I would like to ask that this be referred to staff and that we in effect, continue this discussion of how we proceed with the policy. We have a

number of loose ends, we have not tided up. It seems to me we have to set another work day like this. Today, we have listened but I think the Council needs its own work day.

DR. CISNEROS: Madam Mayor, if I may. We took one step today and that was on master planning issue. I think we made some significant headway there in understanding not only among ourselves, and we really hadn't discussed this since we've been on the Council but also with the members of the Planning Commission. I think that was important. Then we got some useful information, some of which we had before and some of which was updated. I think we do need another workday. I will not only refer this but I will (inaudible). So there's more filling out on each of these points. I would be happy to participate in another day if you would just set it.

MAYOR COCKRELL: All right. May we do this, may we turn over to Shirl Thomas the job of checking with everybody's calendar and getting the day, getting it set just as quickly as we can get to it. I think this work day is helpful, and thank you and we appreciate the members of the Planning Commission being with us and we will see you. Thank you.

There being no further business to come before the Council, the meeting adjourned at 5:30 P. M.

A P P R O V E D

Lila Cockrell
M A Y O R

ATTEST:

G. V. Juske Jr.
C i t y C l e r k

November 7, 1975
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