

## **CHRONOLOGICAL SUMMARY**

**San Antonio's Struggle Over Construction  
of the PGA Golf and Hotel Resort  
Over Sensitive Recharge Zone of the Edwards Aquifer**

**May 2009**

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## San Antonio's Struggle Over Construction of the PGA Golf and Hotel Resort Over Sensitive Recharge Zone of the Edwards Aquifer

This chronological summary is drawn from contemporaneous<sup>1</sup> articles that appeared in the *San Antonio Express-News* on the dates cited to the left of the chronicle. The page number and section of the paper in which the article appeared is noted in parenthesis. All quotations are drawn from the cited pieces, written by *Express-News* staff writers or, when noted, by *Express-News* columnists or the paper's editorial board.

### PRE-PGA

#### 1984

Oct. 17, 2001 (1H) **Lumbermen's invests \$6.8 million in water for development put on indefinite hold after market collapse**

"In 1984, Lumbermen's paid \$6.8 million in general benefit fees to the San Antonio Water System for pumping costs, storage capacity, main water lines and an extension of the sewer main. Shortly thereafter, the real estate market collapsed and the plan was put on hold. Nothing new had been proposed for the site until this year, when developers secured legislation allowing for a special taxing district to support infrastructure costs. The district is contingent on a development agreement with the city of San Antonio."

#### 1994

Jan. 26, 2002 (1B) **Lumbermen's and 26 other developments exploit loophole in water quality ordinance, "grandfathering" rights that exempt them from new restrictions on development over the aquifer.**

In 1994 City Council engaged in a "rancorous battle" over a proposal to safeguard San Antonio's drinking water by establishing limits on development over the Edwards Aquifer. To prevent a rush of filings that would exempt developers from the proposed new rules (granting them "grandfathered" or "vested" rights), the council on Sept. 8 enacted a four-month moratorium on "zoning and platting applications for recharge zone projects."

However, the moratorium did not explicitly refer to "preliminary" plans "which were required only of developers of large, multi-phase projects and included more general information than a platting document." During the moratorium, 27 "preliminary" plans were submitted, claiming

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<sup>1</sup> The exceptions are 1984, 1994, and 2000, which draw from retrospective articles appearing in 2001 or 2002.

grandfathered rights. The city's legal office "determined those claims were right," and on Dec. 22, the council closed the loophole. According to a city report, "more than 8,000 acres became eligible for grandfathered rights" between Sept. 8 and Dec. 22 and more than 70 percent of the filings exploiting the loophole were made by Pape-Dawson Engineering. The firm's president, Gene Dawson, Jr., "was co-chairman of a task force with environmentalist Danielle Milam that helped design the water-quality ordinance."

"Milam blames the city's planning, public works and legal officers for not doing their jobs. 'They're basically just doing whatever the developer wants,' she said. 'The public loses because we don't have lawyers, guns and money on our side.'"

Lumbermen's lobbyist Bill Kaufman said granting the vested rights "was both the legal and correct decision for Lumbermen's." The company "was part of a group of investors that spent millions of dollars getting water lines and water service into the area where PGA Village would be located and the plan was filed to protect that investment, Kaufman said."

## **2000**

Nov. 4, 2001 (1B)     **S.A. passes Proposition to purchase land to safeguard water**

"[In May 2000], 56 percent of voters approved a plan known as Proposition 3, which raised the sales tax rate by one-eighth cent. The resulting \$40 million pot is earmarked to purchase and preserve land to help safeguard San Antonio's water supply."

"To determine which aquifer lands to preserve under the voter-approved program, the city relied on a volunteer team of scientists and aquifer experts to create a modified version of the U.S. Geological Survey map. Lands were ranked into eight tiers based on their geological, watershed and biological value. The top three tiers total 84,000 acres and are all considered environmentally valuable. Three nonprofit land conservation groups, which are negotiating purchases on the city's behalf, have focused their efforts on the top two tiers. This map has never been shown publicly because officials do not want landowners to know how much it values their property."

## PGA I: “Taxing District Agreement”

### 2001

Feb. 2, 2001 (1A)     **“PGA to build in S.A.”**

The plan for “PGA Village San Antonio” is to build “a 36-hole upscale golf resort that would include a 500-room hotel by the Marriott Corp.” It would be built “at U.S. 281 and Evans Road north of Loop 1604 and would feature courses designed by Pete Dye and Jack Nicklaus plus a learning center.”

“The resort would be the second facility of its kind built by the Professional Golfers Association of America, which has 26,000 members and is the world’s largest working sports organization.

“San Antonio Convention & Visitors Bureau executive director Steve Moore said such a facility would help the city substantially. ‘It would have a positive impact to position San Antonio as a golf destination,’ Moore said. ‘The economic benefits are multifold. There would be the (public relations) and articles written about it and also an increased interest by leisure visitors and corporate and convention visitors.’

“A start date for construction of the PGA Village was not available because plans are incomplete. The budget for the facility was not announced, but similar projects have cost more than \$150 million.

“PGA executive director Jim Autrey would not comment on specifics of the project but did confirm it is in ‘due diligence.’

“‘We’ve been working on this for about a year,’ Autrey said. ‘We’ve had discussions with Lumbermen’s (Investment Corp., of Austin), and we are in the final stages of due diligence to see if we can move forward. We’re bullish on coming to San Antonio. We sincerely hope it’s going to happen.’

“Lumbermen’s owns 2,000 acres where PGA Village San Antonio, the Marriott hotel and possible residential communities and shops would be built. ‘We’re working with the PGA, and we’re excited about them coming into our project,’ said John Pierret, Lumbermen’s executive vice president. ‘We’ll have further things to announce in the future.’”

“The PGA of America’s interest in San Antonio as the site of its second golf facility is a boon to the city’ continued growth as an international golf destination.”

Feb. 11, 2001 (4G)     **Letter to the Editor: 36-hole guzzler**  
Re: the Feb. 2 Page One article “PGA to build in S.A.”

“How wonderful! A 36-hole golf course! A 500-room hotel full of guests, all taking 30-minute showers. Fairway homes with lawns and gardens well above the price that the average citizen can afford, each with a minimum of 2 1/2 baths, no doubt, and all over the Edwards Aquifer.

Great for the tax base, right? What about the water? A PGA golf village is not the sort of project that will bring joy to the people who rely on the aquifer as their only source of water.

The article never referred to the perennial water shortage in this area of Texas. Surely clearer heads will prevail when permits are sought for this ill-conceived pipe dream. We do not have the water to support this monstrosity.

Sounds like an ‘if we build it, they will come’ plan. Unfortunately, the water won't.”  
~Patricia Coleman, New Braunfels

March 9, 2001 (1B) **“City Council endorses bill to set up a resort tax district. The measure is aimed at the proposed PGA center in north Bexar.”**

Proposed by Rep. John Shields, R-San Antonio, the bill was added to the “packet of legislation” the city’s lobbyists will work for this session. It would create a taxing district, called the Cibolo Canyon Conservation Improvement District No. 1, which would allow the developers to collect taxes “to finance water and sewer improvements, roads, trail improvements and open space purchases within the boundaries of the proposed 2,800-acre resort.”

“While the council’s decision ran counter to its policy to oppose the creation of special-purpose districts because of the debt problems those districts can create for the city when annexation is considered, this district is different, council members were told. The proposed taxing district ... cannot be established until its sponsors agree with the city on its building plans, the environmental controls and aquifer protection provisions included in the development and other construction details, Assistant City Manager Chris Brady said.”

“But more important to the council, the developers have agreed to donate some of their property—up to 1,200 acres by one estimate—to the Edwards Aquifer protection program the city initiated through a \$45 million sales tax proposition. The value of that donation, which developers would recoup through special district taxes, could reach \$12 million, the city forecast.”

Mayor Howard Peak “said golf courses and low-density development on the aquifer’s recharge zone are probably preferable to more traditional development featuring concrete and other impervious materials. ‘It won’t waste water resources,’ Peak said. ‘In fact, it will save resources.’

“Developers are exploring the use of a water recycling plant to reduce the amount of pumping at the resort and to implement other environmentally friendly programs, Brady said.”

Lumbermen’s executive vice president John Pierret said the project “has been expanded to include up to four PGA of America golf courses—twice the number originally planned—and a 35-acre teaching center to promote golf”—the total value of which could eventually reach \$1 billion.

“If no problems arise in the planning, construction should start by early next year and the first golf courses could be ready by the end of 2003, the executive said. But he said the development

hinges on the creation of the utility district and the generation of taxes to finance about \$40.3 million in water and sewer work, roadways and other improvements.”

“The Cibolo Canyon district would be unique for Bexar County because its directors would be allowed to use tax money for more than just water and sewer services and because more than just property taxes would be assessed.” They also would be able to generate revenue from sales and hotel occupancy taxes, assessments and impact fees. “But Shields said districts in Harris County near Houston have been given similar powers and they have worked well. He and state Sen. Jeff Wentworth say they believe the legislation will pass.”

April-Dec., 2001      **Syndicated Columnist Carlos Guerra writes more than a dozen columns about the PGA development and taxing district.**

April 10, 2001 (1B)    **Who pays for outstanding obligations of taxing district?**

Syndicated columnist Carlos Guerra writes: “If this district will be created to tax non-city property to fund its own improvements, why should we be concerned? Because the bill also specifies that ‘the city shall have the power to annex all of the territory.’ And ‘once annexation is complete, the city shall assume all of the outstanding obligations of the district.’”

April 24, 2001 (1B)    **Unlimited eminent domain provision struck**

Syndicated columnist Carlos Guerra writes: “Not until this column pointed out that the district would get unlimited eminent domain powers within 3 miles outside its boundaries did the bill's sponsor, state Sen. Jeff Wentworth, move to limit it to building roadways and sewer lines.”

April 26, 2001 (1B)    **“PGA project won’t be the water saver it’s cracked up to be”**

Syndicated columnist Carlos Guerra quotes figures given to him by Chris Powers, SAWS director of system development planning, on Lumbermen’s proposed “small wastewater facility that will produce about 40,000 gallons a day and reuse it on the golf courses.” Guerra says this amounts to 14.6 million gallons of Edwards or Trinity aquifer water “that will be spared annually.”

“But don’t get overjoyed until you calculate that there are 325,851 gallons in an acre-foot. When you do, you’ll see that we’ll be substituting 44.8 acre-feet of aquifer water annually through recycling, which is 2.8 percent of the golf courses’ required 1,600 acre-feet. ‘Of course, the package plant is intended to be a temporary structure that will treat reuse water on site,’ Powers added. ‘It’s a small treatment plant because (the developers) are going to start off with a small one and expand from it once the development is stabilized.’”

“Is such an expansion already clearly agreed to, I asked, and just how much more reuse water will ultimately be produced? ‘No,’ Powers said. ‘That part of the agreement still has to be worked out through a negotiated development agreement with the city.’ In other words, we’re going to subsidize a development whose golf courses will consume as much water as 3,178.6 residences. And the same negotiators who gave us BIH, Yanaguana and the Convention Center cost overruns are going to improve those numbers. I’m reassured already!”

May 2, 2001 (11C) **“The PGA Village will be a gold mine for San Antonio.”**

Sports columnist Raul Dominguez laments past “fiascos” in costly dealings between corporations and city officials, and says it “didn’t help matters” that the PGA Village taxing-district legislation “was not thoroughly inspected prior to its submission” and thus would have granted the developer “such unlimited power” three miles outside its boundaries until amended. But concludes, after citing the publicity and financial benefits that the PGA Village has brought to Port St. Lucie, home of the first and only PGA Village, that the “PGA Village San Antonio is a good thing.”

July 19, 2001 (1B) **No such thing as “Audubon standards”**

Syndicated columnist Carlos Guerra writes: “San Antonio Water System and city bureaucrats ...parrot the developers' claims that the golf courses will abide by ecologically friendly ‘New York Audubon Society’ standards.” Yet “Audubon” bears no relation to the National Audubon Society; instead it receives “major financial support” from the United States Golf Association and “lists no ‘standards.’”

July 24, 2001 (1B) **“Alamo City is nation’s last refuge from golf course glut”**

Syndicated columnist Carlos Guerra cites a New York Times story titled “Too Many Golf Courses, Not Enough Golfers,” and a Golfweek article quoting a PGA official who explained that San Antonio was chosen for its second golf village despite the “more costly and difficult” courses because it “has about 50 courses and isn’t overdeveloped like California and Arizona.” In other words, Guerra concludes, “our area is among the very few places where this development has any of the economic viability required to secure financing!”

August 9, 2001 (1B) **“Another PGA Village developer’s claim is now in dispute”**

Syndicated columnist Carlos Guerra wrote about an Editorial Board meeting on Aug. 8 with Lumbermen’s executive vice president John K. Pierret and Gene Dawson Jr., president of Pape-Dawson, project engineers, where the developers summarized their latest plans for the resort: “To build three golf courses, two 500-room hotels, 750 apartments and 500 condominiums and time-share units.

They'll build it on recharge zone land belonging to Lumbermen's. The resort, Dawson said, can't be built without the special taxing district that lobbyists custom-crafted for the 77th Legislature's rubberstamp approval. The developer-controlled Cibolo Canyon Conservation and Improvement District will collect property, sales and hotel occupancy taxes identical to San Antonio's to repay the bonds for infrastructure costs developers usually pay themselves. By selling district bonds, the developers will benefit from the discounted, tax-free interest rates that usually are reserved for cities.

“The district already exists, but it can't do business until it has a development agreement with the city, which anticipates annexing the district within 15 years. The legislation specifies that the city may annex the district—in its entirety—whenever it chooses. But when it does, it will assume the district's indebtedness. Wednesday, Pierret said that Lumbermen's would agree to guarantee district bonds during their initial offering, and pay any outstanding debts ‘on the 15th year,’ should the city annex it then. And three times during the presentation, Dawson said that the three

golf courses would 'meet the Audubon Golf standards' set by, in his words, 'a breakaway Audubon group.' Still, it will mean close monitoring and reduced use of chemicals normally applied to golf course greens in heavy doses.

"Asked if the developers had conferred with this 'breakaway group,' I was surprised when Dawson and Pierret said they had." Guerra noted that he had been in email correspondence with the president of that Audubon group, who reportedly told him that the "we have never heard of and are not working with" the PGA Village.

"Hearing this, Pierret and Dawson were at a loss to explain it. But Pierret did ask me to repeat his name so he could contact Dobson 'immediately.'"

#### August 12, 2001 (1B) **"PGA Village's new plan will create major threat to Edwards"**

Syndicated columnist Carlos Guerra writes that at the Aug. 8 Editorial Board meeting, Lumbermen's executive vice president John Pierret and engineer Gene Dawson Jr. "unveiled plans that differ from those that were initially presented. In a project this massive, things can change. But one important change made to reduce the water taken from two aquifers will create a permanent and significant new potential threat to Edwards, the bigger of the two reservoirs."

"In April, I reported that SAWS' development planning director Chris Powers said that initially, most of the resort's water would come from SAWS, 'but there are also two (Trinity Aquifer) wells on site, and those will eventually be used for part of the golf course properties.' Powers also said that developers planned 'a small wastewater treatment facility that will produce about 40,000 gallons a day and reuse it on golf courses.' But 40,000 gallons, I pointed out, is 2.8 percent of the water three typical golf courses need per day.

Now, Pierret and Dawson's pitch spotlights a new—and supposedly improved—water plan." Dawson reportedly said that "tests on five Trinity Aquifer wells indicate that they'll yield 'about 500 gallons per minute,' which isn't enough for the golf courses, not to mention the 2,225 'equivalent dwelling units' also planned. Their new plan cedes that the project's primary water source will continue to be SAWS. But its secondary water source will be 'recycled water' and the tertiary source will be the still unregulated Trinity Aquifer. Dawson said developers will 'pledge' not to pump from that already overburdened water source in times of 'stress.'

"And the recycled water? 'The District will build a 2.5 million-gallon wastewater facility,' their presentation says. Their 'regional wastewater collection and water recycling center' will collect, treat and recycle sewage from the resort and 'the residential projects of Indian Springs, Century Oaks and the Ackerman tract.'

"In other words, to suck less water from the Edwards Aquifer to water their thirsty greens, they are going to build a huge sewage treatment plant on the Edwards aquifer's recharge zone!"

#### Sept. 9, 2001 **"A devil's choice' over aquifer. Thirsty golf courses or thirsty homes are planned for property in the Edwards recharge zone."**

"If a special taxing district is approved by the City Council and a referendum of the now-uninhabited district, the first golf course would be open in January 2004, followed by another course and the first hotel later that year. If the city doesn't give its blessing to the resort, a

Lumberman's executive said the alternative is to develop the property under its original plan dating from 1986, a 25-year build-out of the land, densely packed with as many as 9,000 houses.”

“Because of where the land lies, both of Austin-based Lumberman's plans are controversial and, by some accounts, there is no stopping the development. It all comes down to water.” The amount used on the golf courses alone “could come close to the 400 million gallons now used annually by the city’s largest consumer, electronics giant Sony’s semiconductor plant. That doesn’t include additional water for the resort hotel and housing.”

“Lumberman's says it must develop the land to recoup its \$6.8 million investment in water and sewer capacity and tens of millions of dollars in land cost.

“George Veni, a San Antonio-based consulting geologist and one of the world’s foremost authorities on karst-type aquifers such as the Edwards, said the chemical use can pose a threat to the water source because the underground formation—porous limestone containing deep fissures, sinkholes, underground caves and streams—doesn't filter water through the recharge layers. Karst aquifers such as the Edwards are the "most sensitive on the planet," Veni said. "Basically, they shouldn't be up there," Veni said of development over the recharge zone. "The South Side has beautiful landscapes as well. Why don't they go there?"

John Pierret, executive vice president of Lumberman's, said the Hill Country is a bigger draw for visitors and residents. "This is the pretty property. This is where people want to live," Pierret said. "They want to live in the hills."

“Veni said the Edwards Aquifer is not contaminated, but over the years more signs of pollution are showing up. He said he fears that continued development eventually will ruin a pure source of drinking water in the underground caves.”

Oct. 17, 2001 (1H)    **“Reviews mixed for planned golf site.”**

“A meticulously crafted PowerPoint presentation of the proposed PGA Village—which has been the subject of heated debate because of its location over the Edwards Aquifer recharge zone—has convinced many residents that the developer's current plan for the site is a better alternative to what is allowed under grandfathering rights secured by developers decades ago.

“Under an approved plan filed in 1984, the developer has rights to build some 9,000 homes on the Northeast Bexar County site, without regard to current tree preservation requirements, impervious cover restrictions and water quality ordinances. An updated plan would bring 2,750 mixed-dwelling units, two hotels and 710 acres of golf courses to the property, as well as dedicate about 2,000 acres of flood plain and open space to the city. Still, some community leaders hope that City Council will consider saving a majority of the 2,855 Hill Country acres with funds from Proposition 3.”

“Meanwhile, the city is hammering out a development agreement. Assistant City Manager Chris Brady, who is coordinating the negotiations, said a document would be ready to present to City Council within the next 30 days. He said he did not know if a public hearing on the issue would be required.”

Oct. 25, 2001 (1B) **“Activists, legislator push against resort.”**

“Environmentalists are asking the City Council not to approve a special taxing district that would let a developer build a huge resort on the Edwards Aquifer recharge zone until an independent geological survey has been completed. And a state lawmaker [Rep. Art Reyna, D-San Antonio] who sponsored legislation making the proposed PGA Village project possible is advising the council not to approve the development and to instead buy the land and turn it into a park.”

“Annalisa Peace, an environmental activist who has long pressed for additional aquifer protection, said she'd prefer it if council members voted the district down, but she said at a minimum they should insist on finding out more about the property before taking any action. ‘They need to postpone this until a complete study has been done,’ Peace said, adding that sensitive recharge features need to be identified and preserved to protect water quality and possible endangered species.”

“Darby Riley, who opposes the project, said the recharge zone is ‘continuously being assaulted’ by new development and that elected officials should put a stop to it rather than support it. ‘To set up a taxing district to encourage something that could be potentially harmful to the aquifer is kind of a new low in development over the recharge zone,’ Riley said.”

“‘It was a project that, frankly, I did not know enough about at the time of the bill,’ Rep. Reyna reportedly said.”

Nov. 3, 2001 (5B) **“SAWS to look at treatment standards”**

The San Antonio Water System began discussions on a proposed public policy change that would allow treated wastewater to be used “on the recharge zone and drainage area of the Edwards Aquifer, but it would have to be treated to drinking water standards.” That is the standard that “an internal team of scientists and engineers” has determined is necessary. “Currently, city ordinance does not allow the application of recycled water on the recharge zone,” although state rules do allow it. Under the proposed new policy, the PGA Village’s proposed wastewater recycling plant would “need to be cleaned to drinking water standards.”

Nov. 4, 2001 (1B) **“PGA project on fragile land. City plan to protect recharge zone not living up to goals”**

“Attached to the last page of a scientific report published last year is a multicolored map revealing the most vulnerable areas of Bexar County's Edwards Aquifer recharge zone. A warning zone highlighted in pink and consisting of bright red fault lines identifies the land most at risk to contaminants entering the aquifer.

“Under a publicly financed land-purchasing program, the city has failed to preserve any land in this area—largely located east of U.S. 281 and north of Loop 1604—to help protect San Antonio's primary source of drinking water. Even so, it is considering giving financial help to a developer who wants to build a huge resort on 2,855 acres over the recharge zone. The PGA Village development, which would feature three golf courses, apartments, condos and at least one large hotel, includes land ranked on the U.S. Geological Survey map as especially vulnerable to contaminants.

“Critics of the development are alarmed over the golf resort's huge demand for water, as well as what runoff tainted with fertilizers and chemicals could do to pollute the aquifer. They also object to how the developer, Lumbermen's Investment Corp., is framing the debate over the issue. If the city doesn't approve a special taxing district for the resort, Lumbermen's is threatening to dust off a 15-year-old plan to build as many as 9,010 homes, apartments or businesses on part of the land.

“Such dense development is not allowed under current city rules protecting the aquifer, but Lumbermen's does not have to comply with the regulations because it submitted its plans before they were adopted in 1995. ‘They're kind of blackmailing us, aren't they?’ said George Rice, a groundwater hydrologist who contends the resort and new homes, like most development in the recharge zone, would pollute the aquifer.

“But Gene Dawson Jr., president of Pape Dawson Engineering, which is working with Lumbermen's to design PGA Village, said the company is offering to sign an agreement to keep contaminants out of the aquifer. ‘That is exactly what the city of San Antonio should be doing because that is the best way for us to reduce the development over the recharge zone,’ said Dawson, who argues continued growth in the area is inevitable.

“Last year, 56 percent of voters approved a plan known as Proposition 3, which raised the sales tax rate by one-eighth cent. The resulting \$40 million pot is earmarked to purchase and preserve land to help safeguard San Antonio's water supply.”

Nov. 4, 2001 (3A) **PGA Village land in “top tier of environmentally sensitive properties”**

Political columnist Rick Casey writes: “Voters in May 2000 approved a 1/8-cent sales tax to buy Edwards Aquifer land as a hedge against overdevelopment. Those who have watched voter sentiment toward protecting the aquifer weren't surprised that it passed despite the defeat of several other propositions on the ballot pushed by then-Mayor Howard Peak. As part of that program, the city gathered a group of scientists to rate all the undeveloped parcels of aquifer-related land in terms of their environmental sensitivity. Several sources tell me the PGA Village land is in the top tier of environmentally sensitive properties.”

Nov. 6, 2001 (1B) **City officials “scrambling for face-saving alternatives”**

Syndicated columnist Carlos Guerra notes that “Two alternatives have been floated to test the public’s reaction. One is to let the voters decide, and the other is for the city to buy the site and turn it into public space.”

Nov. 14, 2001 (1B) **“PGA developer’s options in doubt. SAWS has agreed to sewer service for only 4,500 homes”**

“The developer of the controversial PGA Village project has threatened to exercise its right to build more than 9,000 homes on 2,855 acres it owns on the Edwards Aquifer recharge zone. However, it only has an agreement with the San Antonio Water System to provide sewer service to about half that number.”

“In asking the city to create a special taxing district to help pay for the development, Lumbermen's continually has pointed out it has secured the right to supply the equivalent of

9,000 houses with water from SAWS, a city-owned utility. But Gene Dawson Jr., president of Pape Dawson Jr., which is working with Lumbermen's to design PGA Village, acknowledged Tuesday that the company could not presently build that many homes on its land. "Not ... under the existing contract," Dawson said.

Nov. 15, 2001 (1A) **City mulls PGA plan without golf, hotels."**

"City staff negotiators are discussing an option that would allow the approval of a special taxing district for the controversial PGA Village golf resort while not requiring that the developer build either hotels or golf courses on the land.

State Rep. Robert Puente, D-San Antonio, said Wednesday he's enraged that the city would even consider approving the taxing district without guarantees the golf resort would be built." Puente reportedly said, "I can't believe that option would even come into the realm of negotiations."

"Although city negotiators are working under council direction, the council itself is not directly involved in negotiations. Most council members indicated Wednesday that they still want guarantees the golf resort will be built before granting the approval needed to activate the district created by the Texas Legislature."

Nov. 16, 2001 (3A) **"Mayor Garza to PGA developers: Show me the money!"**

Political columnist Rick Casey writes: "The whole reason Lumbermen's was floating the notion that it may want the tax deal without a hotel is that Lumbermen's is having trouble getting financing for a hotel. As Wednesday's paper noted, the proposed downtown Sheraton convention hotel was again delayed for the same reason. The market was weak before Sept. 11. It's in a coma now." Mayor Ed Garza reportedly told his colleagues on the City Council, "Without the resort, I do not find a compelling public purpose in the project and personally cannot commit forgone revenues to support the creation of another single-family subdivision in suburban Bexar County."

Nov. 16, 2001 (1B) **"Council says no golf, no deal. Evaluation of environmental studies required for PGA site."**

Following a "lengthy closed-door session" on negotiations over PGA Village, members of the City Council went along with recommendations made earlier in the week by Mayor Garza that in exchange for the taxing district, "there will have to be guarantees a hotel and golf courses will be part of [Lumbermen's Investment Corp.'s development] and their environmental studies will have to be evaluated independently."

"The two-hour executive session capped a day in which opponents of the project, including the League of Women Voters in San Antonio and former Councilwoman Maria A. Berriozabal, urged the council to reject the project. Berriozabal, a councilwoman from 1981 to 1991, asked the council to 'listen to the people' and stop a project that she said could jeopardize the city's water supply."

"The resort proposal is rapidly becoming a divisive issue in a city that has been anxious to promote economic opportunities for tourism and business but reluctant to support commercial expansion in the recharge zone over the city's primary source of drinking water."

Nov. 17, 2001 (10C) **“City’s caution wise on PGA resort deal”**

In an editorial, the Express-News supported Mayor Ed Garza’s “strong lead in working to ensure that San Antonio’s water supply and financial interests are protected before City Council approves a golf resort over the Edwards Aquifer recharge zone.”

“While commending the direction the mayor and council have set, we urge them to hold all future discussions on the PGA resort in public meetings. Under the state’s open meetings law, City Council can discuss real estate deals in private. But this situation is outside the intent of the law, which was written to allow governments to negotiate purchases at the best possible prices.

“The city’s reluctance to rush into the arrangement does not mean the PGA resort is a bad idea. The project has great potential to boost San Antonio’s economy. But much is at stake. Caution is warranted and will go a long way toward building public support for the deal if the PGA resort proves beneficial for San Antonio.”

Nov. 18, 2001 (1B) **“Tensions high in PGA bid...council is split”**

“The smoldering battle over a golf resort proposed for nearly 3,000 environmentally sensitive acres of North Bexar County is primed for a full-blown confrontation in the coming weeks and months. Momentum initially enjoyed by developers of the proposed PGA Village appears to be flagging. The City Council is split over concessions it should ask from a group seeking \$60 million in public funds for the resort project, and a key partner in the proposal has indicated its commitment has time limits.

“Steve Braley, senior director of properties for PGA of America, said he has to tell his board by early January the outlook on completing the deal with the city. If no progress can be reported, Braley was not certain how much patience the board would have with prolonged negotiations. ‘I may be asked, ‘If this is not going to happen, why are we spending so much time and money on it?’ Braley said from PGA headquarters in Florida. ‘Other locations we considered for the facility are expressing a lot of interest.’”

Mayor Ed Garza reportedly said, “This is too important an issue to fast-track it.” January 2002 is “the earliest date he believes a completed development agreement can be presented to the council.”

Aside from the prime sponsors of the resort, Professional Golfers Association of America, Marriott Hotels, Lumbermen’s Investment Corp., and its engineering firm, Pape-Dawson Engineers, the “development team” includes “several prominent local members.” Among them are “lobbyist Bill Kaufman and the public relations firm Guerra DeBerry Coody & Co—which lists Trish DeBerry, the mayor’s campaign manager, as a partner. Also backing the plan is the law firm Akin Gump Strauss, Hauer & Feld, a onetime city lobbyist in Washington, D.C., that employs a seated council member [Councilman Julián Castro].

“Kaufman has contributed \$6,850 to council members over the last two election cycles. Other PGA Village proponents have contributed thousands more. Their lobbying efforts and other factors have won the project the backing of several business groups, including the Greater San Antonio Chamber of Commerce, the Greater San Antonio Builders Association and the Real

Estate Council of San Antonio.”

Six votes are required to strike a deal with the developers. Although interested in seeing more details, at least four council members “have indicated clear support of the project,” including Councilmen David Carpenter, Bobby Perez, David A. Garcia and Carroll Schubert. Councilmen John Sanders and Enrique Barrera “have expressed reservations,” and Council members Toni Moorhouse and Enrique Martin “say they are waiting to see what their constituents want before reaching conclusions.”

“Councilman Julian Castro, who has opposed tax abatements over the Edwards Aquifer recharge zone, has taken himself out of discussions due to potential conflicts of interest. He is a lawyer for Akin Gump. Councilwoman Bonnie Conner, who is the chairwoman of the council committee that has studied the development proposals, has neither jumped squarely on the developers' bandwagon nor rejected the general outline of the resort.

“Both Conner and Garza have said the idea of replacing what had been planned as a 9,000-home residential development with what could become a posh golf resort has merit. But both also want to move cautiously so the environmental ramifications of the development are fully understood and the economic opportunities offered by the project are more than just promises. ‘This (agreement) has to be drafted by our attorney, not their attorney,’ Conner said. ‘We want to assure this is not another BIH or Yanaguana.’ Past city contracts involving the construction management consortium known as BIH and Yanaguana Cruises Inc. stand as symbols of decision making that benefited private interests more than the city.”

“The City Council can expect to be confronted by an energized community as it moves toward final action. Environmental organizations have initiated petition drives and are lobbying neighborhood organizations to oppose the development, saying it combines the threat of environmental contamination with the injustices of unnecessary corporate welfare.

“Among the opponents already lined up are the League of Women Voters in San Antonio, the Government Canyon Natural History Association, Northside Neighborhoods for Organized Development and two influential activist organizations, Communities Organized for Public Service and the Metro Alliance.

“Joe Soliz, speaking for the COPS and Metro Alliance, said since the proposal would exempt the development from annexation by the city for at least 10 years, it should be seen as ‘another form of a tax abatement’ that is not good for San Antonio. Councilman Sanders said he senses a groundswell of opposition to the project as San Antonio residents understand the implications of the development.”

Nov. 18, 2001 (1B) **Latest “hocus-pocus”**

Syndicated columnist Carlos Guerra writes: “We need more than minor-league hocus-pocus to justify this giveaway!

“This column was the first to examine this contrivance and has followed its every turn, crook and twist. I wrote that Audubon International, whose imprimatur Lumbermen's Investment Corp. used, is not affiliated with the widely respected National Audubon Society.

“I reported plans for a huge sewage treatment plant over the recharge zone, and warned that the city's ban on reuse water could be scrapped so recycled sewage can nourish golf greens over our single water source. And after I asked who would buy the 9,060 homes the developers threatened to build if PGA Village falls through, we learned that Lumbermen's does not have the permits to build half that number of houses.

“Now we're closing in on the ultimate idiocy. From what I've gathered, a council majority is eager to give away \$60 million in taxes in exchange for 1,100 acres of recharge land and allow Lumbermen's—a subsidiary of multibillion-dollar transnational Temple-Inland—to unload 2,855 acres of the Hill Country it paid too much for. And what about the real issue?

“Whenever the aquifer's safety has been raised, city staff, council members and the developer have shifted the discussion to ‘free’ recharge land. Until Mayor Ed Garza rounded up a council majority Thursday to order an independent assessment, city staff relied solely on the developer's word for what is there.

“What else is there? Lumbermen's says there is ‘only one cave’ there, but George Veni, an expert of the geography, believes there are many more. The discovery of protected invertebrates in caves on the property would mandate even more land be set aside. Free land notwithstanding, city staff has negotiated with the assumption that developers will ‘donate’ 1,100 acres to the city, even after Lumbermen's admitted it will repay itself for this ‘gift’ from tax district revenue! At \$54,545 per acre—for land we'll get anyway— isn't this an incredibly expensive gift we're giving ourselves?

“We can't allow ourselves to be sidetracked again by this convoluted proposal. This is about the clean water without which we—and our grandchildren—cannot live.”

Dec. 1, 2001 (1A)      **“Wildlife chief says PGA plans at risk. City, developers haven't contacted him about endangered species.”**

“The head of the U.S. Fish and Wildlife Service in Texas said Friday that the city and the developer of the proposed PGA Village project are proceeding with the development at their own risk because his office has not been contacted to determine the extent of endangered species habitat on the property. David Frederick said neither city officials nor Lumbermen's Investment Corp. have consulted his office about whether development issues might conflict with federal laws protecting endangered species.”

“John Pierret, Lumbermen's executive vice president, acknowledged that while the property includes habitat for the endangered golden-cheeked warbler, he has not discussed the development plan with the federal agency. ‘We're not to that level yet,’ he said.”

Dec. 2, 2001 (3A)      **“A question PGA Village developers had never heard”**

Political columnist Rick Casey writes that developers, who have made presentations to “about 50 governmental, media and neighborhood groups,” emphasizing environmental concerns, had never heard a question Casey asked. “It's about those employees at the hotels and golf courses, most of whom will be maids, dishwashers and groundskeepers. Where are they going to live?”

He notes that the Westin La Cantera, a similar golf and hotel resort that received tax breaks and is outside Loop 1604, “surrounded by upscale housing developments” but “far away from the neighborhoods where low-wage workers live” found that “workers wouldn’t ride the bus hours daily from the city’s South Side for \$7 an hour. As a result, the resort last year hired dozens of low-wage workers from Jamaica. That’s right, Jamaica. So we subsidized low-wage jobs, then brought in Third World people to take them.”

“...how is the much more remote PGA Village going to attract them? Here’s an idea: Anybody who wants tax breaks for a major development like this has to include housing its workers can afford.”

Dec. 8, 2001 (1C)     **“PGA resort developers take heat ... at forum”**

A public debate at the First Friday Forum at the University of the Incarnate Word “turned quickly into a gripe session against the project’s developers.” Representatives of the developer “tried to answer each concern and to reassure skeptics” but in the end “Bill Kaufman, the development’s chief lobbyist locally, said he doubted the debate changed anyone’s mind. He said he felt that the majority of those who criticized the resort oppose any development over the aquifer, not just the proposed PGA Village” and that comments “received at more than 60 public meetings across the city have convinced him that critics of the development are in the minority.”

Dec. 9, 2001 (1B)     **“Aquifer guru rejected for PGA study.”**

“The city’s top negotiator on the proposed PGA Village project has apparently ruled out hiring one of the foremost experts on the Edwards Aquifer to do an independent review of the development’s environmental impact after elected officials discussed the project in secret.”

According to Houston attorney Joel White, a member of the Freedom of Information Foundation of Texas, it would be a “clear violation” of the Texas Open Meetings Act “if a decision was made not to hire a particular consultant” at the closed meeting held by City Council on Nov. 15. “The city attorney’s office closed the meeting to the public, claiming it fell under an exemption...that allows closed-door discussions regarding real estate.”

Assistant City Manager Chris Brady would neither confirm nor deny reports that he had “ruled out using George Veni, a well-known hydrogeologist and a top expert on the Edwards Aquifer.” Councilman Carroll Schubert, “who has endorsed the PGA Village project, acknowledged he objected when Veni’s name was mentioned” because Veni had signed an affidavit “at the request of an attorney who is organizing opposition to the project” which stated that “based on studies of nearby land, it was likely that the property contains a significant number of caves, karst features and endangered species. Karst is a type of topography formed over rock that is characterized by caves, sinkholes and underground drainage.

“But according to Dawson’s company and another firm hired to survey Lumbermen’s property, no federally protected invertebrate species have been found on the land. At the time Veni signed the affidavit in October, Dawson had publicly acknowledged only one cave on Lumbermen’s land. He has since said that the property contained two caves and at least eight other features that could turn out to be caves.” Schubert reportedly said he thought Veni “has a conflict of interest in doing what I would call an independent study on behalf of the city. I think he’s already indicated a preconceived bias.”

“Veni said that while he opposes development over the recharge zone, he does not consider himself to be an environmentalist or an activist.

“‘I reject that label because I’m a scientist,’ he said. ‘I specialize in karst, which is the most environmentally vulnerable type of terrain on the planet. If I’m going to be an honest scientist I need to reflect that in my work.’”

Dec. 13, 2001 (5B) **“A&M professor gets nod to review resort studies”**

“Assistant City Manager Chris Brady told a City Council committee Wednesday that Christopher C. Mathewson, an A&M geology professor since 1971, has been identified by several sources as being qualified and independent enough to fairly assess the geological work done on the proposed PGA Village.”

Dec. 14, 2001 (1E) **“Council reshapes tax breaks ... reduces amount of aquifer land that can be covered”**

“Following an emotional debate demonstrating how significant the issue of aquifer protection has become, the City Council decided Thursday against eliminating tax abatements for recharge zone developments but reduced the amount of land that can be covered by concrete or other impervious surface to qualify for such breaks.”

Under rules adopted in 1995, developers with “grandfathered” rights did not have to leave any ground uncovered, those seeking permits could not cover more than 65 percent with “impenetrable surfaces” and those in the city’s extraterritorial limits were set at no more than 15 percent impervious cover.

“After lengthy review, staff recommended that those limits be changed to 65 percent for developers with ‘grandfathered’ rights to build on the entire tract and at 45 percent for developers who didn’t yet have permits. But the council voted, through an amendment by Councilwoman Bonnie Conner, to reduce the limits to 30 percent” in both categories, retaining the 15 percent limit for developments in the extraterritorial jurisdiction.

“Mayor Ed Garza, who in 1997 proposed that tax abatements be abolished over the recharge zone, urged that all three categories be limited to 15 percent because studies have shown water quality begins to diminish when larger chunks of a development are covered.

“But he ended up voting for Conner’s proposal Thursday, saying it would be ‘a huge step’ toward encouraging environmentally responsible projects over the recharge zone. Also voting with Conner were Bobby Perez, Toni Moorhouse, Enrique Martin, David A. Garcia and Enrique Barrera. Voting against it were John Sanders, Julian Castro, Carroll Schubert and David Carpenter. Sanders and Castro said the city shouldn’t encourage development over the aquifer at all. Schubert appeared concerned over whether the restrictions were too severe; Carpenter cast his vote without comment.”

“The new rules will not apply to the proposed PGA Village golf resort, but different standards are being negotiated for that development.”

Dec. 21, 2001 (8B) **“PGA deadline irks opponents”**

“The City Council angered environmentalists Thursday by commissioning a three-week evaluation of geological studies already performed on the controversial PGA Village project to assess the environmental risks the proposed resort poses.”

“‘The mayor promised us a valid study would be done, not a Mickey Mouse study,’ said Annalisa Peace, a longtime advocate for protection of the Edwards Aquifer recharge zone. She and other opponents said a Jan. 10 deadline for the study does not give the city's consultant enough time to analyze geologic data from the site. Without an independent site survey of the 2,855-acre tract for the proposed PGA Village resort, the study is useless, Peace said.”

“But council members argued they had made a responsible decision by hiring a geologist to assess studies done by developers.”

## **2002**

Jan 6, 2002 (1A) **“Garza ally owns land near PGA. City, Powell talk about adding area to district.”**

“Top city staff members have met with Gene Powell, a developer and [Mayor Ed] Garza's primary financial backer, about adding almost 1,500 currently vacant acres that he and others own to the proposed special taxing district in Northeast Bexar County.”

“City staffers confirm talking to Powell—who chaired the finance committee that raised more than \$720,000 last year for Garza’s successful mayoral campaign—about including a 1,498-acre property known as Indian Springs in the district. But both Garza and Councilwoman Bonnie Conner, who chairs a committee that has monitored negotiations on PGA Village, said they were unaware city staffers were considering expanding the project’s boundaries” to include a 1,498-acre property known as Indian Springs.

Garza reportedly said it would be difficult to justify subsidizing a residential development such as Indian Springs over the recharge zone. “‘It’s been touted as a PGA Village scenario,’ Garza said. ‘It’s my goal that it be restricted to that.’”

Powell, who with other investors, is owner and developer of Indian Springs said Brady “asked him about two months ago if he would consider including Indian Springs in the special taxing district, but he has heard nothing from the city since.... But Brady said the proposal to add Indian Springs had a different origin. He said the city was trying to buy land last year from the Indian Springs partners and from Lumbermen’s with Proposition 3 sales tax money.... But discussions over land prices switched into talks about accepting land in exchange for inclusion in the district, the assistant city manager said.”

“The city might consider adding Indian Springs to the taxing district so it could gain additional land to set aside as open space, Brady said.”

Jan 8, 2002 (1B) **“Garza says won’t back a larger taxing district”**

After asking for details on a proposal to expand the taxing district “to include property his

campaign finance committee chairman partially owns,” Mayor Ed Garza “said he was ‘clearly opposed’ to the idea of expanding the PGA Village development to include adjacent property being developed as Indian Springs.”

“Garza said he has not even decided whether he will support the resort deal in its current form with no expansion.”

Jan. 9, 2002 (1B)      **“Adjacent land is off limits for PGA. Activist group vows petition”**

According to a memo circulated by Mayor Ed Garza, six of the 10 council members agreed not to expand the boundaries of the PGA Village golf resort to include property “owned by the mayor’s campaign finance committee chief or anyone else.” Councilman Julian Castro “abstains on resort issues because the law firm he works for has worked with the PGA Village developers. Council members Carroll Schubert, David Carpenter and David A. Garcia also didn’t sign the memo.”

“Staff members said that expansion was evaluated largely because it would add undeveloped land for the city to manage.”

“Also Tuesday [Jan. 8], a decades-old aquifer protection group was revived and said it would lobby the council to oppose the PGA plan and buy the land with an expanded sales tax. Fay Sinkin, speaking for the Aquifer Protection Association, said the group would urge the council to call for a vote on the subject in May, threatening a petition drive calling for a vote on expanding the sales tax in November. Sinkin said the group also would circulate petitions calling for a vote to reverse any council decision to approve the PGA Village project.

“‘We’re taking the gloves off,’ said Sinkin. A petition drive would require the support of 68,000 registered voters, but Sinkin believes the association can find them because the public has so consistently opposed development over the aquifer. Supporting the association’s efforts were the San Antonio Conservation Society, the Esperanza Environmental Justice Project, former Councilwoman Maria A. Berriozabal, neighborhood activist Ernani Falcone and other groups.”

Jan. 10, 2002 (6B)      **“The mayor was right to oppose including campaign fundraiser’s land in PGA resort talks.”**

In an editorial, the Express-News noted that potential conflicts of interest “are constantly lurking in the background of any political system that depends on campaign contributions to function. Mayor Ed Garza avoided one such controversy by opposing the idea of adding land to the proposed special taxing district sought by developers who want to build a golf resort north of San Antonio.” The mayor’s position, the editorial said, “should help the debate proceed on the merits of the original golf resort proposal, although more complicating distractions are always a possibility.”

Jan. 11, 2002 (1A)      **“PGA Village gets consultant’s nod. Geologist tells City Council planned resort is no threat to water.”**

“The proposed PGA Village resort would be environmentally sound and would not harm San Antonio’s drinking water, a consultant hired to review the controversial golf and residential development told the City Council on Thursday.”

“As far as the city is concerned, as a project, I think it's a very good project and a safe project,” said Christopher Mathewson, a Texas A&M engineering geologist, “who also recommended the council approve the project. “If it's properly managed and properly designed, it will be a successful project.”

“Lumbermen's paid for Mathewson's work, but the city chose the consultant, with Lumberman's approval. Environmentalists and other critics questioned the limited scope of Mathewson's review and whether he was given enough time to evaluate the project. Mathewson told Mayor Ed Garza he could have provided a more complete assessment of the development if had more time for his review.”

“Despite Mathewson's endorsement, Garza and Greg Ellis, head of the Edwards Aquifer Authority, said they had yet to receive all the information they need to fully assess the effect of the project on the Edwards Aquifer. The mayor condemned top city staff members for not providing the council with documents it has requested. He also demanded that staffers provide him with the latest draft of the agreement being negotiated with the developer no later than today. ‘We've been provided zero,’ Garza said. The mayor also objected to a city staff-proposed timeline that would have the council review the project behind closed doors next Thursday. The timeline also calls for the agreement to be presented in public Jan. 31 for a possible council decision.

“‘That is very optimistic,’ Garza said. ‘It is just poor public policy.’”

#### Jan. 12, 2002 (5B)     **“Castro severs law firm ties to serve council”**

“Faced with the choice of fully representing constituents or keeping his job with a major law firm whose contracts kept getting in the way of his votes, first-term City Councilman Julian Castro chose his district. Castro, 26, said he resigned from his position as an attorney with the San Antonio office of Akin Gump Strauss Hauer & Feld effective Friday to stop the continuing conflicts of interest that have forced him to abstain on council votes. ‘I want to be able to represent District 7 better,’ said Castro. The councilman said he will continue to practice law, but he's not sure where yet. His old job paid a base salary of \$100,000.”

“Castro, who has opposed tax breaks for developments over the recharge zone, has not been able to deliberate in the [PGA Village] matter because Akin Gump represented developers of the resort in early proceedings.”

“Castro said he's not certain whether his resignation will free him to vote on the PGA development or other issues where conflicts existed. He said he has asked the city attorneys office to evaluate regulations and laws governing conflicts and former legal clients to determine how broad his voting authority will be in the future.”

#### Jan. 13, 2002 (3B)     **“Make up your own mind: PGA Village vote a historic one”**

San Antonio Express-News Editor Robert Rivard wrote a column stating whether the PGA Village project is a good idea or not is not a question to ask the paper's editors.

“Our advice: Make up your own mind, and feel free to express your opinion about the issue or about our coverage in a letter to the editor.

“Our promise: We will undertake any reasonable story or reporting effort to give you the information you need to make an intelligent choice, especially given the speed with which this major project is moving through the bureaucracy toward a council vote.”

“It's no exaggeration to describe the PGA Village choice as one of the most significant decisions City Council has faced in a decade or more in terms of how future development policy over the recharge zone will be set.”

“Sooner than later, the Express-News Editorial Board, directed by Lynnell Burkett, our editorial page editor, and ultimately answering to Larry Walker, publisher and CEO, will publish its position supporting or opposing the project. The other editorial page writers will join Walker and Burkett in their discussions. The board, no doubt, will have met with all interested parties before taking a position. Whatever the board decides, someone will be unhappy.

“I won't be in that debate. Neither will any other newsroom editors. Our job is to direct aggressive, independent reporting, regardless of the Editorial Board's position.

“We also will temper our columnists, allowing them to weigh in independently on the issue, as Rick Casey and Carlos Guerra already have, but making sure they don't return to the issue over and over again and, unwittingly or not, end up becoming voice pieces for partisans on one side or the other.

“I won't tell you what I think about the merits of the PGA Village, but I will tell you that I don't believe citizens would have a voice in the debate if we did not relentlessly pursue the issue. If you think the public's business is conducted each Thursday in City Council chambers, I suggest you attend a meeting.

“The real business is often done out of public view. Developers and well-paid lobbyists, who wield enormous influence on individual council members and the mayor, negotiate the elements of any deal, in effect, behind closed doors.

“While they are at the table with City Hall staff, insiders also are working aggressively to win individual votes from elected officials. They, in turn, consider what's in it for their respective districts, their constituents and how a vote on one deal might influence the outcome of another project. Major votes such as the one now looming can have great impact on their districts and political fortunes.

“Our job is to try to find out what transpires behind those closed doors. We don't get it all, and we don't always get it right, but don't think we're not trying.”

Jan. 13, 2002 (1B)     **“Extension of land tax considered. Could be earmarked for aquifer protection.”**

“Several council members and civic leaders say extending a sales tax to buy sensitive land in the Edwards Aquifer recharge zone is the smart thing to do, and the increasing controversy over

building a PGA Village golf resort may provide the momentum to keep the levy” known as the Proposition 3 tax, which was approved in May 2000. “It was the only one of the four city tax propositions on the ballot approved that year.”

“The land acquisition tax, implemented in October 2000, is scheduled to end as soon as it raises \$65 million, which officials estimate will be sometime in 2004.”

“‘It’s kind of ridiculous to expand it,’ Bob Martin [president of the Homeowner-Taxpayer Association of Bexar County]” said, adding that there’s no way to protect all the sensitive land over the recharge zone. Regulation is the answer to protecting the aquifer, not increasing taxes.”

“Char Miller, chairman of the history department at Trinity University and author of a new book on the environmental history of San Antonio, said he believes a sales tax extension would pass regardless of whether the council acts on the resort proposal.

“‘As the community demonstrated by its overwhelming support for the first Proposition 3, we have finally reached the point where we understand the absolute necessity to protect this cherished natural resource,’ Miller said. ‘If we don’t, we will imperil the future of this city.’”

#### Jan. 14, 2002 (1B) **‘Smart Growth Coalition’ may seek referendum**

“Reacting to what it calls a grave threat to the Edwards Aquifer, a newly formed civic group warned Sunday that if the City Council approves a controversial North Side golf course project, a petition drive will be immediately launched to block it. ‘We’re telling the council not to approve this, and that if they do, we’ll gather signatures to force a referendum,’ said Fay Sinkin, former president of the Aquifer Protection Association. ‘We’re organizing for a petition drive that will be ready for the March 12 primaries.’

“She said 68,000 signatures of registered voters would be necessary. Representatives of a dozen groups, including the League of Women Voters, Sierra Club, COPS, Metro Alliance and two North Side neighborhood associations, held a meeting closed to the media Sunday and formed the ‘Smart Growth Coalition’ to oppose the project.

In response to Lumbermen’s warning that “if the resort is not approved, it will exercise its right to build up to 9,000 homes on the site,” former City Council member Maria Berriozabal, “who was among those who met Sunday at Sinkin’s apartment, said the council should not be intimidated. ‘We want six City Council members to turn it down. It’s a bad idea,’ she said. The council has a lot of options. They must say no to the golf course. I think the 9,000 homes is a bluff,’ she said. She said the only things the resort project will do for San Antonio is ‘bring low wage jobs and pollute the aquifer.’ Opposition is broad-based and deep, she said. ‘There is a wide group of individuals and organizations, from the Conservation Society to COPS-Metro, and we’re united in that we don’t want it,’ she said.”

“Beyond urging the City Council to turn down the project, the newly formed group is recommending that the city use extra sales tax money designated for aquifer protection to acquire the project site. “‘The fairest way to resolve this is for the city to buy Lumbermen’s property at fair market value,’ Sinkin said. ‘And, the city should also assist Lumbermen’s in finding a suitable substitute site for their project.’”

“We’re livid about this. We’re telling the council not to approve it. And if we get the signatures, they can’t ignore us.”

Jan. 16, 2002 (1B) **“PGA Village forum set at City Hall. Residents invited to air concerns about the development.”**

“Mayor Ed Garza insisted on holding the forum [in City Council Chambers] as part of the city’s review of environmental studies that developers completed on the property proposed for the resort.” His policy chief “said the mayor wants to make sure anyone concerned about the environmental impact” of the PGA Village “has an opportunity to talk about their concerns.”

Among those available to answer questions are: Texas A&M University geology Professor Christopher Mathewson who assessed the environmental studies done by the developer, officials from the Edwards Aquifer Authority and the San Antonio Water System, and representatives from the developer’s engineers, Pape-Dawson Engineers.

Jan. 17, 2002 (1A) **Public forum draws about 140 people; none who spoke were in favor of the resort.**

“Former Councilwoman Maria Berriozabal noted the resort is being proposed for one of the most sensitive areas of the recharge zone. It also will use a public subsidy to draw low-paying jobs to an area that should not be developed, she said. ‘How on earth did we get here? I’m so disappointed,’ she said as the crowd erupted in applause.”

“Garza twice had to caution the lively crowd that he was not looking for opinions about the project. ‘I know there are strong feelings on this issue,’ he advised the crowd once. ‘I don’t need to be convinced of that. Let’s ask questions.’”

“By the time the 2-hour forum ended, more than 50 questions were asked, touching on everything from how many aquifer recharge features would be sealed by the proposed resort to how much surrounding development would be triggered by the PGA project.”

The questions raised and details of the agreement being worked out between the city and developers “have convinced Councilwoman Bonnie Conner that the council needs more time before voting on the project. ‘We have a long way to go to clarify a lot of these issues,’ she said.”

Garza said the council would have a closed session later in the day to discuss legal issues surrounding the agreement. “Garza promised that once that agreement has reached its final form, it will be released to the public and another hearing will be held to see that the public’s concerns are fully addressed. Earlier Wednesday, he predicted the development agreement could be ready for public review by the end of the month.”

Jan. 18, 2002 (1A) **Council still has questions on PGA, including bird habitat. Developers say only two golden-cheeked warblers sited in five years; habitat for endangered birds “very marginal”**

“Council members met behind closed doors for two hours Thursday to discuss the proposed PGA Village but they emerged saying they had more questions than answers about the project.”

“Mayor Ed Garza said he named council members Bobby Perez and Bonnie Conner to a subcommittee that will focus on getting answers to remaining questions.” Staff submitted an agreement in “very rough draft form” for review. “But once key questions are answered, it should be ready to submit to the public for review, which the mayor hopes can be done in early or mid-February.”

One concern centers around the possible presence of endangered species on the property. “The Endangered Species Act requires developers to lessen—or mitigate—a project’s impact on protected organisms through strict regulations at the site or by purchasing additional habitat that the endangered species uses and setting that land aside for protection.”

The draft plan would allow Lumbermen’s to claim the 1,100 acres it intends to transfer to the city as “mitigation credit.” It also would allow the developer to be paid “fair market value” for the property through revenues collected from the taxing district. “The city has estimated that the 1,100 acres is worth \$8 million to \$22 million on the open market.”

“The habitat mitigation issue troubled several council members, including [John] Sanders, Conner and [David] Carpenter. Sanders said if the land offered to the city cannot be built on anyway, the city might need to seek more land as compensation. Conner said council had not decided whether the developers should be allowed to retain mitigation credits for transferred land.”

“Developers, in a written statement issued Thursday, said they would comply with the demands of the Endangered Species Act. They said they have no plans to make improvements on one edge of their property where at most two golden-cheeked warblers have been observed over the past five years. No nesting warblers ever have been observed at the site and the area where the two birds were seen was graded as ‘very marginal’ habitat at best, the Lumbermen’s statement said.”

#### Jan. 20, 2002 (1A) **Mayor to seek extension of aquifer tax.**

“Mayor Ed Garza, acknowledging the growing controversy over the proposed PGA Village golf resort, announced Saturday he’s pursuing a May election to let voters decide whether to give the city more money and power to buy environmentally sensitive land over the Edwards Aquifer. While he insisted the move is ‘on a separate, parallel course’ from the PGA Village issue, Garza said city leaders must listen to the outcry over placing a posh resort community over the city’s primary source of drinking water.

“‘PGA (Village) has certainly brought a lot of attention to development over the (aquifer’s) recharge zone,’ Garza said. ‘I’d like to use that as an opportunity to listen to the voters and constituents in this community that have brought this issue to the surface.’

“Garza received enough council support on a memo he circulated Friday to raise the issue at the Jan. 31 City Council meeting. The council will decide whether to authorize a May referendum to extend by five years the current 1/8-cent sales tax that was approved in May 2000 to buy land over the aquifer’s recharge zone.”

“Opposition to the PGA Village project appeared to coalesce last week with the formation of the Smart Growth Coalition, a wide-ranging group that includes environmentalists, architects and

community activists.”

“Although many in the community had not heard about the proposed ballot item, any applauded the idea,” including Fay Sinkin of the Aquifer Protection Association and Father Walter D’Heedene, a leader in Communities Organized for Public Service. “Final language for a May ballot proposal must be determined by Feb. 7.”

Jan. 20, 2002 (2G) **“PGA issue a defining moment”**

Editorial Page Editor Lynnell Burkett in a column wrote: “Many think this squabble is about whether a PGA Village would be good for San Antonio. I think the debate is, in fact, over the soul of the city in the new century. I think it is a defining moment for how—not whether—the city will grow and whether it will squander what makes it unique.”

The issue is “whether the city of San Antonio will continue aiding and abetting growth over sensitive areas of the Edwards Aquifer recharge zone, the region’s incredibly valuable source of water.”

“Water from the aquifer has been the lifeblood of this city since its founding, providing those who settled here a plentiful and inexpensive source of the precious liquid, protected in a huge and elaborate underground reservoir. Most cities would kill for such a resource.... Yet too many people seem ready to squander it in the name of progress.

“When I first heard that the San Antonio Conservation Society had joined the fight against the project, I was surprised. But then I remembered the organization's role in saving the San Antonio River from well-meaning attempts by "city leaders" to pave it over, and its participation now seems logical.”

“... This generation will be poor stewards if it allows the aquifer to continue to be degraded, refusing to value it as the unique gift it is.”

“Proponents are trying to rush action through City Council before the public fully debates the issue, just as they pushed through the Legislature a bill allowing a special taxing district related to the project. But the City Council will act hastily at its own peril. This issue is no longer out of public view.”

Jan. 20, 2002 (1A) **“PGA deal could be made water-friendly.” Contaminants already course through Edwards Aquifer**

“As the City Council considers the controversial PGA Village golf resort proposed over the Edwards Aquifer recharge zone, contaminants already course through the once-pristine water source for 1.5 million people. Few doubt that continued construction both upstream of and atop the zone will add more pollutants to one of the world's most productive karst aquifers.”

“But the City Council has a rare opportunity in the case of the PGA proposal to insist on strict water quality monitoring to help protect the aquifer. Because the PGA developer, Lumbermen's Investment Corp., is asking the council to approve a special taxing district that would help pay for the resort's infrastructure, the city has a seat at the negotiating table. That's not the norm for other developments in the recharge zone, said Greg Ellis, general manager of the Edwards

Aquifer Authority.”

“The city's bargaining power and Lumbermen's apparent willingness to filter golf course runoff and install a water monitoring system are main reasons Ellis and others believe the proposed resort is acceptable. If approved, the aquifer protection measures would be the most extensive imposed on a development in the Edwards recharge zone, said Bobby Caldwell of the natural resource conservation commission.

“But environmental groups remain skeptical. They point to the fact the monitoring would be left up to Lumbermen's, essentially allowing the developer to police itself.”

“‘One of my concerns is that this will not occur in isolation,’ [karst hydrogeologist George] Veni said. ‘This will generate more growth in that area, and that's part of what it's intended to do. We need to find solutions to address protection of the recharge zone in general.’”

“... Ellis told council members last week that the major concern would be nitrates from golf course fertilizers possibly leaching into the aquifer. Nitrate, a nitrogen compound, is found naturally in water, but its level is increased by the introduction of fertilizers and animal wastes. Excessive nitrates in drinking water can lower oxygen concentrations in the blood of infants to dangerously low levels.

“The U.S. Geological Survey, in a three-year study released in 2000, found in testing 88 Edwards wells that average nitrate levels in the aquifer were 1.7 parts per million (ppm), well below the federal maximum of 10 ppm allowed in drinking water. Despite the relatively low level, the Edwards average nitrate concentration is among the highest 10 percent of major aquifers nationwide, according to the USGS.

“Testing of 59 wells in 2000 by the Edwards authority found the highest levels of nitrate in the farming and ranching country of Uvalde County, where manure and the use of fertilizers is common. But one recharge zone monitoring well in northern Bexar County showed a nitrate level of 3.9 ppm—almost twice as much as the next highest reading of 2 ppm among the 10 wells sampled in Bexar.

Although that well is about a half-mile southwest of one of the Sonterra golf courses, Ellis said there's not any contamination at this point that can be directly attributed to any of the recharge zone golf courses in Bexar. ‘We've started an investigation to try to determine the source of that,’ Ellis said.”

Six golf courses built between 1959 and 2000 are over the recharge zone; most “opened before the state began tightening its aquifer protection measures and, therefore, are exempt from today's tighter standards. Developers of all construction projects on the Edwards recharge zone—not just golf courses—have to submit water pollution abatement plans to state regulators. Inspectors at the state commission review the plan to make sure it meets ‘reasonable’ pollution prevention standards before construction can start.

“The plan must identify any significant recharge feature, such as porous creek bottoms, sinkholes, caves and major fractures. ... The plan has to address stormwater runoff by including such features as sand filtration basins and vegetative buffers.”

“Once the plan is approved, regulators ensure that all its elements are properly installed and working, but their authority over a development's pollution controls essentially ends there. The regional office only recently began conducting sporadic inspections to ensure that the features still are working as designed. Once a project is built, there is no law or procedure that regulates the amount of fertilizers and pesticides that can be applied to the land.

“In the case of the proposed PGA development, however, the city has negotiating power to require strict pollution controls. The city plans on requiring a separate water quality management plan in the development agreement and in the water pollution abatement plan to be submitted to the state.”

PGA Village developers have “agreed to abide by the standards, which don’t exist today for any other golf course on the recharge zone,” Assistant City Manager Chris Brady reportedly said. “The issues of what will happen in the case of noncompliance and its consequences have not been resolved, Brady said.”

#### Jan. 23, 2002 (6B)    **“Studious approach best for PGA plan”**

In an editorial, the Express-News endorsed Mayor Ed Garza’s “studious, tempered approach” to the PGA Village issue as approving or rejecting the proposed special tax district “will have complex ramifications for the city’s economy and future.”

“San Antonio’s leaders must ensure that the city’s interests—environmental and economic—are protected by the specifics of any such arrangements.”

“The mayor has said a public hearing will be held once the final development agreement has been reached. That, too, is the proper approach.”

#### Jan. 23, 2002 (1B)    **“Catholic group fears aquifer risks”**

“The Archdiocese of San Antonio’s Justice and Peace Commission has joined the opposition to the proposed PGA Village golf resort, citing environmental concerns. And while Archbishop Patrick Flores stressed that the 20-member lay commission is an advisory body and speaks for nobody but its members, political analysts said Tuesday that the announcement reflects a rising groundswell of opposition to the controversial project.”

“Peter Monod, director of the archdiocese's Office of Social Concerns, said that at a Jan. 9 meeting, members of the Peace and Justice Commission agreed to oppose the PGA Village project because they believe it would pollute the environment. Commission members decided to put together a statement of opposition based on the principles of Catholic social justice teaching. The statement is still in the works, but Monod said Catholic social justice principles say that Christians should be good stewards over the Earth and its natural resources.

“‘We're concerned about the adverse impact of this project on the city's only source of drinking water, the Edwards Aquifer. Protection of God's creation is a very elementary part of Catholic social teaching,’ Monod said. ‘If the aquifer is polluted, it will negatively impact everybody in this community.’”

“Several of the city's largest business groups back the project. They include the Greater San Antonio Chamber of Commerce, the North San Antonio Chamber of Commerce, the San Antonio Hispanic Chamber of Commerce, the Greater San Antonio Builders Association and the Real Estate Council of San Antonio.”

“‘Catholics are free to disagree over many issues, and this is one of those issues,’ Flores said Tuesday. Asked what his own position is on the PGA Village issue, the archbishop said, ‘I don't think I want to tell you, because it's a very personal thing.’”

Jan. 24, 2002 (8B)    **“EEA schedules session on PGA proposal”**

“The Edwards Aquifer Authority board at its meeting Wednesday scheduled a Feb. 6 special session to hear presentations on the proposed PGA Village development. The agency will invite speakers to the 7 to 10 p.m. meeting at City Council Chambers, where the meeting was moved to accommodate more people.

“‘Everybody is looking to us to tell them if this is a good idea,’ board Chairman Michael Beldon said. ‘We want to hear the facts, and if we feel it's appropriate, we can subsequently take a stand.’”

Jan. 26, 2002 (6B)    **“Councilman to request waiver to vote on PGA”**

“City Councilman Julian Castro said Friday that he will ask Lumbermen's Investment Corp. for a waiver of any professional duties that might still link him to that firm so that he can vote on a golf resort the corporation has proposed in the Edwards Aquifer recharge zone.

“Castro, a freshman council member representing a section of Northwest San Antonio, resigned his post with Akin Gump Strauss Hauer & Feld earlier this month because that firm's large client list, which includes Lumbermen's, was forcing him to abstain on too many votes. Castro said Acting City Attorney Steven Arronge found case law that suggested Castro would be free to vote on matters involving clients of his former employer, but nothing clearly addressed the precise circumstances he faced.

“With that uncertainty, Castro said he agreed with Arronge's recommendations that he seek a waiver from Lumbermen's in the short term and ask the professional ethics committee of the state Supreme Court for an official opinion about the professional obligations that still might stand in the way of his voting rights.”

Jan. 26, 2002 (1B)    **“Loophole looms large in golf plan.”**

“A regulatory loophole created in 1994 could allow developers of an environmentally sensitive parcel of land over the Edwards Aquifer recharge zone to cover it with houses, apartments and businesses if their plans for a controversial golf resort fall through, officials said.”

“Without the exemption, the city's 1995 water quality ordinance would limit development on the property by imposing a 15 percent limit on the amount of impervious cover used in the project, such as cement foundations or driveways. But despite the city's decision to give Lumbermen's the flexibility to develop the sensitive land more intensely, former and current elected officials said that opportunity would not have arisen if the intent of a Sept. 8, 1994, moratorium had been

honored.” [See “1994” for more details on this story.]

Jan. 26, 2002 (6B) **“Backers say petition moves very quickly”**

“A petition drive calling for either an outright ban on the creation of special taxing districts on the Edwards Aquifer recharge zone, or a public vote on the issue, has started off strongly, a spokeswoman for the sponsoring organization said Thursday. ‘It’s going great guns,’ Fay Sinkin of the Aquifer Protection Association said of a petition drive started Wednesday [Jan 23].”

“The association’s petition calls on the City Council to ban all special taxing districts on the recharge zone, not just the district for PGA Village. If the council does not act, it should schedule a public vote on the issue, the petition says. The association needs about 68,000 names on the petition to force the council to consider it.”

Jan. 27, 2002 (3A) **“How the city could avoid war over PGA Village development”**

In his column, Rick Casey proposes a solution that would allow the PGA “to build a golf mecca in San Antonio,” “for developer Lumbermen’s...to make a reasonable profit” and “most importantly, help protect our water”. His solution, which would “require a lot of City Hall leadership and hard negotiations,” is to find an alternative site in the Hill Country that is not on the recharge zone. Casey said a friend he consulted who is a “very successful real estate broker” took him to see several, including one available west of the city, which he said was “beautiful.”

Jan. 27, 2002 (1A) **“PGA might cut bird habitat.” Review counters developer’s claims.**

“The proposed PGA Village resort would result in the loss of habitat for the endangered golden-cheeked warbler, according to a review of federally required bird surveys. That’s contrary to what the developer of the proposed golf and residential project in North Bexar County has declared.”

PGA Village engineer Gene Dawson Jr. “said he was confident the development would not affect any occupied warbler habitat. But that differs from bird studies of Lumbermen’s land on file with the Austin office of the U.S. Fish and Wildlife Service” that were obtained through a Freedom of Information Act request file by the San Antonio Express-News.

“Most of the proposed resort would be built” on a parcel where “warblers were found during four spring breeding seasons in the late 1990s.”

“Seven of the 19 places where the birds have been documented could be lost to resort development.” Six are in areas planned for golf courses; the seventh where housing is planned.

“Dawson and Lumbermen’s officials have offered conflicting information on endangered species habitat in the past. Until recently, they said the only warbler habitat on the property would be transferred to the city. In the past two weeks, Dawson has said there could be as much as 300 acres of warbler habitat on Lumbermen’s land, but the company did not intend to develop any occupied habitat. An official Lumbermen’s statement issued earlier this month stated that ‘one or at most two’ warblers were observed on the edge of its 1,812-acre tract over a five-year period. The statement also said Lumbermen’s planned to avoid any improvements near where the birds were spotted.

“There is additional evidence in the documents provided to the city by Lumbermen's that the company's land might have a far greater amount of golden-cheeked warbler habitat than has been publicly acknowledged. In an Aug. 13, 1999, letter to Jim Lassiter, then a vice president of Lumbermen's, C. Lee Sherrod, Horizon's principal, said warblers were ‘tending to favor the central portion of a large potential habitat’ area. Sherrod wrote that he had marked this area on an enclosed map of the 1,812-acre property. However, that document does not exist in the collection made available for public inspection in the basement of City Hall. Sherrod further stated in the same letter that the federal government ‘would consider the entirety of the identified potential habitat where the birds have been sighted to be occupied habitat.’ Vegetation north and south of where the birds have been sighted was similar to where the sightings have occurred, and the company likely would have to get permission from the U.S. Fish and Wildlife Service to develop this property without violating federal law, he wrote.”

“In an interview Wednesday, [Lumbermen’s executive vice president John] Pierret said he could not say exactly how much warbler habitat Lumbermen's has on its land. Pierret said Lumbermen's would not present its development plans to the federal fish and wildlife agency until after the council makes its decision on the taxing district. ‘If we're not going to do the PGA Village, we'll go with a different kind of plan,’ he said.

“Asked why the city should allow tax money to be used to purchase land that Lumbermen's might have to set aside anyway, Pierret paused before replying: ‘Why not? It still has value.’”

David Frederick, supervisor of interior Texas operations for the federal agency charged with protecting endangered species “would not comment on whether the proposed resort would result in the loss of endangered species or how much habitat Lumbermen's might have on its land. He said that if the mayor contacted him, he would look into the question. ‘We try to work something out for the development community, the city and the species so everybody walks away saying, ‘Kumbaya,’ but until somebody requests something there's not much I can do,’ he said. Garza said that he may take Frederick up on his offer, especially if Lumbermen's does not provide the city with the requested bird surveys and related reports.”

Jan. 27, 2002 (1K)     **“Golf resorts promise to lure spenders even as they raise fears of saturation.”**

“... [W]hile citizens of the county and San Antonio City Council members wrestle with the environmental and land use issues attached to the 2,800 acres in question, golf and tourism industry insiders wonder what three new high-end golf courses will mean for the sport in the city. Golfers played more than 1.3 million rounds at more than 30 courses in the San Antonio area last year, an increase in rounds of 30 percent over 1995 estimates. About half a dozen courses opened in the area in the last half of the decade.

“Can the San Antonio golf market bear the competition of the PGA Village courses and resort hotels, or does a new player in the game raise the level of exposure for all courses in the city? The answer to that question is not easy to pin down.”

Jan. 27, 2002 (3B)     **“‘Pro-San Antonio newspaper’ doesn’t mean boosterism”**

In a column, San Antonio Express-News Editor Robert Rivard wrote about an issue that

“bubbles below the surface” of the PGA Village debate: “Some business leaders and developers are deeply unhappy with Express-News coverage. Average citizens, even those who are well read on the PGA Village project, might be oblivious to this intensifying discussion, but the pressure is palpable to many of us in the newsroom.”

“Developers, of course, have as much right to see their story told in the newspaper as any community group opposing the project. Our coverage surely has had its flaws. It never is perfect. Over time, however, the coverage will prove to be fair, balanced and in-depth. You won't get it anywhere else, either.

“Some in the city's business and development establishment do not understand why the Express-News cannot be a more positive booster. Directly and, more often, indirectly, I hear the complaint repeated: Why can't the local newspaper get on board?

“We can't because that is not our job.”

Jan. 28, 2002 (1A)   **“Neighbors see good, bad in proposal”**

In addition to sparking “a fight between developers and environmentalists,” the “controversial PGA Village proposal is also creating a divide between residents and the owners of businesses near the planned site north of the city.”

“Some say they don't want the 2,855-acre luxury development because of its location over the Edwards Aquifer recharge zone, its demands on infrastructure and its potential to attract even more growth. Many others, though, see the course as the lesser of two evils and welcome it because of its promised economic boon and the possibility of a boost of property values. The PGA developer has said an alternative to building the resort would be the construction of up to 9,000 homes, but there are differing accounts as to whether such a dense development would be possible.”

“Sandra Snyder, who lives and works in the vicinity of the site, said she thinks a golf course would be better than a large housing tract. ‘It is a hot topic, and we're divided,’ she said of her neighbors. ‘Golf courses and resorts tend to make (nature) preserves. Ecologically, it's more sound to put in the PGA. Economically, it will be better for those of us who own property in the area.’ Two of the largest homeowner associations in the area—Encino Park and Emerald Forest—have not taken a formal stance on the issue.”

“Despite assurances from Lumbermen's that the resort would be environmentally friendly, critics of the deal fear that pesticides and chemicals from the golf courses could harm the aquifer. They also point to the likelihood that the development would attract further growth in the area, adding to the aquifer risk. Those in the area are familiar with the recent development boom. For example, across U.S. 281 sits Stone Oak. In development for about 20 years, the neighborhood includes more than 5,000 homes, thousands of multifamily units, commercial development and three golf courses.”

Jan. 29, 2002 (1A)   **“Three chambers back PGA Village plan”**

“The city's three major chambers of commerce threw their support behind the proposed PGA Village golf resort Monday. Officials of the Greater San Antonio Chamber of Commerce, the

North San Antonio Chamber of Commerce and the San Antonio Hispanic Chamber of Commerce made their joint announcement during a San Antonio Express-News Editorial Board meeting.

“Charles Martin Wender, chairman of the Greater San Antonio Chamber of Commerce, said the project, planned for the Bulverde Road-Evans Road area, received the chambers' collective blessing only after the organizations were convinced by the city's engineer that the project would not pose a danger to the Edwards Aquifer, the city's sole source of drinking water.”

“Not only would the development raise the bar on what goes on over the aquifer, said Wender, the Greater Chamber's chairman, but it would draw a community to San Antonio that does not come here now. ‘More importantly, the people that come to these resorts are decision makers,’ he said. ‘These are people who are making decisions about where to put their businesses.’

Jan 31, 2002 (1B)      **“Garza seeks PGA land alternatives. But the developers want to keep the current site.”**

“Mayor Ed Garza said Wednesday [Jan 30] he wants to find another location to recommend as a site for the PGA Village resort in case the current proposal involving land over the Edwards Aquifer recharge zone falls apart. ‘My main goal is to get the PGA to San Antonio,’ said Garza, who hasn't declared his position on the current proposal. ‘I want to make sure we have different options in making that happen.’

“However, an official with the Professional Golfers Association of America essentially dismissed the idea Wednesday night. ‘We'll stick with it (the current plan) through thick and thin,’ said Steve Braley, the PGA's senior director of properties. ‘It's irresponsible for us to think about doing this independent of Lumbermen's and Marriott hotels.’ “

“Braley said the PGA has a ‘moral obligation to continue to be a good partner to Lumbermen's because they've been a good partner for us.”

“San Antonio Express-News columnist Rick Casey has reported on a possible land swap that would allow the city to acquire Lumbermen's acreage in Northeast Bexar County in exchange for property 25 miles west of downtown San Antonio that would be appropriate for the kind of resort PGA envisions. That land is not over the recharge zone.

But John Pierret, Lumbermen's executive vice president, said Wednesday his firm was not interested in a land swap with the city and believes the current proposal is still the best option. Pierret said PGA officials examined five or six sites in Bexar County before settling on Lumbermen's property two years ago. He said the PGA and Marriott liked Lumbermen's site for several reasons, primarily its proximity to the airport and its natural beauty.”

Feb. 1, 2002 (1B)      **“City to hire legal help to evaluate PGA resort.” Could push vote on project to March**

City Manager Terry Brechtel recommended Houston environmental Jim Blackburn “be brought in to examine the environmental components” of the PGA development plan. Blackburn “developed a good reputation with the city while working on its water quality ordinance in 1994 and 1995, Brechtel said.”

“Blackburn's examination and other reviews planned for the resort proposal mean the council is not likely to have all its questions about the resort answered until late February or early March, Mayor Ed Garza said. He has promised the public will be given an opportunity to evaluate the development plan before the council votes on the politically supercharged issue.”

“The council so far appears to be split on whether to approve the project. Several council members said that more questions had been answered or were in the process of being answered.”

“The mayor said that while he has yet to make up his mind about the existing proposal, he wants to press PGA officials about the possibility of moving to an alternative site off of the recharge zone if the current proposal is voted down. Garza said he wants PGA officials to understand the political climate in the city and the depth of concern that exists about development over the aquifer.

“Opponents of the resort have promised to seek a public vote by petition that could reverse any council decision in favor of the resort. The mayor said that poses a risk to the project and should be grounds for the PGA to consider other options.”

Feb. 2, 2002 (1A)      **“Garza cool to PGA site proposal.”**

“Mayor Ed Garza said Friday he can't support plans outlined for a golf resort over the Edwards Aquifer recharge zone as the proposal now stands, and he hopes PGA officials will consider alternative sites when he presents that idea to them next week. ‘I want to communicate my sincere desire to have PGA in San Antonio,’ Garza said at an editorial board meeting of the San Antonio Express-News.

“He said he wants to create a "win-win-win" situation, where environmentalists, developer Lumbermen's Investment Corp. and the Professional Golfers' Association of America all are satisfied.

Earlier Friday, San Antonio golfers took to the steps of City Hall to urge council members to support the project as proposed. ‘Golf San Antonio believes that the team behind the PGA Village project will bring responsible growth to our community,’ said Ernesto Ancira, a San Antonio auto dealer and chairman of Golf San Antonio, which oversees the Texas Open.”

“The mayor has been reluctant to take a stand on the project while it's being negotiated, but when pressed Friday said he has several concerns about the proposal. They include whether the water quality monitoring plan is adequate, whether recycled water should be allowed at the resort and whether the developers are willing to contribute financial assistance to inner-city projects and other council priorities. Garza said he could be persuaded to support the project if his concerns are resolved, but the review of the project cannot be rushed.

“The mayor said his office has been flooded with calls from people interested in providing alternative sites for the golf resort and teaching center proposed by PGA.” Officials of PGA say the group has a “‘moral obligation’ to keep the relationship [with Lumbermen’s] intact by rejecting any alternate plans. But Garza said he, too, has a moral obligation ‘to represent and reflect what I’m hearing in the community.’”

“He said that with a citizens' petition drive already under way to block the proposed resort in the recharge zone and a second anti-PGA petition possible, the association needs to understand that its current proposal is facing a long fight, a fight it could lose if it ever reached a public vote. ‘I think if they understand that, they would be more willing to consider options,’ Garza said.”

“Garza advised the council in a memo Friday that his top priority for the coming weeks will be to pull together a broad management plan for the recharge zone so governments can do a better job or limiting the effect of development in the zone. That plan has been recommended by city advisers since 1994, but has never been acted on, the mayor said.

“He said he also wants to find money to protect ‘the vast majority of the aquifer recharge zone that lies outside of Bexar County.’ The city's acting attorney has ruled that the city cannot buy recharge zone land outside of the county with money from a sales tax that was enacted in 2000 to purchase Bexar County land in the zone. Garza has proposed an extension of that 1/8-cent tax so \$100 million could be raised to buy more recharge zone land. He wants that issue to go to the voters but said it may not be proposed in May as originally outlined.”

Feb. 3, 2002 (9A)      **On SB 1629: “Golf resort avoided rough in Austin”**

“Bexar County lawmakers who supported the legislation that made the PGA Village project possible had no inkling it would become so controversial. Some remain solidly behind the proposed 2,855-acre, \$500 million golf resort in North Bexar County. Others now have doubts, and at least one is against it.

“Still, they contend, the law the Legislature approved is working as intended, as a vehicle that allows San Antonio to either cut a deal with the developer, Lumbermen's Investment Corp., or reject it.”

“While details are yet to be laid out, one lawmaker raises a broader question in hindsight: Can such a complex issue be assiduously debated in a 140-day legislative session amid the crush of thousands of bills and events? Against that frenzied backdrop, SB 1629, which authorized the Cibolo Canyon Conservation and Improvement District, also known as PGA Village, caused no sirens to go off in the 77th Legislature last year.

“Lumbermen's lobbyists laid out the proposed bill to Bexar County lawmakers early in the session that opened Jan. 8, 2001. Rep. John Shields, in whose district the Cibolo Canyon land lies, filed the enabling legislation, House Bill 1455, one month later. Sen. Jeff Wentworth, who authored the companion bill in the state Senate, moved a bit slower. He sent a draft of the bill to the City Council, which voted to back the legislation March 8.

“Wentworth filed his bill the next day and 18 days later, it sailed through the Senate Intergovernmental Affairs Committee, chaired by another San Antonian, Frank Madla. No one testified against the bill, but three witnesses, one of them City Councilman David Carpenter, testified for it. On April 10, the Senate adopted SB 1629, 29-0, and passed it to the House, where it briefly became enmeshed in politics.

“Referred to the House Natural Resources Committee, SB 1629 - not Shields' HB 1455 - became the vehicle on which Cibolo Canyon would ride or fall. And Rep. Robert Puente, a member of

that committee and dean of the Bexar delegation, became its sponsor. Shields says fellow Republican Wentworth asked committee Chairman David Counts and House Speaker Pete Laney to let Puente carry the bill, to ‘get credit for it.’”

That same day, during Fiesta Week, a reporter asked Wentworth about the eminent domain provision in SB 1629. The senator said he was embarrassed, admitted he didn't write the bill and called the provision—giving developers sway over property within 3 miles outside district boundaries—a ‘sore thumb.’ He then asked Puente to delete the eminent domain clause and Puente did so. The committee OK'd it and sent SB 1629 to the full House. Again, no one testified against it.

But Wentworth's remarks ignited a brief conflagration—a forerunner, perhaps, of what's happening now—especially among property owners abutting the Cibolo Canyon district.

Sister Bernie Barrett of Metro Alliance, “one of PGA Village’s most vociferous opponents” who lobbied the Legislature in 2001 on the city’s proposed Better Jobs program and other issues, “admits SB 1629 wasn’t on the COPS/Metro Alliance radar screen, but wonders: ‘What were (Bexar legislators) thinking? They should have known people would be upset about this. Why didn’t they tell us?’

For the record, the story was covered by the news media. And state Rep. Mike Villarreal raised questions in May about the potential impact on the city’s water. But he voted for SB 1629 when the House approved it, 140-0, on May 5. He chose not to challenge the bill in a floor fight after then-Mayor Howard Peak wrote him that he could ‘meet with the city's negotiating team throughout the process,’ Villarreal recalls. ‘That has not happened.’”

Bexar County Rep. Carlos Uresti “says the PGA Village brouhaha raises questions about whether such controversial, complex issues can be fully debated in a single legislative session. ‘Issues as important as this need to be discussed in-depth in the interim,’ or between meetings of the Legislature, Uresti says. ‘I don't think we realized the magnitude of this.’”

Feb. 3, 2002 (3A)     **“PGA question neither staff nor chambers asks: The price”**

Columnist Rick Casey draws a comparison between the contract negotiations in the late 1980s, under then-Mayor Henry Cisneros, over “what was to become one of the most controversial of a notorious list of contracts that would later come to include BIH and Yanaguana.” It later came to light that the city’s budget officer had been excluded from the negotiations. The city’s top leadership, including Mayor Cisneros, “didn’t want to know the numbers, which turned out to be many millions higher than presented. They had made a deal with the [city’s powerful police] union.”

“Now we see the same dynamic. Ironically, it’s not the mayor who is determined to get the deal. It’s the business leadership. All three major chambers of commerce have come out strongly for Lumbermen's Investment Corp.'s proposed PGA Village resort project—yet none has seen even a draft of the agreement with the city, and none has expressed any interest in a question inquiring business minds should want to know. What's it going to cost?

“City staff has indicated it has no intention of calculating the cost to the city of allowing Lumbermen's to control, for more than a decade, property, sales and hotel-motel taxes in an area

that the city had intended to annex. We have only rough numbers, and they are daunting.

“In an Express-News Editorial Board meeting Friday, Mayor Ed Garza expressed frustration at being unable to get good information from staff. He used a figure of \$50 million, but he doesn't know if it's a good number. It could be somewhat more. It could be considerably less, as the developers contend. Even if it's half, it raises serious questions.

“Garza knows this. He came prepared with a comparison—the tax abatements and other considerations given by the city for the La Cantera golf and hotel resort and for the Hyatt Hill Country golf and hotel resort, both first-class developments with national reputations. For La Cantera it was \$924,000 and for Hyatt \$2.4 million—a total of about \$3.3 million.”

“At the initiative of Garza and Councilwoman Bonnie Conner, the city is hiring a highly reputable environmental lawyer to look at that aspect of the contract. The city now needs to hire a first-rate economist to do a cost/benefit analysis - possibly with Hyatt and La Cantera as benchmarks.”

“Once we have a handle on the cost of the Lumbermen's proposal, we can talk about its value to the city. If, for example, it costs \$30 million more than La Cantera, we can ask what we are getting. Are the letters ‘PGA’ worth it? Are the 1,100 acres the city would acquire worth say, \$25 million, or about \$23,000 an acre? I don't know the answers, but these seem like questions good conservative businessmen and women would ask if it were their money. Why not when it's ours?”

Feb. 3, 2002 (1A)      **“PGA dishes up political hot potato. City Council members must perform a balancing act.”**

“As they have for decades, city leaders are struggling with the same old question: How to stimulate economic development in a low-wage city while still protecting the water supply, creating good paying jobs and revitalizing the East, West and South sides of town.

“‘It (PGA Village) raises a whole series of big questions that crop up in this city from time to time which many people thought had already been taken (care) of,’ said Heywood ‘Woody’ Sanders, head of the public administration program at the University of Texas at San Antonio.

“The city's business community has lined up in favor of PGA Village as a potential beacon to a new type of tourist—the well-heeled golfer—who would pump money into the economy through hotels, restaurants and shopping. They also note the city could impose stricter development restrictions on the golf resort than it could if the land in far North Bexar County is used for housing.

“Complicating matters are lingering concerns about the impact on the city's primary source of water and the deep-seated skepticism of inner-city residents who long have watched economic development pass them by on its way north of Loop 410. Rather than an inevitable migration to suburbia, they argue that the best schools, stores and other amenities were induced to move north by the placement of political plums such as San Antonio International Airport, the South Texas Medical Center and the main campus of the University of Texas at San Antonio.

“The strain is evident among members of the City Council, who will decide the future of the PGA Village project in the coming weeks. Most council members discuss the project only in broad, general terms and insist they have yet to make up their minds.

Julian Castro, a first-term face on the City Council, believes that, like controversial issues of the past such as the Applewhite reservoir and the Alamodome, PGA Village ‘will have legs in 2003 and 2005 politically.’ So much so, Castro recently quit his job at an influential law firm that has dealings with PGA Village and other city issues in order, as he put it, ‘to represent District 7 better.’

Garza a first-term mayor swept into office with a rare showing of citywide support, has been placed in the odd position of defending his campaign platform for inner-city redevelopment while PGA Village suddenly has become the hottest issue of his mayoral tenure.

Adding to the scrutiny is the fact that two of his closest advisers are linked to the project. Trish DeBerry, Garza's campaign manager, works for the developer, Lumbermen's Investment Corp.; and Gene Powell, his campaign finance committee chairman, owns land next to the property.

Some also warily note the mayor twice has delayed an election on the Better Jobs program, an ambitious job-training initiative backed by inner-city groups who helped elect him, such as Communities Organized for Public Service and Metro Alliance.

But Garza insists his priorities and commitment to what he calls "balanced growth" have not changed and have not been derailed. He notes that there are plenty of people who contributed to his campaign who are against PGA Village and he reminds his detractors he is committed to a November vote on Better Jobs.

Garza, who is known for his good-natured disposition, has shown rare flashes of impatience with city staffers over the painfully slow flow of information regarding the project. In a recent interview, he also expressed a growing intolerance with people who want him to express an opinion on PGA Village, either for or against, sooner than later. ‘This is a decades-old debate that is being highlighted by PGA Village,’ Garza said. ‘I'm not blind to the fact that development is occurring to the north. My job is to focus on balanced growth and remind ourselves of the issues that many officials have brought up before.’”

“History and government experts use the word crossroads when talking about the vote facing City Council. It is not so much a vote on the PGA Village, they say, as it is a sort of public referendum on the longstanding notion in San Antonio that developers get their way more often than not. ‘In the past, development almost invariably triumphed,’ said Char Miller, chairman of the history department at Trinity University. ‘Now we have aggressive arguing to not only stop development but to create what amounts to a vast linear park over the aquifer. That,’ he said, ‘we've never seen before.’

The catalyst can be dated back as recently as the voters' approval of Proposition 3 in May 2000. The proposition, the only one of four to pass, authorized a 1/8-cent sales tax to allow the city to buy environmentally sensitive land over the aquifer to help protect it. ‘It's somewhat of a '90s phenomenon,’ Miller said. ‘People in this city are beginning to realize what it is to live in a semi-arid land with 1.5 million neighbors.’

If approved, PGA Village also could represent a new path of going around City Hall to conduct city business, said Sanders, the UTSA professor. The special taxing district needed to get the PGA Village concept off the ground was written by lobbyists and passed in the Legislature by local lawmakers such as Sen. Jeff Wentworth, R-San Antonio, and state Rep. Robert Puente, D-San Antonio. State Rep. Art Reyna, D-San Antonio, who supported the bill along with the rest of the Bexar County delegation, officially changed his mind about PGA Village last fall and is now urging the city to reject the district and instead buy the land.”

UTSA’s Sanders “said a dangerous precedent could be set for the future if PGA Village succeeds. ‘This opens the possibility that subsidies for new development get slipped through in Austin, where the legislators are not as familiar with the details and much of the Legislature defers to the local delegation,’ said Sanders, who has served as an adviser to the Smart Growth Coalition, which opposes the project.”

Developer Gene Powell disagreed. “He said the taxing district is limited to PGA Village and required so much work in the Legislature and City Council that it would be difficult to replicate. ‘In order to do this again, it would be a very daunting task,’ Powell said. ‘I certainly as a developer wouldn't take that on.’

“[Maria Antonietta] Berriozabal, a member of the Better Jobs executive committee, shares Sanders' concern. She fears the public will grow more skeptical about future tax programs, if developments like PGA Village are seen as receiving tax subsidies. ‘It's very difficult for me to ask a citizen to give their tax money to Better Jobs and then have them turn around and see their tax money go for tax breaks for more low-paying jobs,’ she said.”

#### Feb. 3, 2002 (1G)      **“Line in the sand or golf on the recharge zone?”**

A long article on the Insight section of the Express-News offers an in-depth examination, revisiting the history of the PGA Village development and the long struggles over development in the city.

“Part of the subtext of the PGA controversy is the city's record of being outmaneuvered by wily developers. To a certain extent, PGA Village may be paying for the sins of past deals gone awry, including the last council's decision to award a controversial contract to Yanaguana Cruises Inc., over the objections of city staff. ‘We inherit a history of doing things late and cheap and without awareness of the long-term implications,’ UTSA's Sanders says.

‘The problem is term limits,’ City Councilwoman Bonnie Conner contends. ‘We've focused for the last three years on water issues, but when this council leaves, we'll have to start all over. I'll be out in a year myself.’ Mayor Garza has appointed Conner to chair a committee to examine the environmental implications of PGA Village.”

“Mayor Garza knows how daunting the task [before him] is. At his first meeting as mayor last year he mentioned that one of his priorities was to promote development in the southern part of the city, rather than direct it northward over the recharge zone. Acknowledging the difficulty of directing growth, he quoted from a city planning document: ‘A continuing issue for the region will be how to stimulate the lagging southern economy and provide channels of growth to the south to relieve development pressures over the Edwards recharge zone.’ The planning document

was written when the mayor was six years old, in 1973.”

Feb. 6, 2002 (1H)     **Opposing PGA, “District leaders agree to join petition drive”**

“More than 20 neighborhood association leaders on the Northwest Side have agreed to join the petition drive opposing the PGA Village and any special taxing district on the Edwards Aquifer recharge zone. The leaders took the action at a recent City Council District 7 leaders meeting.”

Feb. 6, 2002 (1B)     **Water agencies seek PGA monitoring role**

“Two agencies that have been criticized for having little to no history of monitoring development in the Edwards Aquifer recharge zone are proposing they oversee the PGA Village project to protect San Antonio's drinking water.” The two agencies at the Edwards Aquifer Authority and the San Antonio Water System.

“Mayor Ed Garza plans to meet today in Florida with PGA officials about his concerns over the proposal and an ongoing council effort to locate possible alternative sites. He said last week that he worries whether the water quality monitoring plan is adequate or whether recycled water should be allowed at the resort.

“The mayor also has questioned whether SAWS can deliver on its promises to protect water quality. Garza, who as mayor sits on the board overseeing the city utility, said he recently shared his concerns with the agency about whether it has a record of determining whether recharge zone developments have compromised water quality.

“‘They were making some pretty strong promises, but when I asked a question about experience, about existing monitoring projects—more importantly, what do you do if contamination is found—there wasn't any response,’ he said Friday during a meeting with the San Antonio Express-News Editorial Board.

“Aquifer authority staff members are negotiating an agreement with Lumbermen's that would give the EAA the right to review and even reject whatever measures the company plans to put in to prevent pollution from the planned golf courses. ‘I'm very encouraged that they have put into that agreement that we be given veto power over the final plan,’ said Greg Ellis, general manager of the authority.

“Ellis acknowledged that his agency has the power to enforce existing state rules regarding aquifer protection and to adopt its own regulations to protect water quality— but has yet to do either. ‘We have no track record because we don't do it,’ he said. ‘This year we are going to be addressing water quality rules. Next year, we will be implementing those rules. At that point, we will become a player in the recharge zone.’

Feb. 7, 2002 (1A)     **“Garza says PGA left door open” to alternative site**

“PGA officials might be willing to build a golf resort on an alternative site, but they told Mayor Ed Garza on Wednesday that the city must work out the thorny issue with the developer. ‘They did not close the door on (an alternative site) or give it their support,’ Garza said via cell phone while waiting to catch a plane to San Antonio after meeting with Professional Golfers' Association of America officials in Florida.

‘They support Lumbermen's (Investment Corp.), and I want the best site in San Antonio,’ Garza said. ‘Those are the things we all agreed on when I left there today.’”

Company officials from Lumbermen’s “were not at the meeting in Port St. Lucie, Fla., between Garza and three PGA of America executives, but one Lumbermen's official said he doubted any other location would work. Garza also said he believes an alternative site could be selected before a 90-day deadline set by PGA officials expires.”

“Garza said that in Wednesday's meeting, he felt he conveyed his desire to see the resort built in San Antonio. But he said he also wanted the PGA to know that the proposed site ‘has a significant number of issues that need to be addressed.’ Among those issues is the depth of opposition to development in the recharge zone.

“PGA officials should know that if a public vote is required on the resort, the proposal could be rejected, Garza said. He said he hopes developers will agree to a full, open-minded review of all site options so a resort can be built that makes all sides happy.”

#### Feb. 8, 2002 (1B) **Council drops May tax vote**

“There will be no election in May to decide whether to extend a sales tax to raise \$100 million for additional land purchases over the Edwards Aquifer recharge zone. The City Council on Thursday refused to consider an ordinance calling for a May 4 special election on extending a 1/8-cent sales tax that was approved in May 2000.

“A vote was scheduled Thursday, but Mayor Ed Garza sought no motion on the proposition and no motion was made. Instead, Garza said an election will be delayed at least until May 2003 so the city can seek authority to purchase environmentally sensitive land in the recharge zone outside of Bexar County.”

#### Feb. 10, 2002 (3A) **“Wolff’s leap into PGA flap carries historic possibilities”**

Columnist Rick Casey writes that County Judge Nelson Wolff's entrance into the PGA Village controversy, seeking an alternate site for the golf resort, “is a huge—even historic—development in San Antonio politics. Wolff said Thursday he would add the county's resources to tax abatements or other incentives designed to bring a nationally recognized PGA golf center to San Antonio—but off the Edwards Aquifer recharge zone.

“Its immediate effect is to add impressive ballast to Mayor Ed Garza's efforts to find an alternative to the environmentally and politically sensitive site proposed by Lumbermen's Investment Corp.”

“But at least as important as the [county] money that Wolff brings to the table is the political heft he represents. Until now, Garza has been a lone voice pushing for an alternative. Though he has some quiet support on the City Council, no colleagues have expressed public enthusiasm for the idea. Meanwhile, the business community sees him as a youthful politician who is inexperienced in both business and politics.”

“Lumbermen's has shown little interest in even talking to Garza, and PGA officials have politely patted him on the head. Wolff, by contrast, is a former state senator and mayor who is so popular

that his only opponent in this year's elections is someone unknown to the political sphere. What's more, he is a relatively recent chairman of the Greater San Antonio Chamber of Commerce and the builder of a successful grocery chain. Business leaders can't write him off as young and naive.”

“But this Garza-Wolff coalition is more than potentially powerful. It is historic. In the past 25 years, the political establishment has served as a cheerleader for every major corporate subsidy backed by the Chamber of Commerce set. From San Antonio Ranch in the 1970s to the theme parks in the 1980s to La Cantera in the 1990s, the mayor and the Chamber have marched in step. The only exception was then-Mayor Howard Peak's cautious approach to a new Spurs arena. The result: then-County Judge Cyndi Taylor Krier stepped in and did the deal for the county.

“For Wolff, the decision grows from experience. In his first race for mayor in 1991, he trailed Councilwoman Maria Berriozabal going into a runoff. On the same ballot, voters turned back the Applewhite reservoir, which Wolff and the business establishment had strongly supported.

Asked about the issue on election night, he said the Applewhite initiative might be illegal and that he was keeping his options open. After a public outcry, he called a news conference to say no matter how the courts ruled, he would abide by the voters' wishes.

Two years later, he put a revised Applewhite plan before the voters—and lost again. ‘I remember that well,’ he said. ‘I got my brains beat out twice on Applewhite. And people weren't as passionate against that as they are against this deal.’ For Garza and Wolff not to jump onto the Chamber train is unprecedented. If they succeed in landing the PGA at a different site, they may offer a new leadership model for the city.”

#### Feb. 12, 2002 (1A) **“PGA team still says no to new site”**

“Developers of a proposed golf resort over the Edwards Aquifer recharge zone said Monday in their clearest terms yet that they are not interested in Mayor Ed Garza's proposal to find an alternative site for the controversial project. However, the mayor's staff is still preparing for a vote later this week to lay the ground rules for identifying alternative sites for the PGA Village resort.

“‘We are not interested in trading or moving that resort off of this property, period,’ said John Pierret, executive vice president of Lumbermen's Investment Corp., which is developing the resort with the Professional Golfers' Association of America and the Marriott International hotels. When asked if that would be the case both now and in the future, Pierret said, ‘that's true.’”

“A vote scheduled Thursday to establish a process to select additional sites could be the first of several showdowns between supporters and critics of the posh resort planned for 2,855 acres within the sensitive recharge zone. But another vote on the project scheduled today by the Edwards Aquifer Authority is expected to be postponed because Garza asked the agency not to take a stand on the project. City and EAA officials said Monday the mayor has asked the authority to delay consideration of the golf resort until further notice. Leilah Powell, policy aide to the mayor, said Garza felt the EAA should not endorse the project or recommend against it because it has not reviewed the proposed agreement between the city and Austin-based Lumbermen's.”

“Garza and Bexar County Judge Nelson Wolff have pledged to help the PGA find another suitable site for the proposed golf destination and training facility in San Antonio that is not located on the recharge zone. But Pierret said Lumbermen's doesn't endorse those efforts.”

“Pierret could not say why the mayor was persisting in a vote aimed at triggering another site selection effort. ‘He did not share that with us,’ the executive said. Garza was unavailable for comment Monday, but staff members said that plans for Thursday's vote would move forward.”

Feb. 14, 2002 (1B)   **“PGA site search to die”**

“Although momentum seemed high at the start of the week for a campaign to locate an alternative site for the controversial PGA Village golf resort project, the effort is headed for a quiet death at today's City Council meeting. A spokesman for Mayor Ed Garza said Wednesday the mayor was not planning to ask staff to move forward with alternative site selection plans for the proposed resort.”

“The decision to drop the effort means council members will move ahead with a vote on whether to approve a special taxing district for the proposed resort, planned for 2,855 acres over the Edwards Aquifer recharge zone in northern Bexar County. That vote has not yet been scheduled.”

Feb. 14, 2002 (6B)   **“City must not lose PGA Village project”**

In an editorial, the Express-News endorsed construction of the PGA Village, noting that the project “is responsible development and offers a much better environmental alternative for this area than will otherwise occur.”

“The PGA is not only the largest sporting organization in the world but also one of the most respected. Its presence will ensure San Antonio’s future as a golf destination and attract further high-end development.”

“As the mayor and City Council work through the details of an agreement during the next few weeks, they must protect the city's interests, but they also should take care not to lose the project. The idea of an alternative site to the 2,861-acre site off Evans Road, advocated by Mayor Ed Garza and County Judge Nelson Wolff, appears to be fading. It would have required agreement from Lumbermen's Investment Corp., who is the developer, the PGA, the Marriott Corp. and local leaders. Lumbermen's has rejected the idea.”

“Clearly, from an environmental and economic standpoint, PGA Village with its three golf courses, as many as 1,500 homes and 2,000 acres of green space is infinitely preferable to another dense housing development along Evans Road. Indeed, the PGA Village is preferable to much of what already has been developed over the aquifer.”

Feb. 15, 2002 (1B)   **“Council eyes vote on PGA in March. Search for alternative sites for resort tabled because of developers’ lack of interest.”**

“With talk about alternative sites silenced, the City Council refocused Thursday on a development plan proposed for a controversial golf resort on the Edwards Aquifer recharge zone

that could be headed toward a final vote late next month. Council members came out of a closed-door session on the PGA Village golf resort proposal saying they wanted to get all their questions answered about the financial, environmental and legal ramifications of the resort so the development plan could be released for public comment and a final vote by late March.”

“With two weeks set aside for public review of the proposal and two public hearings planned, the council could vote on the document by March 28, he said. That timeline was outlined after the council earlier in the day voted without comment to table a proposal calling on staff to evaluate alternative site options for the proposed resort.”

Feb. 16, 2002 (1D)   **“City studies voters’ powers on PGA”**

“If the City Council decides to authorize development of a controversial golf resort over the Edwards Aquifer recharge zone, city officials have hired an outside attorney to determine if voters could overturn such a move. Acting City Attorney Steven Arronge said Friday his office retained local attorney Mayo Galindo to research City Charter provisions and state law on initiative and referendum powers to see if they apply to the PGA Village proposal.

“Arronge said an initial review of the city charter indicates voters could overturn a council decision in favor of the 2,855-acre resort. But state laws, which would supercede local laws, will require an extended review.

“The questions arise as one group already has started an initiative petition drive aimed at either getting the council to vote or schedule a public vote on special taxing districts. Action on a special taxing district proposed for the golf resort is pending before the council.

“Another group has promised to mount a referendum drive if the council should vote in favor of the resort. If it can obtain 68,000 names on petitions opposing the creation of the resort within 40 days of the council vote, an election would be scheduled allowing the public to decide the resort's fate.”

Feb. 17, 2002 (3A)   **“For PGA, it isn’t about location.”**

Columnist Rick Casey writes: “In defending a reluctance to explore sites off the Edwards Aquifer recharge zone, officials and supporters of Lumbermen's Investment Corp. and its proposed PGA Village development have repeatedly cited the beauty of the land and its proximity to the airport. The beauty of the land—dramatic hills and rugged canyons—is indisputable. There is, however, beautiful land in Bexar County that is not on the recharge zone.

“The value of proximity to the airport is dubious at best. The only existing PGA Village—in Port St. Lucie, Fla.—is 50 miles from the nearest airport, Palm Beach International.”

“It's no secret what makes the Evans Road tract the best place for the PGA project in the eyes of Lumbermen's: It's the law that they were able to get the Legislature to pass with little discussion and almost no changes. The only significant modification came when, to the embarrassment of sponsoring legislators who had not read the bill as written by Lumbermen's lawyers and lobbyists, it was discovered that the company was being given powers of eminent domain for up to three miles beyond its property.

“That's the only power that was taken away. Otherwise, the law allows Lumbermen's to create their own city. It will be run by a board, which Lumbermen's already has selected, that will be self-perpetuating for four years. After that, board members will be elected for four-year terms by residents. According to the law, the board may ‘impose ad valorem taxes, sales and use taxes, hotel occupancy taxes, assessments, and impact fees and apply the proceeds of the taxes, assessments or fees to the payment of debt, to contract payments, or to maintenance and operating expenses.’

“The board also may employ police, regulate the use of streets and public spaces, exercise eminent domain within its boundaries and generally exercise the powers of a municipality. But the law specifies the Lumbermen's tract. If they move, they get no more benefits than any other developer.

“Although San Antonio will annex the area eventually, until its debts are paid off the district will be allowed to fully act as an incorporated city within San Antonio’s extra-territorial jurisdiction. This is unprecedented in this region, which has traditionally opposed weaker but similar municipal utility districts. Yet the wisdom of such a scheme wasn't discussed at the Legislature, and is raised only quietly in backrooms at City Hall.

“What it means is that residents and tourists of the residential/golf complex will use San Antonio's streets, its libraries, its parks and all the benefits that the rest of us pay taxes to support—but all their taxes will go either to subsidize their development or to the developers' bottom line.

“What's better for a developer than getting a tax abatement? Getting the taxes. That, not location, is the reason Lumbermen's won't move. Can you blame them?”

Feb. 17, 2002 (1A)    **“PGA project gains ground with council”**

“Mayor Ed Garza and other City Council members skeptical of the proposed PGA Village project have resigned themselves to crafting the best deal possible for San Antonio, officials and political observers said. It's perhaps the strongest signal yet that the controversial development has won enough City Council support to move forward.

“The mayor, who late last week abandoned a strategy to try to move the 2,855-acre project off the Edwards Aquifer recharge zone, and other council members now are focused on obtaining concessions from the developer, Lumbermen's Investment Corp.

“Councilman Bobby Perez said those concessions are at the center of negotiations and include, among other things, \$15 million for infrastructure in areas targeted for future annexation and the mayor's request for \$8 million to revitalize neglected areas of the city.”

“Henry Flores, a political scientist at St. Mary's University, said it's clear to him the issue no longer is whether PGA Village has the minimum requirement of six council votes to pass, but what kind of deal can be struck.”

Lumbermen’s lobbyist Bill Kaufman “said he is confident that opposition to the project will not be as intense once the particulars of the development agreement are released, possibly by the first week of March. The public then will have two weeks to review and comment on the proposal

before a City Council vote on the deal. 'There's always been a certain segment of the population who will vote 'no' against anything,' Kaufman said. 'Once the rest of the people get a look at the monitoring agreements and other aspects of this deal, we're confident they will see this as the best alternative.'

"Garza, meanwhile, acknowledged that the future of the PGA Village plan lies in the details of the development agreement."

"Council members Enrique Martin and Toni Moorhouse, who from the beginning have been considered as undecided, swing votes on the issue, said they have seen a recent shift in public opinion and left the door open to supporting the project."

"If Martin and Moorhouse were to support the project, it is believed there would then be enough votes to approve the deal as long as the development agreement does not unravel. Others considered to be leaning toward approval are council members [Bobby] Perez, David Carpenter, Carroll Schubert and David Garcia.

"Those prospects would explain the seemingly hard-line stance adopted by Lumbermen's and the PGA, who have so far rebuffed efforts to find an alternative site and have not given much credence to a threatened citizen-mounted petition drive to overturn a council decision to approve the development.

"Kaufman said he doesn't sense 'a passionate movement out there' to generate the 68,000 signatures necessary to trigger a public referendum in the event council approves the deal. There are also questions about whether such a referendum would be legal. 'We're not overly concerned that there will be a viable petition drive,' he said. 'Those that are opposing it by and large are doing so because they haven't heard all the facts. I'd say hold tight and wait for all the details to come out.'"

"Fay Sinkin, a member of the Smart Growth Coalition, which opposes the resort and has begun circulating petitions, encouraged the developers to keep thinking that way. 'Let them think that,' Sinkin said. 'That's better for me.' Sinkin and members of COPS said Lumbermen's officials are ignoring the results of a recent poll commissioned by KSAT-TV, which showed that 61 percent of 500 likely voters opposed the project.

Feb. 20, 2002 (1E)    **"Homes seen as at least as profitable as golf. Developer could turn land for resort into 9,000 residences."**

"If the City Council says no to the building of the luxury golf development known as PGA Village, the landowner is poised to go forward quickly with its original plan to build as many as 9,000 residential units on the site."

"Opponents have charged that Lumbermen's is using an unrealistic 9,000-residence plan to pressure the city to approve the PGA Village, which calls for three golf courses, two hotels and 3,000 dwellings."

"But [Lumbermen's executive vice president John] Pierret said Lumbermen's had been conducting environmental and engineering studies for a 9,000-dwelling project since 1995. 'We

have been sitting on this land for 18 years,' Pierret said. 'As late as 1999, we were getting ready to develop for 9,000 homes. Then we were approached by the PGA.'

"Opponents note that while Lumbermen's has contracted 9,060 'equivalent dwelling units' of freshwater rights with San Antonio Water System, it has only 4,500 sewage connections. However, Pierret insists the company would develop the site as intensively as possible under the original plan. Gene Dawson Jr., the engineer working with Lumbermen's, said the developer has several options for adding sewage connections."

Feb. 20, 2002 (1B) **"Aquifer board favoring PGA. EAA says golf resort beats any 'presently identified' alternatives."**

"Despite San Antonio Mayor Ed Garza's recent request that the Edwards Aquifer Authority and other agencies remain neutral on the proposed PGA Village golf resort, the authority's board approved a letter Tuesday tentatively endorsing the project. In a special meeting, EAA board members voted 9-3 in favor of sending a letter to the mayor stating that the resort 'appears to be superior, from an environmental standpoint, to any other development alternatives presently identified for this site.'"

"[Policy aide Leilah] Powell stressed that Garza looks forward 'to seeing the data and the science that EAA has based their statement on.'"

"Despite its wording about preferring the resort over a residential subdivision, the letter approved by the board specifies that it "cannot be considered an endorsement" until final plans for the resort are submitted."

EAA board member Carol Patterson "noted that the board had little to no information on what standards would determine whether the resort was polluting the aquifer and what would be done if contamination did occur. 'I think the vote was premature,' she said."

Feb. 21, 2002 (1B) **"COPS stages rally against PGA site. Petition drive under way in District 5, others planned."**

"A community-based activist organization took City Councilman David Garcia to task for siding with developers who hope to build a golf resort on the Edwards Aquifer recharge zone, saying the community wants the City Council to kill the project. 'There is no reason the city should invest that money for people to ruin our aquifer,' said Pat Ozuna, a Communities Organized for Public Service leader in Garcia's council District 5. 'It does not make sense.'

She and about 100 other COPS members and supporters held a rally Wednesday on the steps of a West Side church announcing that a petition drive already had started in District 5 and would start soon in other council districts aimed at showing the council how deep the opposition is to the PGA Village resort proposed in Northeast Bexar County."

"COPS leaders said they began their petition drive in District 5 because they felt Garcia is ignoring their demands."

Councilman García "says his conversations with District 5 residents suggest they are about

evenly split on the issue.”

Feb. 21, 2002 (1E) **“PGA’s impact put at \$193 million ... just for starters”**

“While the proposed PGA Village is tied up in environmental issues and city politics, a local group estimates that just the construction of one hotel and two golf courses would have a \$193.1 million direct impact on San Antonio's economy. But community groups advocating for higher wage jobs in San Antonio question the lasting impact in the community once the construction phase is over and lower-wage hotel jobs are the mainstay.

“San Antonio Economic Development Foundation, a private group that leads the city's economic development activities, released an economic impact analysis to its members last week. According to the analysis, an investment of \$143 million would be made in Phase 1, which includes a Marriott hotel and two golf courses. New payroll is estimated at \$19.8 million and 870 new jobs would be created, with 670 positions designated for the hotel and 200 for two golf courses.

“‘The overall impact is huge,’ said foundation President Mario Hernandez. ‘We believe they will be responsible developers, and it will be a high-profile project for San Antonio.’”

Feb. 23, 2002 (1A) **“PGA’s tax break would be huge. Lumbermen’s could capture as much as \$60 million over 15 years.”**

“The city of San Antonio has granted 47 tax abatements in the past 13 years, forgoing \$13.7 million in property taxes and stirring all kinds of controversy in the name of economic development. But these projects, which included two golf resorts, pale in comparison to the financial and legal scope of the proposed PGA Village golf resort.

“The developer of the resort, Lumbermen's Investment Corp., would create the equivalent of a small city for its 2,855-acre development just north of San Antonio. It would nestle a trio of golf courses, two resort hotels and about 4,000 houses, apartments and condos inside a specially crafted taxing district that would be immune from annexation for up to 15 years. During that time, Lumbermen's would control all property, sales and hotel-motel taxes and would use the money to pay for public improvements within the resort.

“Earlier tax abatement deals were much simpler. The city forgave all or most property taxes for up to 10 years as a trade-off for the jobs a new project would create. Still, the city collected sales taxes, occupancy taxes and other fees generated by the property.

“Gene Dawson, an engineer for Lumbermen's, has said the district could capture as much as \$60 million in taxes and fees over its projected 15-year life-span. Although city staffers have done no official analysis on the district's cost to the San Antonio, Mayor Ed Garza has offered a guess that the city could forgo about \$50 million in taxes.”

“Project proponents say the resort planned on the Edwards Aquifer recharge zone in North Bexar County would represent a model for responsible development. The golf resort also would be an economic generator for the city, while putting San Antonio on the map as a destination for quality golf, they say. But critics of the deal decry the fact the plan would allow Lumbermen's to

capture a broad stream of taxes and fees that typically would go to a city. 'This (PGA Village) makes tax abatements look like child's play,' [UTSA Professor Woody] Sanders said.

"The taxing district, which would be known as the Cibolo Canyon and Conservation District No. 1, would be empowered to sell bonds, then to set tax rates and collect property taxes, hotel occupancy taxes, sales taxes, assessments and user fees in order to repay those bonds. The bonds would reimburse Lumbermen's for roads, water, sewer, open space and public recreation built in the district.

"Paul Martin, a Lumbermen's attorney who helped write the legislation, said the district's job would be to finance public improvements within its boundaries and to collect taxes and fees from the properties that benefit."

"Tax abatements or phase-ins have been a controversial topic at City Hall over the years. Critics have questioned whether the city should subsidize corporations, particularly projects that create primarily low-wage jobs. The council revised its policy in 1998 to give preference for tax phase-ins to companies that provide "living wage" jobs, currently estimated at \$9.77 an hour, plus benefits such as health insurance and retirement plans."

"Martin noted that PGA Village would pay substantial taxes to other taxing entities. School systems—Judson, North East and Alamo Community College districts—as well as Bexar County and the Bexar County Hospital District still would be able to tax the appraised value of the property.

"The land now has an agricultural exemption that lessens the tax take, so the proposed golf courses and upscale housing would offer a dramatic tax boost for those entities, Martin said. 'The school districts and county will get a real tax windfall when this land comes off the agricultural exemptions it now has,' he said."

Feb. 24, 2002 (1A)    **"Scientists see threat to aquifer. 3 of 5 cite resort concerns"**

"The proposed PGA Village resort and the nearby development it spurs could pose a threat to San Antonio's drinking water supply, according to three of five scientists who reviewed documents provided by the project developer.

"The San Antonio Express-News interviewed five scientists who have studied the Edwards Aquifer or another aquifer and asked them to determine the possible effect of the golf and residential resort planned by Lumbermen's Investment Corp." over an area of the aquifer recharge zone.

"The zone is a carefully guarded resource because it supplies groundwater runoff to the aquifer, the city's primary source of drinking water. Bexar County contains about 10 percent of the recharge zone and about half of that has been developed.

"While one geologist expressed confidence that local water wells would not be affected, three others said the city's water supply could be compromised by contaminants such as pesticides and fertilizers used on the golf courses. The three scientists also said intensified development in the area resulting from the project could pose additional risk to the aquifer. The fifth, a research scientist, was uncertain and said additional studies are needed."

“Each of the five scientists said the consultant hired recently by the city to review the project either was not qualified or did not have enough information to judge the effect the resort might have on the aquifer.

“Christopher Mathewson, an engineering geologist and a Texas A&M professor, spent three weeks reviewing scientific studies of the property provided by Lumbermen's. He also visited the site to look at about a dozen sensitive geological features.”

“Mathewson told the council that if the resort were properly designed it would not pose a threat to the aquifer but “in a more recent interview, Mathewson acknowledged his review for the city did not include the resort's possible effect on the water supply. ‘I wasn't asked to do that,’ he said. ‘If I had been asked to do that I think I could have done it.’”

The scientists, who were not paid, were selected by the Express-News “after being recommended by scientists who have studied the Edwards Aquifer and work for governmental agencies with offices in San Antonio.”

- “**Gareth Davies**, a karst hydrogeologist, who said he believed the PGA resort may harm the local water supply because the recharge zone is extremely vulnerable to contamination....Almost every limestone aquifer in the world that has been extensively developed has been adversely impacted by contamination, said Davies.... Unless tough new protections are adopted, the Edwards almost certainly will suffer the same fate, he said.”
- “**Tom Gardner**, a geologist at Trinity University who studies hydrology and landscape evolution, said he does not believe the resort by itself would endanger the aquifer. ‘I’m not saying the project is a good thing,’ he cautioned. ‘What I’m saying is that I don’t think it’s going to do squat to the Edwards Aquifer one way or another.’ Gardner nonetheless believes that if council members approve the resort, they would increase the odds that the aquifer could be compromised because of the growth it would spur around it.... ‘There’s not doubt about it: the more we build on it, the greater the chances we’re going to screw it up,’ he said, calling the aquifer ‘a real treasure.’”
- **Susan Hovorka**, a research scientist at the Bureau of Economic Geology at the University of Texas at Austin, said it is unclear how much development can take place in the recharge zone before the aquifer is polluted. ‘No one has figured out what the ultimate loading is if things are developed the way they are permitted,’ she said.”
- “**Robert Maclay**, a retired hydrogeologist who studied the Edwards Aquifer for the U.S. Geological Survey, said his own understanding of how water in the aquifer flows suggests the resort would pose minimal risk to the local water supply.
- “**George Veni**, a local karst hydrogeologist who is regarded as one of the foremost experts on the Edwards Aquifer, said the PGA resort would increase the amount of contaminants that enter the aquifer and could foul it up for good. ‘It will be another straw on the camel's back,’ Veni said. ‘I don't know if it's going to break the camel's back. Maybe it will be all the development that's going to be spurred and accelerated in that area around the golf courses.’ Veni said that the level of aquifer monitoring that exists today is not sufficient to pinpoint which existing developments are to blame, but that it's clear from water samples that manmade pollutants are entering the aquifer in what seem to be increasing levels. ‘The fact is that contaminants are showing up,’ he said. ‘That tells us there's a problem and it's a growing problem.’”

Feb. 28, 2002 (1A) **“Archbishop opposes PGA. Action stuns site developers.”**

“In a surprise move that is sure to generate greater debate, Archbishop Patrick Flores said Wednesday he opposes the proposed PGA Village golf resort and is urging church members to do the same. The leader of the city's Catholic community sent a letter to priests, deacons and archdiocese members saying his concerns about potential contamination of the city's main water supply persuaded him to oppose a special taxing district that would underwrite PGA Village.

“While he indicated he doesn't intend the letter as an edict, many Catholics are likely to interpret it as an order—whether they choose to obey it or not. ‘I'm simply inviting them to sign the petition (against PGA Village) and to ask questions about the legitimacy of building over the (Edwards) Aquifer,’ Flores said. ‘We've been told in other cases that building over the aquifer will endanger the water. My concern is for the water.’

“Flores' announcement caught the project's developers and local leaders off guard.”

“‘I'm disappointed that (neither) he nor his representatives met with us to go through the research and to answer their questions and to show them the science,’ said John Pierret, executive vice president of Lumbermen's Investment Corp., the main developer. ‘They ought to have all the facts and all the science and then make a determination.’”

“Flores said he sent the letter to pastors but intends to let them decide whether to read it from the pulpit at Masses on Saturday and Sunday. ‘I invite you to contact your elected officials, voice your opposition to this issue and further urge you to sign the petition being circulated by (Communities Organized for Public Service) and Metro Alliance in our parishes and communities which opposes this issue,’ Flores said.

“COPS and Metro Alliance, sister activist organizations, have circulated petitions opposing the project for more than a week in the churches and neighborhoods they represent. A COPS representative said nearly 1,700 members of one parish signed the petition in the first weekend it was circulated. Other churches have added hundreds of names to the petition drive, and Flores' sentiments could fuel even more support for the opposition. The petition drive is intended to show City Council how much opposition to the plan exists. The names also could be used to demand a public vote on the resort if council approves it.”

“‘This is fairly unusual for him (Flores) to get involved so strongly in a local issue,’ said Martha S. Jones, a member of the Archdiocesan Justice & Peace Commission, an advisory board that last month joined other groups that oppose the PGA Village. ‘I think one of the issues closest to his heart is protecting families. And he sees the potential in this development to hurt families.’

Feb. 28, 2002 **“PGA Village opposition is spreading and growing stronger”**

Syndicated columnist Carlos Guerra wrote that experience has taught him “to check into the depth—and the source—of support and opposition reported in opinion polls because opinions don't always translate to votes.”

“Last year, when I first reported on a bill quietly winding through the Legislature to create a special taxing district that would divert \$60 million of tax money to developers of the PGA

Village planned over the Edwards Aquifer recharge zone, the calls and letters rolled in immediately.

“Most startling was that readers were angry about a wide variety of unrelated aspects of the project—water quality, aquifer protection, tax breaks for low-wage jobs and uneven development. And as more details emerged, the numbers of messages opposing the PGA Village grew, and eventually overwhelmed those favoring the project.

“Experience also has taught me to be careful about interpreting readers’ reactions, because they can vary widely. Some issues evoke little response, while others prompt strong reactions, often heavily weighted for or against.

“But early this month, KSAT-TV reported that its Survey USA poll on the PGA Village proposal also yielded lopsided results. Of 500 adults polled, opponents outnumbered supporters 61 percent-34 percent, and opposition to the project was significant in all the demographic categories.

“Even where support was strongest—among males (42 percent) and Anglos (42 percent)—proponents were well short of a majority. And opposition among ‘other’ nationalities (77 percent), blacks (74 percent), and females (67 percent) was overwhelming.”

“Ten days ago, COPS and Metro Alliance began circulating petitions calling for City Council to reject PGA Village's special taxing district. The petitions can't force a referendum until council acts, but they have a double purpose, organizers say.

“Voters are asked for their names, addresses and phone numbers to ‘serve as a warning’ to council members who claim that there are few PGA Village opponents in their districts. And if needed, the lists will provide COPS and Metro organizers with contacts for petition drive volunteers.”

“Suddenly, it is apparent that opposition to the PGA Village is both real and widespread, and claims that it's limited to a few, small groups of naysayers is nonsense.”

#### March 1, 2002 (1A) **Lumbermen’s “presentation fails to sway Flores”**

A day after a letter from San Antonio’s Archbishop Patrick Flores “invited local Catholics to oppose the controversial proposal to create a taxing district to build the golf resort over the Edwards Aquifer recharge zone,” executives of Lumbermen’s Investment Corp. made a presentation to the archbishop at the Catholic Chancery, “pressing their case” for building the development.

“‘He said he didn't have this information and he would take it and study it,’ [Lumbermen’s executive vice president John] Pierret said as his group left the chancery. ‘We're thankful for this opportunity to speak to him,’ he added. ‘We have great respect for the Catholic Church and his position in it. Hopefully, we swayed him a little, but he can study this information and make his decision.’

“The Lumbermen's executives weren't even out of the chancery driveway before Flores declared Thursday that they hadn't changed his mind.

““They presented me information I did not have, but it's still not enough,’ Flores said, prompting applause from a crowd of PGA opponents who had gathered in the chancery atrium during the meeting.”

“Thanks to Flores, the debate ‘takes on a different tone and dimension,’ said Larry Hufford, a political scientist at St. Mary's University. ‘It will now not just be a growth issue with science, but it becomes a spiritual issue that deals with the environment,’ he said. ‘Elected officials may have to alter their defense of the project. Their arguments may have to be rethought.’

“Hufford said Catholicism has a tradition of involvement in civil rights and social issues, and Pope John Paul II and the U.S. Conference of Catholic Bishops have specifically addressed ‘Christian commitment to the environment.’ ‘In referring to those documents, it's no surprise that an archbishop would take a stand,’ Hufford said.”

“Henry Flores, also a political science professor at St. Mary's, said he was taken aback by the archbishop's statement. ‘It's one thing to preach from behind the pulpit, but to jump into the debate, he's not known to do that,’ said Flores, who's not related to the archbishop.”

““This may be one time when the social justice activists and the large objection to (the PGA proposal) in the community helped the archbishop make his decision,” Henry Flores said.

“After meeting Lumbermen's representatives Thursday, the archbishop addressed at least 100 priests, nuns, lay Catholics and several non-Catholics who had gathered to express their support for his letter.

““Our concern is to maintain our water supply so it will be safe for you, your children, your grandchildren and your great-grandchildren,’ Flores said. He urged all people to study the proposal carefully. ‘Several angry people called me this morning and said I was trying to tell people what to do in politics,’ he said. ‘But water is not politics.’”

“Catholics had mixed reactions to Flores' involvement.

“A supporter of PGA Village, Karen Cuneo Newton, said Flores' letter made her angry. She's a member of St. Peter Prince of Apostles Parish in Alamo Heights. ‘I'm an active Catholic, but I don't believe the church has any business voicing an opinion on this,’ she said. ‘This just doesn't seem like a moral issue to me.’”

“But Mary Ibarra of Sacred Heart said her parish, already against the PGA plan, solidly supports the archbishop. ‘City Council probably will listen to the archbishop more than it would listn to us,’ she said. ‘Sometimes I feel that they think we West Siders don't know very much.’

“And other Catholics, including several priests, defended Flores' right to speak on moral issues but said individual Catholics are free to decide.”

““Nobody marches in goose-step; he doesn't demand that, and people don't feel like they have to,” Monsignor Balthasar Janacek said. ‘But he doesn't make public statements like this very often, and when he does, they think about what he says.’”

March 2, 2002 (1B) **PGA ballot possible per consulting attorney; Councilman given waiver to vote from Lumbermen's**

“A public vote on the proposed PGA Village golf resort is possible under the city's referendum powers if the City Council approves the project, a lawyer for the city said Friday. Attorney Mayo Galindo, whom the city retained last month to evaluate legal issues associated with the PGA development, said the resort is an appropriate target for both referendum and initiative powers granted to the public in the city's charter.

“In another development Friday, Councilman Julian Castro has been given the waiver he sought from Lumbermen's Investment Corp., the resort's prime developer, that will allow him to vote on PGA Village.”

“Galindo's opinion means that if the council approves a development agreement allowing the resort to be built, that decision can be challenged if opponents obtain 68,023 signatures of registered San Antonio voters within 40 days of the council vote. Then, the golf development would be presented to the public for final action.”

March 3, 2002 (1B) **“PGA draft deadline closing in. Staffers, developers, activists all are pushing their agendas.”**

“On March 14, city staffers expect to present City Council with agreements for developing and monitoring the environmental quality of the 2,855-acre project proposed over a swath of land where water runoff helps recharge the Edwards Aquifer, the city's primary drinking water source. City staff and the agency charged to protect the aquifer, the Edwards Aquifer Authority, are pushing to make the agreements as detailed as possible.”

“A rolling lineup of lawyers, engineers, scientists, accountants, consultants and public officials has been combing the proposal for weeks, refining details large and small. Sometimes as many as 20 people are in the room for intense meetings that go on for hours, said Assistant City Manager Chris Brady, who is directing negotiations for the city. ‘We're going to make it,’ Brady said of the deadline. ‘Council says we're going to make it, and we'll be there.’”

“As negotiations between the city and Lumbermen's have intensified, the proposed development agreement has swelled accordingly. It's grown from a modest-sized proposal to a tome the size of a telephone book...”

“The already-charged atmosphere got an unexpected jolt last week when Catholic Archbishop Patrick Flores waded into the issue. Not since the fluoride debate two years ago has Flores taken such a public stand on such a controversial topic. Flores invoked the prophet Isaiah when, in a letter, he ‘invited’ church members to oppose the PGA project, saying it would ‘give over \$60 million in public funds to private developers’ and compromise the city's drinking water. Catholic pastors across the diocese are expected to read the archbishop's message from the pulpit at Masses this morning.

“Some Catholics were more insulted than inspired by Flores' public stand. They said the archbishop had overstepped the role of the church and was unduly attempting to influence the public debate with emotion rather than science.”

Lumbermen's executive vice president John Pierret, a Catholic, "said he didn't know how big a factor the archbishop's stance would be in the long run. I guess time will tell how big of a blow that was, he said. But Pierret questioned whether the archbishop understood he also was leveling a charge against the many San Antonio Catholics who both live and work over the sensitive recharge zone. 'So does that mean that every Catholic living over the recharge zone is doing something wrong?' Pierret asked."

"This afternoon, Communities Organized for Public Service and Metro Alliance, two powerful groups organized around Catholic and Protestant churches, will hold one of their fabled 'accountability sessions' to question public officials on issues deemed important to the groups. The focus is on candidates for the upcoming Democratic and Republican primaries for state offices, but organizers also plan to quiz candidates about PGA Village, which the groups oppose."

"Greg Ellis, general manager of the Edwards Aquifer Authority, said the agency has sent Mayor Ed Garza a list of 22 recommendations necessary for the authority's endorsement of the project. He disputed reports and characterizations of a recent EAA board vote as an endorsement of the proposed golf resort. 'We prefer that this property not be developed at all, but no one has offered to buy it, so we believe that it will be developed,' he said."

"San Antonio Water System officials 10 days ago also submitted a 75-page document that is 'supposed to become part of the agreement,' said SAWS spokesman John Boggess. He said that the utility would not release the document 'because it's part of the city's negotiations with the developer.' But, Boggess said, officials consider the top three most important issues to be runoff water quality, an aggressive water monitoring plan and the ability of SAWS to conduct no-notice sampling on Lumbermen's land."

"Besides pollution control matters, financial issues are a key point for the city, said Brady, the assistant city manager. The city wants to make sure the special taxing district doesn't take on debt faster than its capacity to repay it. State law says San Antonio will have to take on the district's debt when it annexes the land, and the city doesn't want to be stuck repaying any of those costs, Brady stressed."

March 4, 2002 (1B) **Castro rejects PGA plan. First to weigh in.**

"Julian Castro on Sunday became the first City Council member to outright reject the proposed PGA Village. He's the only one to even publicly announce a clear stance on the issue, despite attempts by Communities Organized for Public Service and Metro Alliance to pin down his colleagues at a meeting the two groups held Sunday. Castro was the only council member to show up. 'Corporate subsidy, corporate welfare, either one,' he said. 'I don't know that it's worth giving away \$60 million even if they establish superior safety.'"

"The councilman said he's also concerned that the district would give developers too much power, especially for a project located on the recharge zone of the aquifer, the city's primary source of drinking water. 'It really is like another city,' Castro said. 'A golfopolis, if you will. That kind of creation I can't support.'

"Besides, he said, he has heard from more than 200 constituents on the issue and about three out of four are against the proposal. 'I have to reject their first offer,' he said, adding that he's not

opposed to the idea of a tax break, just not as substantial as the one proposed or involving the recharge zone.”

“None of the other council members have publicly said whether they will support the PGA plan.

“All 11 council members were invited by COPS and Metro Alliance to announce their positions on the proposal during a meeting at Sacred Heart Church. Castro and a half-dozen candidates running for state representative offices attended. ‘They’re more interested in representing the developers instead of their constituents,’ COPS leader Pat Ozuna told a thunderous crowd of 1,000. ‘Do you think if the developers had invited them to a meeting they wouldn’t show up?’

“COPS members announced that they have collected 15,000 signatures on petitions opposing the PGA development. A lawyer for the city said 68,023 are needed from registered city voters to force a public vote.”

March 6, 2002 (4H) **“Trinity Aquifer backers wary of PGA. Many against huge golf resort being built.”**

“While the San Antonio City Council considers approval of the controversial PGA Village and its impact on the Edwards Aquifer, Comal County officials worry that the golf resort could have more far-reaching effects. ‘I almost never see the words ‘Trinity Aquifer’ mentioned in any discussion,’ said Comal County Commissioner Jay Millikin, who is involved with local water issues and reads almost every article about the PGA Village.”

“Millikin is worried that the PGA Village could result in the depletion and contamination of the Trinity Aquifer.”

“‘We have the Edwards Aquifer Authority that could determine whether the Edwards Aquifer is polluted through runoff, but nobody’s talked about the potential for pollution of the Trinity,’ he said. ‘We have no Trinity Aquifer Authority or groundwater district.’”

“We aren’t going to know we’ve got water contamination problems or water availability problems until the things start going dry,” Millikin reportedly said.

March 8, 2002 (10A) **Rallies for and against PGA**

“Proponents and critics of the proposed PGA Village golf resort held rallies Thursday at City Hall, a sign that the battle for public support is intensifying in the weeks before the City Council votes on the project.

“Members of the San Antonio Sports Foundation, San Antonio Area Tourism Council and other organizations gathered in the morning to announce the formation of the Coalition for Responsible Development, which supports the 2,855-acre resort.

“At an afternoon rally by the Smart Growth Coalition, the Esperanza Peace & Justice Center and others pressed claims that the project is bad for the city.

“Their differences could not have been more glaring.”

“A draft of the resort's development agreement should be released next week. The council plans to hold two public hearings before voting March 28.”

March 8, 2002 (10A) **“Parish plans to build over aquifer”**

“The Archdiocese of San Antonio, which opposes plans for a proposed PGA Village golf resort in the Edwards Aquifer recharge zone, wants to build a parish on land that is also in the zone. Archbishop Patrick Flores created the parish last summer to keep up with North Side growth and appointed Father Patrick Ragsdale, former pastor of St. Luke's Parish, to be its pastor.”

“‘First, we're not against them building (the golf resort); we're against their not assuring us that there's no danger to the drinking water,’ the archbishop said Wednesday. ‘If our plans to build a church will cause damage, we want somebody to tell us. And what about all the homes that have been built over the recharge zone already?’

“He said he expects construction to meet the same environmental restrictions required of other development. ‘With me, the main issue is the water. San Antonio needs to grow, and I'm not against growth,’ Flores said. ‘But I'm for taking precautions to handle all the people who will be moving in.’

“Growth and development over the recharge zone is already there, and a new parish going in is proof of that,” Lumbermen’s executive vice president John Pierret reportedly said.

March 9, 2002 (1B) **“Aquifer authority rankles city. Officials worry about bias seen in supportive letter.”**

“Since its creation in 1993, the obscure and yet potentially powerful Edwards Aquifer Authority has failed to adopt rules to protect the quality of the city's primary drinking water source. Despite that track record, the regional agency's 15-member elected board has waded into one of the city's most controversial projects ever proposed over the recharge zone, a swath of land north of the city where rainfall and runoff directly replenish the aquifer.

“The EAA wants a direct role in overseeing pollution controls promised for the PGA Village golf resort. It also is seeking veto power over those controls if they don't meet standards for protecting the aquifer from golf course runoff possibly polluted by pesticides, fertilizers and chemicals.

“While the city has welcomed such technical oversight of the PGA deal from the authority, its elected board recently rankled key city leaders, including Mayor Ed Garza, when it issued what was widely perceived as an endorsement of the project. Garza had specifically asked EAA Chairman Mike Beldon to have the board hold off on its opinion until details of the development agreement between the city and the PGA developer, Lumbermen's Investment Corp., have been hammered out. Instead, Beldon called a special meeting on Feb. 20 to seek a supportive statement on the project, several board members said.

“‘Rather than being objective to the end, I think it was premature,’ Garza said. The letter explicitly stated that the board vote could not be considered an endorsement until the development deal has been ironed out and reviewed by the authority. Still, it also said that the resort ‘appears to be superior’ from an environmental standpoint to any other possible

development on the 2,855 acres of land owned by Lumbermen's.

“Many in the community have taken that ‘superior’ statement as an EAA stamp of approval. The Greater San Antonio Chamber of Commerce in its weekly newsletter touted the authority's letter as an ‘endorsement by a powerful water and environmental group.’”

“Beldon, president and chief executive of a San Antonio roofing and remodeling company, is a former chairman of the Greater San Antonio Chamber of Commerce. He has led the EAA board since it was authorized to begin operating eight years ago.”

“Beldon defended the authority's right to comment on the resort development. He said the EAA board, an independent agency, did not need anyone's permission to weigh in on the deal.”

“The Edwards Aquifer Authority was created by the Texas Legislature in 1993 after a federal judge threatened to limit how much water could be pumped from the aquifer to preserve aquifer-fed, spring-dwelling endangered species. Though lawmakers gave the EAA the power to adopt rules to protect the aquifer's water quality—including the ability to limit the density of new development—the board so far has not adopted such regulations.

“‘Our primary goal has been and continues to be to get the water quantity permits issued,’ said Greg Ellis, EAA's general manager. ‘And making sure that the federal government sees that we are protecting the endangered species.’ Ellis said he expects the EAA board will adopt water quality rules for the first time later this year.

“Glenn Longley, director of the Edwards Aquifer Center at Southwest Texas State University, said he believes scientists employed by the authority are sincerely concerned about water quality. He expressed doubts about board members. ‘These are politicians when you come right down to it,’ Longley said. ‘In many cases these are people who have interests. That's one of the reasons they probably got on the board, but you'd like to think they'd look out for the public's interests at large.’”

March 10, 2002 (1B) **“Public to get a shot at resort. Presentation set for Thursday”**

“After months of dizzying, closed-door negotiations, a proposed development plan for a plush **PGA** golf resort will be released for public debate on Thursday. But just how complete the document will be—and whether it produces more questions than answers—remains to be seen. City staff and Lumbermen's Investment Corp. will present the plan publicly at this week's City Council meeting.”

“Mayor Ed Garza and Councilman Bobby Perez, one of his key lieutenants in evaluating the plan, said the draft agreement will be ‘as close to a final document as possible,’ but will be subject to continued modifications even up to the day council takes a final vote. That vote currently is scheduled for March 28. ‘We'll release the document next week, but negotiations won't stop,’ the mayor said.”

“The first public hearing on the agreement will be held March 21. Another will take place on March 28, the same day council is to vote on the document. Council apparently is split on the proposal, although a slim majority appears to be lining up behind it.”

March 11, 2002 (8B) **“Archbishop merely muddies the water. While Flores is entitled to his opinion, his voice is so influential he should take care to be well-informed.”**

In an editorial, the Express-News wrote: “The archbishop apparently was not aware when he released the letter that the archdiocese itself wants to build a parish on land also in the recharge zone, almost within sight of the proposed PGA Village site. Four Catholic churches already have churches in the recharge zone on both sides of Loop 1604.

“Flores has said that he sees no conflict between his opposition to the PGA project and building churches on the recharge zone. His opposition, he said, grows out of the inability of developers to assure the community that there is no danger to the drinking water. ‘If our plans to build a church will cause damage, we want somebody to tell us,’ he said.”

“It should be noted that the archbishop, both as private citizen and public figure, has every right to express his opinion about the PGA Village, even if his opinion on this particular issue doesn't seem all that well-informed.”

March 12, 2002 (7B) **Castro asks for new PGA site; mayor not interested**

Councilman Julian Castro “wants the city to resurrect the idea of finding alternate sites for a controversial PGA Village golf resort, but the mayor doesn't think that's a viable option. Mayor Ed Garza said a PGA official told him last month that if City Council votes against the proposed resort, or if the public kills the project in a possible election later this year, no other sites in San Antonio would be considered. ‘They would pursue alternate sites in other cities, not in San Antonio,’ Garza said he was told by PGA officials.”

“‘Having the PGA here would be a boon to San Antonio,’ Castro said. ‘I don't think anyone would question that.’ He is asking his council colleagues to support a plan establishing a nine-member PGA Planning Commission, with city, county, business and community representation, to put together a portfolio of alternate sites and financing options.

“Five council colleagues must sign a memo to get the idea to a vote. None had Monday, but Councilman John Sanders said he liked the idea. But the mayor, who asked PGA to consider alternate sites last month and was turned down, said he does not believe the commission will serve a useful purpose at this point.”

March 14, 2002 (1B) **“Water plan cost spooks builder. PGA resort developer proposes alternative environmental controls.”**

Lumbermen’s Investment Corp. “has rebuffed” the environmental controls proposed by the San Antonio Water System as too costly and is offering an alternate environmental plan. ‘The developer did not want to pay what it’s going to cost to go by the SAWS requirements,” said [Councilwoman Bonnie Conner], who heads a council committee on balanced growth that was briefed Wednesday by city staff on negotiations.”

Lumbermen’s lobbyist Bill Kaufman “acknowledged that the company is concerned about keeping the costs ‘appropriate’ for the kind of development that is proposed. ...The water quality

proposal contains stringent requirements SAWS has never imposed on golf courses before and requirements that the PGA has never before confronted, he said.”

Under the environmental management plan submitted by SAWS,

- “SAWS would have oversight and veto power over Lumbermen’s plans for water pollution abatement, stormwater pollution prevention and water-quality monitoring.”
- SAWS would require golf course runoff to “exceed drinking water quality standards” and its approval of particular pesticide use.
- “Failure to comply with the plan... approved by SAWS would entitle the city or SAWS to take enforcement actions that include termination of the development agreement,” suspension of pesticide or fertilizer application, and “penalties up to \$10,000 per day per violation could be imposed.”
- SAWS would require Lumbermen’s to provide “a letter of credit for at least \$1 million for the utility to use to fund monitoring, corrective actions, fines or remediation costs that the developer is unwilling or unable to pay.”

Conner revealed other changes, including:

- a “major new modification” in the resort deal wherein the city “would agree not to annex Lumbermen’s property for 20 years, rather than the 15 years listed in the original proposal.” The forgone tax revenues over those additional five years “would go to the district to reimburse Lumbermen’s for more of its development costs.”
- a \$10 million sewage treatment plant that had been proposed for PGA Village has been dropped.
- a plan to have the district contribute money to help revitalize the inner city also “appears to have been shelved.”

“Garza said that while developers have addressed several of his concerns, other differences remain. He said he hopes Lumbermen’s will allow the U.S. Fish & Wildlife Service officials to tour the site and evaluate issues regarding endangered species on the land before the council votes on the agreement.”

March 15, 2002 (1A) **“The public gets a peek at the controversial golf resort plan that Mayor Garza says continues to be developed.”**

“While details have been trickling out, the release of the long-awaited draft agreement revealed more specifics about environmental controls and financial obligations between the city and developers.”

Developers “agreed to complete \$10.5 million in newly requested infrastructure improvements” in addition to “\$27 million in other public improvements the developer already had agreed to pay for by taxing visitors and property owners in the resort.”

“The city, meanwhile, would extend its non-annexation agreement from 15 to 20 years so developers could generate enough tax revenue to cover additional debt.”

“‘It’s now even more generous in terms of the subsidy,’ complained Councilman Julian Castro,

who already has stated he will vote against the project.”

“What isn't in the plan is an agreement from developers to help fund public projects in other parts of the city—a provision the mayor said must be included to win his approval.”

“The draft agreement, the size of a small phone book, was outlined at Thursday's council meeting, where about a dozen people spoke, all opposed to the project.

“Former City Councilwoman Maria Berriozabal said that despite efforts in the agreement to protect the aquifer, nobody can assure the public that even the current level of development on the recharge zone has not contaminated the aquifer. San Antonio Water System officials, who provided the plan's environmental controls, ‘can make all the promises in the world,’ she said. ‘We don't have the political will or the money to enforce this agreement.’”

“Meanwhile, Garza emphasized the proposal is only a ‘working draft,’ changing not just by the day but by the hour.”

#### March 16, 2002 (1A) **“Vote on PGA plan may be postponed”**

“Mayor Ed Garza left open the door Friday to delaying a scheduled March 28 vote on the controversial PGA Village project if the City Council and the developer cannot formalize a deal within two weeks. The mayor's comments came just a day after the council publicly released a 3-inch-thick working development agreement between the city and developers on the proposed golf resort and housing development in northern Bexar County.

“The document, which has been in the works for about nine months, outlines road improvements and strict environmental controls to be made by the developer, Lumbermen's Investment Corp., because it would be built over the sensitive Edwards Aquifer recharge zone.

“However, Lumbermen's has offered its own recommendations on such controls and that issue still is being negotiated.

“Opponents, who expressed concerns Thursday about the public's ability to absorb the complex agreement in a short time, applauded the mayor's apparent flexibility on the issue, while supporters said two weeks is plenty of time for discussion. The first of two public hearings on the agreement is scheduled for 6 p.m. Thursday in City Council Chambers.

“‘If they vote on this (March 28), it is an issue waiting to be rescinded,’ said Maria Berriozabal, a former city councilwoman who is supporting a petition drive to defeat the project. ‘The mayor has done something good by letting us debate the issue.’

Bill Kaufman, a city lobbyist representing Lumbermen's, said he opposes a postponement of the council vote because he doesn't believe opinions will change over time.”

#### March 17, 2002 (1A) **“PGA taxes could raise \$83 million in 20 years”**

“The proposed PGA Village taxing district could raise as much as \$82.8 million over 20 years, City Finance Director Milo Nitschke says. The posh golf resort proposed in far North Bexar County will not be as expansive as originally promoted—the first phase would include only one hotel and two golf courses—prompting the need to extend the life of the special taxing district

from 15 to 20 years, officials said.

“Money raised by the taxing district will be used to cover \$42.5 million in estimated bonded debt for facilities and interest and fees on that debt, to pay the developer for land it transfers to the city and to cover annual environmental monitoring costs.

“Officials have been saying there would be \$60 million in public infrastructure improvements and related expenses for the proposed resort over the sensitive Edwards Aquifer recharge zone, but that figure didn't include the interest and fees on the bonded debt.”

“The proposed agreement allows for the district to be dissolved and the city to annex the property as early as 10 years after the district is established. When the city annexes the property, it then would begin collecting property, sales and hotel-motel taxes for itself.

“Lumbermen's revealed last week that a commitment exists for only one hotel and two golf courses on the 2,861-acre development. Previously, the project had been touted as including two resort-style hotels and three golf courses. Lumbermen's Executive Vice President John Pierret said the effects of the Sept. 11 attacks have forced developers to put off planning for the second hotel and the course that would accompany it. Initial talks for the second hotel centered on trying to lure a high-end Ritz-Carlton development.”

“The water service contract for the resort, which was not part of the documents attached to the development agreement released last week, is scheduled for review by the SAWS board this week. SAWS Chief Executive Officer Eugene Habiger said his agency would provide developers with enough water to serve the equivalent of 3,600 homes.

“He said the draft agreement requires the developer to buy the pumping rights to 587 million gallons of Edwards Aquifer water annually for the golf courses and to transfer those rights to SAWS. The estimated water volume actually used by three golf courses in a year is only half of that, but Habiger said the excess water would make sure the courses have water during drought periods. That would exempt the golf courses from drought restrictions. But Habiger said in most years, the extra water would remain in the aquifer, reducing the chances of drought restrictions for the region.”

March 17, 2002 (1B) **“Proposed agreement riddled with blank spaces”**

Syndicated columnist Carlos Guerra wrote: “As negotiations ensued—behind doors closed to most of us—project promoters toured the city, conjuring visions of a World Class City with three verdant golf courses, two posh hotels, thousands of luxury homes and a changing array of other details that often seemed tailored to answer the question du jour.

“Thursday, after nine months of silence, city staff released the long-awaited development agreement. Well, sort of. On the city's Web portal are documents that will print a lengthy ‘draft for discussion purposes only (to which) no party has agreed expressly or by acquiescence.’

“An impressive 6 1/2-page table of contents precedes 55 pages of contract legalese, to which are appended parts of 13 exhibits. But a quick scan reveals that the "proposed agreement" is riddled with blank spaces and unresolved points, and what is there differs substantively from the PGA Village that was widely pitched.

“Project opponents will welcome some differences. There is no mention of an on-site sewer plant, for example. And ‘best efforts’ will be made to pay hotel workers living wages.

“But this document calls for only two, not three, golf courses, and one, not two, luxury hotels. And while the proposed agreement doesn't include a sewer plant, neither does it ban the use of treated sewer water over the recharge zone in the future.

“Also disturbing is that from the beginning, discussions have centered on an expected \$60 million subsidy that would be realized from diverting taxes for 15 years. There were also blanket promises made that Lumbermen's would guarantee district debts. This agreement proposal, however, extends the district's life to at least 20 years, and it might extend it longer if certain ‘milestones’ are delayed. And Lumbermen's ‘guarantee’ isn't unconditional.

“Now we learn that if this district was expected to net developers a \$60 million subsidy over 15 years, over 20 years the subsidy will balloon to \$82.8 million. And lurking in the proposed agreement, yet another, very bothersome issue is raised. The district will use some of the tax money to buy water to guarantee that during droughts—when residential users are forced to ration—the golf courses' daily drink will not be interrupted.

“How do you feel about that?”

March 19, 2002 (1B) **“Wolff sees resort’s plan as too sweet but he says that doesn’t mean he opposes the project”**

“Bexar County Judge Nelson Wolff said Monday a taxing district underwriting the proposed PGA Village golf resort should be considerably less generous to the project's developers than the one now being evaluated by the City Council.” At a meeting organized by the mayor “to get feedback about the controversial project, Wolff told Mayor Ed Garza the district should have a shorter life span and raise less money than currently proposed.”

“Wolff said 10 years should be enough time for Lumbermen's Investment Corp. and other developers of the 2,861-acre resort to generate tax revenues to cover basic infrastructure needs.”

“He also said the city's commitment should extend only to helping the developers get the resort started. Once that occurs, city officials should ‘get in there and take over as soon as we can,’ the judge said.”

“Characterizing his suggestions as “overarching thoughts” about how the proposed taxing district would work best, Wolff said his statements shouldn't be interpreted as a rejection of the project.

“A former mayor who has a close working relationship with Garza, Wolff said he would wait for him to declare his position on the resort before he takes a stand himself. I don't want to get ahead of the mayor on this deal, said Wolff, who was invited to the meeting even though the county does not have an official say in approving the project.”

“The mayor's position could be pivotal on a council that appears to be split over the resort.”

March 20, 2002 (1A) **PGA chief says resort goes to another city if S.A. says no on aquifer land. Attorney for city says hold off on signing deal**

“PGA's top executive said Tuesday if the proposed site for the organization's golf resort in Northeast Bexar County is rejected, the city will not get a second shot at finding a home for the project. ‘If for some reason, the land is not available for development, we will look elsewhere,’ Jim Awtrey, PGA's chief executive officer, said. And elsewhere, he said, means ‘outside of San Antonio.’

“(But) We still have a strong desire to come here and we hope this is resolved in a way that we can,” added Awtrey, who was in town to meet with business leaders to reaffirm PGA's commitment to the current proposal, which the council is being reviewed.

“Meanwhile, an environmental attorney from Houston hired by the city to review the PGA deal says the city should hold off on signing a development agreement for the 2,861-acre project until there is more information on sensitive Edwards Aquifer recharge zone features on the land.

“In a letter to Mayor Ed Garza, attorney James Blackburn said the city should first identify in the agreement the location of sensitive aquifer features, such as caves and sinkholes. Blackburn also recommended that the city specify precisely how the features would be protected. ‘This is not an issue that should be subjected to after-the-fact adjustments in the field,’ Blackburn wrote. ‘The chance of protecting the groundwater is greatest on the front end rather than in retrospect.’

“John Pierret, executive vice president of Lumbermen's Investment Corp., the resort's main developer, and Gene Dawson Jr., head of the engineering firm that is designing the resort, could not be reached to comment on the letter Tuesday.

“Awtrey's comments marked the first time that the PGA has clearly stated its position on the idea of finding an alternate site for the project off the recharge zone, as proposed by some critics.”

“The resort, touted as a world-class golf facility, has become politically divisive because it is located on the recharge zone, which replenishes the aquifer, the city's primary source of drinking water. Also, opponents have complained about a proposed taxing district for developers that is expected to raise almost \$83 million over 20 years.”

March 20, 2002 (9A) **“SAWS approves contracts for resort”**

“The agreements cut by 35 percent the amount of water committed by SAWS to the 2,885-acre tract in December 1984, and require the developer, Lumbermen's Investment Corp., to buy and turn over to SAWS twice as much water as is projected to be used on the golf courses. The company would have to purchase Edwards Aquifer pumping rights to transfer to SAWS.

“The two water contracts—one for the golf courses and one for residential and commercial areas—will become part of the development agreement that the city is negotiating with Lumbermen's.

“In the golf course agreement, SAWS is requiring the developer to request the maximum amount of water needed for each of three proposed courses with the total not exceeding 293 million gallons a year. The developer must provide SAWS with Edwards pumping rights equal to twice

their requests, meaning that at the maximum request of 293 million gallons, the developer would have to give to SAWS pumping rights of 586 million gallons a year.

“That ensures that they're not putting a strain on the water supply for the rest of the community,” said SAWS spokesman John Boggess. “It ensures that they can operate the facility at the high standards of quality that the PGA sets,” he said. “But it doesn't come at the expense of the community. They'll be paying for the water they use on the golf course - once when they buy the rights and again when it's distributed to them.”

“Although the extra water left in the aquifer exempts the golf courses from restrictions in times of drought, Boggess said the development agreement already holds the courses to a high standard of efficiency. ‘The agreement has an aggressive conservation plan built in,’ he said.”

### March 20, 2002 (3A) **“City lawyer: Don’t approve current PGA Village draft”**

Columnist Rick Casey provides details of a five-page letter from Houston environmental lawyer James Blackburn Jr., who was hired in early February by the City Council to help review the PGA Village agreement.

“Blackburn on Monday faxed Mayor Ed Garza (who was not my source) a five-page memo written the day before, titled ‘Summary of recommendations to the City of San Antonio.’

“In a cover letter, Blackburn described the memo as a summary of a presentation he made to City Council in executive session, with updates based on further conversations with staff and information from the developer. He also reviewed a portion of the draft agreement between Lumbermen's and the city released last Thursday.

“Here are his major findings and recommendations:

“The draft development agreement does not identify in advance the environmentally sensitive recharge features (fissures, caves and sinkholes through which water enters the aquifer) on the land, nor does it say how they will be protected. Instead, the San Antonio Water System would be charged with identifying the features and designing a plan for protecting them.

“Blackburn says it is ‘my strong recommendation that the City of San Antonio not sign a development agreement without identifying in advance the geologic features to be protected and without identifying how those features are to be protected. I am making this recommendation because the potential for extensive pressure being applied in the field is very great and the potential for errors being made is increased.’

“As Blackburn understands, under the current draft, decisions would be made by SAWS staff conferring in the field with engineers for Lumbermen's. Staff would be getting pressure, information and insight from only one side. SAWS' history of monitoring developers supports Blackburn's concerns.

“The current land use plan provided by the developer needs to be more specific. It shows extensive residential development in the southwestern portion of the 2,861-acre site, the golf course in the southern and middle portion, and open space in the northern portion. Studies indicate, Blackburn says, that most recharge features are in the southern portion.

“First, the residential development is proposed for land areas indicated as having significant potential recharge features. It is my recommendation that this residential development be subject to the same type of controls as are applicable to the golf course.

“Second, due to the density of recharge features in the southern portion of the site, it is reasonable to consider reversing the land development/open space layout such that the bulk of the open space preserve is in the southern portion of the site and the bulk of the residential development is in the northern portion of the site.’

“Noting that he was the author of the city's water quality ordinance more than five years ago, Blackburn says, ‘It is my opinion that the water quality ordinance is not being enforced as intended.’ In particular, he says, city staff appears to be granting ‘grandfather’ exemptions from building restrictions when they are not merited. This, he says, may well be one of those cases.

“Lumbermen's has committed to a limit of 15 percent of impermeable cover for the entire development, but that assesses the open space and the golf courses as zero percent impermeable. Blackburn notes, however, that large portions of golf courses are not permeable. Greens, he notes, ‘will likely include underdrains that rapidly remove stormwater and the fairways are certain to be designed to rapidly remove water rather than allowing infiltration.’

“Anyone who plays a high-quality golf course knows they are designed so that there aren't standing puddles on the greens and in the fairways after a rain. Blackburn adds cart paths, sheds, roads and buildings as being impermeable.

“Some council members reportedly tried to discredit Blackburn in executive session. They would rather listen to Bill Kaufman, Lumbermen's lawyer/lobbyist than to the lawyer hired to represent the city.”

March 21, 2002 (1B) **Activists ready to take their case to the voters on “largest tax subsidy proposal in San Antonio’s history”**

Syndicated columnist Carlos Guerra writes:

“Tonight is the first of two hearings on the development agreement required between the city and Lumbermen's Investment Corp. to grant an \$82.4 million subsidy for the PGA Village.

“For weeks, chambers of commerce have been urging members to attend tonight's hearing to cheer the project. Similarly, COPS, Metro Alliance and 25 other Smart Growth Coalition groups have been asking members to sign up to tell council members, ‘Not over my water, not with my money.’”

At a meeting with the Express-News Editorial Board, COPS and Metro Alliance members said they had 500 “walkers” ready to gather signatures to force a popular vote on the issue.

March 22, 2002 (1A) **“Council hearing is standing room only. Golf village’s foes and supporters talk emotionally for almost 5 hours.”**

“The largest crowd to pack a City Council hearing in years, about 600 people, gathered to give

council members their opinions on the resort, which would be built on the recharge zone of the Edwards Aquifer.

“Opponents chanted ‘No taxation without representation,’ which COPS leader Linda Ortega said was appropriate because ‘it seems like King George is here,’ a reference to the British monarch when the American colonies revolted.

“The crowd waited until 6:40 p.m. for the hearing scheduled for 6 p.m. to start, because the council was late coming out of its executive session on the PGA Village proposal. By 6:30 p.m., 100 people had signed up to speak on the proposed agreement that would allow Lumbermen's Investment Corp. to create a special taxing district to help build the resort. By the time the hearing ended just after 11 p.m., nearly everyone who signed up had spoken.”

“Calling the developer ‘King Lumbermen's,’ representatives of Communities Organized for Public Service and Metro Alliance urged the council to turn down the proposed special taxing district or to put it to a public vote. What appeared to be more than half of the crowd stood and cheered in support of COPS and Metro Alliance.

“One opponent, Mary Lou Reboloso, a 57-year-old restaurant cook, said she opposes the resort's location, not the facility itself. ‘I want PGA to come to San Antonio. I just don't want them to build it on the aquifer,’ Reboloso said. ‘No matter how much money you have, once you don't have water, that's it.’”

Supporters say the proposed complex would augment the city's robust tourism industry, and do less damage than other things that could be built instead, such as a denser residential subdivision that would be harder to regulate. ‘The property owner has development rights,’ said Patrick Duncan, president of the North San Antonio Chamber of Commerce. ‘It will be developed, so why not with controls? A development that will not be controlled is not what we want over our aquifer.’”

“‘We have six golf courses on the recharge zone,’ noted Norman Dugas, a local developer and former San Antonio Water System trustee. ‘Some have been there for 40 years and had no measurable impact on the aquifer.’

“But opponents were having none of it. ‘We are a poor city and the answer is golf? Something is wrong,’ former Councilwoman Maria Berriozabal said to cheers from the crowd.”

#### March 22, 2002 (1A) **“Garza has own PGA plan”**

“Mayor Ed Garza has been quietly crafting a scaled-back plan for the proposed PGA Village golf resort in the hope it will unite the community and bring the prestigious sporting attraction to San Antonio. City Council members are reviewing a draft agreement for the golf resort that they are scheduled to vote on next week.

“At the same time, Garza has been working on the alternative proposal, a copy of which was obtained by the San Antonio Express-News.”

“Primarily, the new plan seeks to reduce the spending authority of the special taxing district that would underwrite the resort, currently estimated at nearly \$83 million, and shrink the lifetime of

the district, now a maximum of 20 years from the time the first resort hotel is finished. “No cost estimate was included in the draft and the mayor would not offer one Thursday. However, a source familiar with the plan said Garza is interested in cutting at least \$10.5 million in improvement costs associated with roadway, drainage and other public projects designed for the area surrounding the resort.”

“Garza's revisions include a spot on the taxing district board for San Antonio's mayor. Under the existing proposal, the city does not have a representative on the board that would oversee the taxing district. News of the draft proposal's existence stunned developers, who said they had worked hard to reach the agreements underlying the development plan under review. Gene Dawson Jr., the project's engineer, said some of the recommendations already are part of the plan and others would not work.”

“Among the proposals is a change that eliminates a provision in which the city would get 1,100 acres of open land and would allow the developer to put homes and other structures on that property, provided buildings do not cover more than 15 percent of the property.

“Under the current plan, the developer, Lumbermen's Investment Corp., would convey that property to the city and could repay itself for the value of the property. One estimate puts the cost of that land at nearly \$17 million.

“In addition, under Garza's alternate plan, Lumbermen's would not be allowed to repay itself for the cost of all the public improvements on the 2,861-acre resort under the draft proposal. Lumbermen's only would be able to recoup improvement costs tied directly to the golf courses and hotels in the development, not the houses, apartments and commercial establishments to be built.

“Garza's proposal includes items affecting the proposed environmental controls. One proposal says a three-member geologic review panel should be established to review the impact that future development will have on sensitive environmental features and another says federal regulators should be able to tour the resort site to evaluate potential endangered species habitat earlier than developers have proposed.”

#### March 23, 2002 (10B) **“Citizens deserve respect”**

In an editorial, the Express-News cited Pat Ozuna of Communities Organized for Public Service, who “chastised council members for showing disrespect to the more than 600 citizens present by starting the public hearing 35 minutes late. Wherever anyone stood on the project itself, they surely all agreed with Ozuna on that point.”

“There is no excuse for this disrespectful behavior. Shame on council members.”

#### March 23, 2002 (1A) **“Plan may be a hole in 1”**

“Mayor Ed Garza's last-minute attempt to fashion a sleeker, more acceptable development plan for the PGA Village golf resort is being seriously considered by the resort's developers and was praised by two vocal opponent groups Friday.

John Pierret, executive vice president for developer Lumbermen's Investment Corp., said his experts would analyze the cost implications associated with the mayor's recommendations and come back with a response Monday.”

“Meanwhile, Communities Organized for Public Service and Metro Alliance said they might call off the petition drive planned against the resort if the mayor's proposals and other concerns of the public are addressed. ‘The mayor is moving these issues in the right direction,’ said Father Walter D'heedene, a COPS leader.”

“The mayor's 22-point alternative plan proposes to shorten the term and the revenues generated by a taxing district set up to support the resort, provide more oversight of the district's expenditures and tighten environmental controls for the project. ‘It is my hope that we can put together an agreement that protects the city's interests but more importantly unites this city and brings together as many groups as possible to support this agreement,’ Garza said in outlining his proposals to the media Friday.

“In his memo to the council about his proposal, Garza made one thing clear: ‘I cannot support approval of the current proposal,’ he said, adding later that he would support a referendum movement and a public vote against it if the current plan is approved by the council.”

Among the mayor's proposals is one for the developers “to include a commitment to pay a "living wage" of \$8.50 an hour to hotel and golf course workers, but he shelved the idea of requiring developers to set aside funds for public projects in other parts of the city.”

#### March 24, 2002 (3A) “**Banker wants to know costs before deciding on PGA**”

Columnist Rick Casey writes that Tom Frost, “the senior sage of San Antonio’s oldest and most successful banking family,” in an Express-News Editorial Board meeting, said when someone called him to ask his position on the PGA deal, he told the caller “he didn’t know because he didn’t have enough information. He hadn’t seen any numbers. He didn’t know exactly what the city would be paying and what it would get.”

“What happened next tells a lot about San Antonio’s business leadership. ‘I started hearing that Tom Frost is against the deal,’ he said. ‘Whoa! I’m not for it or against it.’”

“Instead, he was acting like a good businessman - unlike the phalanx of chambers of commerce and various business groups that lined up to praise the deal Thursday at a City Hall public hearing. The San Antonio Manufacturers Association, for example, "strongly encouraged" City Council to ‘approve the project without delay’ because it ‘will provide for controlled growth, strict environmental controls, hundreds of new jobs and an economic stimulus for San Antonio.’

“You are familiar with the expression ‘cost/benefit analysis.’ The entire business establishment of San Antonio was proclaiming the benefits. The Economic Development Foundation even commissioned a questionable ‘economic impact study.’ But where was the study looking at the costs? And when Tom Frost raised the question, he was considered to be against the deal. He was not on the team.

“It is a tragedy for San Antonio that our business leadership so readily abandons its business judgment whenever some slick developer packages his profits in a sexy wrapper.

“County Judge Nelson Wolff, a highly successful businessman himself and a recent chairman of the Chamber of Commerce, explained why. ‘It’s not their money,’ he said with a laugh. Another traitor to his class.

“Frost made it clear he was no naysayer. We need to agree on a couple of things before we even start talking about this deal, he said. One is that it offers an opportunity to put some environmental controls into a development over a portion of the Edwards Aquifer recharge zone that otherwise would be only lightly regulated. The other thing we need to agree to, he said, is that ‘it has to be looked at as the city of San Antonio’s money.’

“This is something the developer and many business leaders have tried to obfuscate. Under the deal, the developers will be given the right to act as their own city, collecting and spending property, sales and hotel/motel taxes to put in infrastructure and other amenities.”

“Once we see that it is an opportunity and it is our money, said Frost, we can go about analyzing what the developer has to offer that we want, and what we are willing to pay for it.”

“Frost said he hoped a deal could be reached, but he also said, “I’m willing to let it slip through our hands if the price is too much.”

“By contrast, chamber types were saying that to turn down this gold-plated deal would send a message to the nation that San Antonio is not a good place to do business. So they were willing to back the deal without even reading the contract. Where have we seen the consequences of that before?”

#### March 24, 2002 (1A) **“Garza winning friends, influencing PGA”**

“‘I think the deadline is working in our favor for once,’ Garza said, summing up a round of negotiations with the developers of a planned PGA Village golf resort that has split San Antonio like few issues before it. As shifts in public debates go, it was the equivalent of a political earthquake that signaled a dramatic change in the negotiating posture of the mayor.

“For months, Garza has been where first-term mayors don’t want to be. By slowing approval of the project, which most agree has had the six City Council votes needed to pass for weeks now, he placed himself on the opposite side of the powerful business community that in large part helped elect him a year ago.

“At the same time, by publicly announcing his desire to attract the Professional Golfers’ Association of America to San Antonio, Garza has caused impassioned civic activist organizations such as Communities Organized for Public Service and the Metro Alliance to look warily on him after seeing too many politicians wind up siding with moneyed interests.

“Caught in the middle, Garza over the past few weeks has quietly received the support of two of the city’s most influential figures—County Judge Nelson Wolff and banking giant Tom Frost—which finally allowed him to deal from a position of strength in recent days.

Friday, he presented a list of changes to an essential development agreement to the project’s developers, PGA and Lumbermen’s Investment Corp., and generated significant movement.

“The mayor hopes an alternative agreement will mollify opposition and still attract what all sides agree would be a huge tourism boost by having one of only two PGA-sanctioned golf and training sites in the country. With the backing of Frost and Wolff, who acknowledged he's ‘taken a few arrows for the mayor,’ Garza told development officials they either could have him working for the project or watch him join restless opponents who surely would launch a petition drive that could spur a public vote and overturn the project.

“It's been tough to pull this back with a majority of the council pushing for it,’ Garza told members of the San Antonio Express-News Editorial Board late Friday afternoon, moments later rubbing tired eyes and covering his mouth to fight back a yawn.

“Lumbermen's Executive Vice President John Pierret said the development group would ‘love to have the mayor's support’ and has committed to working hard this weekend on cost estimates for the revisions proposed by the mayor. Pierret said he had no way of gauging how real the threat of a referendum is should the council approve the development agreement, but acknowledged that emotions expressed by opponents of the resort at a volatile Thursday night public hearing got his attention.”

“Members of COPS and Metro Alliance, who have given their tacit approval to the mayor's alternative development plan, will want to see that he has dramatically reduced the amount of public money going to the project from a special taxing district, which could have raised as much as \$82.8 million over 20 years. Wolff hinted Friday that \$20 million is a working target figure.”

“David Lake, a local architect and member of the Smart Growth Coalition, which opposes the original development agreement, has been one of the most vocal critics of city staffers for not producing a cost-benefit analysis. Such an analysis would be required of any other development and would go a long way in telling the public whether the PGA Village would be an asset to the community or a corporate giveaway to developers, he said. ‘I think we've gotten totally immersed in the allure of the PGA,’ said Lake, who added he's ‘horrified that the city is displaying this lack of vision in running (financial) numbers.’

“Garza, an urban planner by trade, also has expressed his dissatisfaction with the flow of information from city staff members over the past few months. A staffer said the mayor requested a cost-benefit analysis months ago. On Friday, Garza joked: ‘It would take them (city staffers) a year to generate something like that.’

Assistant City Manager Chris Brady, the city's chief negotiator in marathon sessions with Lumbermen's, denied ever being asked for such an analysis. ‘If he's asked for that, nobody ever told me,’ Brady said.

“Whether the city has the staff to produce such a document, Frost, the senior chairman of Frost Bank, said one of the main problems in the PGA negotiations so far has been the city's failure to require a frank discussion of the deal's financing.”

March 26, 2002 (1B) **“As PGA project changes, opponents’ resolve is strengthened”**

Syndicated columnist Carlos Guerra writes: “Project details are changing quickly. But resort opponents aren't tripping over each other to embrace the deal.”

“Reacting to Garza's proposed revisions, COPS and Metro Alliance leaders said they would "consider" any new proposal, but only if all its elements are clear, and hearings are held in each of the city's 10 City Council districts. ‘We applaud the mayor's efforts,’ said Sr. Gabriella Lohan, speaking for the two groups. ‘But we're not saying we're compromising, by any means. We will wait and see (what develops), but if it isn't something COPS and Metro can live with, we'll be walking.’ The two groups, she added, met over the weekend to begin organizing 500 signature gatherers should a referendum petition be needed.

“Also over the weekend, the Smart Growth Coalition issued a statement ‘in response to Mayor Ed Garza's plan to negotiate with Lumbermen's over a scaled-back development agreement for the ... PGA Village.’

The coalition, it says, ‘has not seen anything in the proposal that would cause us to withdraw our opposition. The development agreement,’ the statement continues, ‘still involves a site on the Edwards recharge zone, (and) it still involves creation of a special taxing district to finance the project, the two main points of Smart Growth's opposition to the project.’”

March 26, 2002 (6B) **“The mayor deserves support of citizens”**

In an editorial, the Express-News laid out the efforts underway to gain “broad support” for the PGA Village project lay of the land, urging their support.

“Banker Tom Frost, one of San Antonio's most respected businessmen, has provided a framework for this city to achieve what it seeks: a fair deal that will be a step toward better protection of the Edwards Aquifer recharge zone and bring the PGA Village to San Antonio, with widespread support from citizens. (See his comment on the next page.)

“At the same time, this city's young mayor, Ed Garza, in the most important deal of his first year in office, is exhibiting care in negotiating with Lumbermen's Investment Corp., the developer, to secure an agreement that won't come back to haunt city government years later.

“Another key person is County Judge Nelson Wolff, who is playing a critical behind-the-scenes role in helping the mayor bring deeply divided factions together on this explosive issue.

“If members of City Council will exercise equal diligence, a deal that will benefit both the city and the developer could be near. The three issues that must be addressed, as Frost outlined, are (1) protection of the aquifer; (2) the special taxing district; and (3) financial issues.”

On 1) “Lumbermen’s must be willing to meet the requirements of the San Antonio Water System.”

On 2) attempting to limit the district to last only as long as necessary to raise the needed funds “is the correct strategy.”

On 3) “This is where the city has a history of being out-gunned.... A cost-benefit analysis is essential.”

“Garza is proving himself a diligent negotiator, balancing competing interests to provide the best deal for the city. He deserves support from citizens and council members.”

### March 26, 2002 (1A) **“PGA vote set back one week”**

With new terms and concessions rapidly surfacing in feverish negotiations on the PGA Village golf resort, city officials Monday finally gave negotiators something that critics of the project have been demanding—more time.

Instead of going to a final public hearing and a vote this Thursday as the mayor and resort developers had planned, a financial and environmental agreement for the 2,861-acre resort is now being readied for City Council action April 4, council and staff members said. City Manager Terry Brechtel said she pulled the public hearing and vote off this week's agenda when she saw that contractual changes already endorsed and others under review would take more than two or three days to complete. We don't want to rush anything,' she said.”

### March 27, 2002 (3A) **“Lawyer on City Council worried in vain about precedent”**

Columnist Rick Casey writes: “During one of the closed-door sessions on the contract with Lumbermen's Investment Corp. to develop PGA Village, one of the four attorneys on City Council raised a lawyerly point. Mayor Ed Garza had committed to releasing a draft of the contract to the public two weeks before a scheduled vote so that citizens could give their representatives informed opinions on the issue.

“Poor, naive Garza, not being a lawyer, didn't know the peril of what he was doing, and the attorney wanted to put it in perspective. So what was the peril? It would set a bad precedent. As the lawyer pointed out, the city had never released such contracts for public scrutiny before council voted on them.

“The lawyer was right. In fact, the council members, much less the public, rarely have contracts early enough to read them before voting on them. Instead, council members rely on the representations of city staff and lawyers and of the generous lobbyists representing the parties on the other side of the table (theoretically speaking).

“It is a precedent I, for one, celebrate. It has over the years provided great material for me and my colleagues. Let's take a walk down memory lane:

“The infamous police union contract of the late 1980s was filled with little surprises that added tens of millions of dollars to its cost, embarrassed council members and contributed greatly to the passage of term limits in 1991.” Casey goes on to cite embarrassments with the 1995 BIH contract and 1996 contract with Philip Sheridan's Alamo Concessions and Supply Co. contract, and “one more word: Yanaguana.”

“So Mayor Garza persuaded the council to authorize the release of the latest Lumbermen's draft contract two weeks before the vote that had been scheduled for Thursday. And what happened? A lot of people read it. COPS and Metro Alliance leaders read it.

“So, at the request of the San Antonio Conservation Society, did lawyer Banks Smith. It was on behalf of the same client that Smith exposed the Sheridan/Brackenridge Park mess. Smith noted that the contract enabled Lumbermen's to transfer the land and other assets to a ‘single-asset’ corporation—a common device by large developers to shield the parent company from liability.

Interestingly, Smith said, an earlier draft had ‘closed this loophole.’

“He also noted that though the district set up by Lumbermen's had to wait until a resort hotel was built before it could sell bonds (the mayor had required the PGA golf center and a hotel to be part of the deal), the contract provides that by definition the hotel will be ‘complete’ three years after land is cleared for it. In other words, trees must be killed, but no hotel need be built.

“Smith also said it is unclear whether a referendum would overturn the contract—an uncertainty that could be cleared up by the contract itself.

“COPS and Metro leaders found many other problems, but space is limited—and this contract is no longer on the table. A new contract is being drawn up based on Mayor Garza's opposition to the earlier one. Public hearings are scheduled Tuesday night, and the council plans to vote for it on April 4—a schedule that gives nobody time to analyze the contract—other than lawyers for the developers and the city. Which side would you bet on?

“The lawyer/council member's concern about precedent appears to have been unwarranted. It looks like we're going back to business as usual.”

March 27, 2002 (1B) **“Chamber suggests changes to proposal. Poll indicates opposition is decreasing” though majority still opposes PGA**

“The Greater San Antonio Chamber of Commerce, an early supporter of the original PGA Village golf resort plan, is now recommending that it be altered, as final negotiations continue between the City Council and the resort's developers.

“Meanwhile, a poll conducted Tuesday by SurveyUSA for KSAT-TV showed that opposition to the special taxing district required by the resort appears to be lessening, although a majority of the 406 San Antonians polled still oppose the district.”

March 28, 2002 (1A) **“Mayor wants no ballot on PGA”**

“Mayor Ed Garza, in the midst of negotiating final terms of a new PGA Village development plan, said Wednesday he won't support a deal unless its appeal is broad enough to prevent a referendum. Garza, in a meeting with the San Antonio Express-News Editorial Board, said progress has been made in streamlining the resort's development plan, but more changes are needed before he's satisfied it adequately protects the city's financial and environmental interests.

“The mayor said he recognizes that not every concern raised by the various stakeholders can be addressed, but he added the final proposal must have the components necessary to thwart a threatened referendum drive against the project. ‘If it's not a plan that will allow us to avoid a referendum, then it's a plan I can't support,’ Garza said. “I don't want to have a referendum.””

“Opponents of the resort have threatened a referendum if the council approves a development agreement they don't like. Through referendum powers, opponents could force a public vote on the taxing district if they can get the names of 68,000 voters on petitions within 40 days of the council's action.

“Garza long has feared a referendum effort could succeed, based on voter history in San Antonio when developments affecting the Edwards Aquifer, the city's primary source of drinking water, are concerned.”

#### March 30, 2002 (1B) **“PGA tax district life shortens”**

“Mayor Ed Garza said the latest agreement with developers trimmed the maximum duration of the taxing district from 15 years to 13 years, a key sticking point in negotiations that have heated up in recent weeks. The term of the proposed district in North Bexar County had been as high as 20 years. ‘I think we've done a great job in decreasing the cost,’ said Garza, who initially hoped to reduce the term to 10 years.”

“One of the loudest opponents of the resort, the Smart Growth Coalition, has drafted a letter to Garza stating that it appreciates his efforts to improve the initial development plan, but still believes the resort is located in the wrong place - over the Edwards Aquifer recharge zone - and that it should not be supported by a special taxing district.

“The letter lists 23 items that the coalition believes are not adequately addressed by the proposed development plan and said coalition members are ready to secure names on petitions seeking a public vote to overturn the development agreement, if council approves it. Twenty-two of the 23 recommendations made by the coalition seek enhanced environmental oversight of the resort.”

#### March 31, 2002 (1A) **“‘Living wage’ biggest PGA sticking point”**

“After months of debate over caves and sinkholes, reams of reports on project costs and taxing potential, the fate of the PGA Village golf resort could come down to the timeworn issue of wages. Mayor Ed Garza, the architect of several changes to the PGA development plan, said the ‘living wage’ issue is the biggest unresolved point confronting negotiators as they strive to get a proposal ready for a City Council vote Thursday.

“The compromise plan would require Marriott hotels to pay at least \$8.50 an hour to all employees, rather than make “its best efforts” to reach that goal as originally proposed. Garza, a pivotal player in the decision over whether the resort comes to San Antonio, said he will not support the final PGA deal without a commitment to a living wage. ‘The developers have said they agreed,’ Garza said. ‘It's up to Marriott.’”

“‘We're not impressed (with the mayor's changes),’ said [Aquifer Protection Association] president Fay Sinkin. ‘He's not focused on the real issue, the cumulative effect of development on the aquifer.’ But two other influential activist organizations, Communities Organized for Public Service and the Metro Alliance, have said they see merit in the mayor's proposals and might reconsider their opposition if Garza's concerns and additional issues from their own leadership are addressed. COPS and Metro representatives, like Garza, have been strong proponents of a ‘living wage’ being required in the deal.

“Another request COPS and Metro made was that public meetings be held in each council district before the final vote. That led to public forums being scheduled for Tuesday in each district. But there have been complaints from some residents about the locations of the forums and the size of the meeting rooms. And Father Walter D'heedene, a COPS and Metro spokesman, said he was surprised by the format.

“Instead of giving individuals a certain amount of time to comment, officials plan to hand out cards seeking questions or comments from the public and to answer as many questions as time allows. Questions that cannot be answered Tuesday or that can't be answered because of time should be answered later in writing, officials said. The city is proposing that the forums last two hours, from 7 to 9 p.m. D'heedene said he hoped the city would provide enough time for all questions to be answered.”

March 31, 2002 (1B) **“Never has Alamo City needed a contract more closely read”**

Syndicated columnist Carlos Guerra writes: “Over nine months, city staff negotiators had turned the PGA Village developer's request for a \$60 million ‘incentive’ into an \$83 million corporate welfare check. Now we are told the giveaway has been trimmed to \$57 million over 15 years. But the actual language governing this deal won't be available until Monday, one day before public forums are held in the 10 council districts. And two days thereafter, the council will vote on the complex agreement governing development over the most sensitive part of the Edwards Aquifer recharge zone. It's look before you leap, isn't it?”

“After all, it's our kids' water they're playing with. And even if the subsidy is only \$57 million, that sum is 4.16 times the total value of all 47 tax abatements City Hall has granted over 13 years.

“And let's not kid ourselves about the beneficiary of our city's largesse. Lumbermen's Investment Corp. isn't a struggling ‘land development and commercial real estate investment company.’ According to the Web site of Temple-Inland, Inc., its parent company, Lumbermen's is but a small cog in a very, very large firm. Local small business owners salivating about the business opportunities the PGA Village would create should understand that Temple-Inland is a vertically integrated, \$2.8 billion conglomerate.”

“Temple-Inland insists it is guided by its environmental cornerstones: ‘recycle, reuse, reclaim and renew.’ But its record indicates that we need airtight contractual language that will protect us in perpetuity.

“Last week, the Texas Natural Resource Conservation Commission met to consider fining Temple-Inland for air and water quality violations in Sabine County; and in January, another subsidiary, Inland Paperboard, was penalized by TNRCC for air quality violations in Orange County. And last December, the Environmental Protection Agency recommended that Lumbermen's be fined \$137,500 for Clean Water Act violations in Travis County.

“Do we really need to rush a vote at Thursday's meeting?”

March 31, 2002 (3A) **“Garza’s handling of PGA issue marks new level of leadership”**

Columnist Rick Casey traces the workings of the PGA deal and the mayor’s evolving role: “It began in classic San Antonio fashion. Lumbermen's Investment Corp., the developer for the PGA Village project:

“Hired Bill Kaufman, a leading City Hall lobbyist, who is especially noted for his ability to get South Side council members to support the interests of North Side developers.

“Hired the public relations firm of the mayor's campaign director, Trish DeBerry.

“Hired the engineering firm with the best connections at City Hall, Pape-Dawson Engineers.

“They lined up the support of the mayor's finance chairman, developer Gene [Powell] who with partners owns a large tract next to the proposed development, and that of the Greater San Antonio Chamber of Commerce.

“Before the deal rose on the public's radar, they had the six votes needed on City Council, although several pretended they were still seeking information. But they're missing one element of the classic San Antonio done deal, the mayor himself.

“Garza in the past week has managed to engage Lumbermen's at the negotiating table with a strength that belies his minority status on council.

“The path he took to get there is fascinating. Lumbermen's had wanted a vote in December on the deal. Members of the opposition, which was growing but still disorganized, wanted Garza to come out against the deal. Business supporters were pressuring him heavily, and wanted to push it to council approval. Instead Garza, with the help of Councilwoman Bonnie Conner, slowed the process by seeking an independent environmental study. Councilman Carroll Schubert, an early champion of the deal, insisted that Lumbermen's would have to approve of the independent geologist—and the result was something of a joke, an assessment that hardly assessed.

“Politically, however, the study accomplished an underlying goal. It gave the opposition time to get organized. By February, Communities Organized for Public Service and Metro Alliance had teamed up with the San Antonio Conservation Society and an array of environmental and neighborhood groups that runs under the banner "Smart Growth."

“Meanwhile, backers of Lumbermen's in the business community were divided on whether opponents could, as threatened, get the 68,000 signatures necessary to overturn a City Council ordinance approving the deal.

“That changed a week ago last Thursday night, when the Greater Chamber and other business organizations turned out their troops in force for a City Council hearing on the issue—only to find themselves outnumbered by opponents at least 2-1. The numbers and the passion of the opposition removed any doubt they could get the signatures.”

“Garza understood that the Lumbermen's deal was provoking a great deal of anger in the community. Rather than bow to the pressures of the moneymen who funded his campaign—and seriously diminish his credibility—he encouraged the opposition to organize and then brought them to the table. Even if he isn't able to forge an agreement between the two sides, he will have shown a level of sophisticated leadership that rises high above business as usual.”

April 2, 2002 (1A)    **“Mayor expects plan to win over council”**

“The sticking point involves pay for resort hotel workers. "If the wage issue is addressed, we have a strong development agreement," Garza said.

“Activist organizations Communities Organized for Public Service and the Metro Alliance had hoped to meet with developers and Garza about the pay scale Monday. When that meeting didn't occur, another was tentatively set for today, said Bill Kaufman, a lobbyist for the developer, Lumbermen's Investment Corp.

“City officials plan to have a final agreement proposal ready for release this morning, only hours in advance of public forums that are to begin in each council district at 7 p.m. It is possible that the wage requirements will not be in that agreement but will be negotiated over the next two days. A council vote is planned for Thursday.”

“Garza said he believes the changes make the plan ‘voter- proof,’ meaning it would not be overturned by a public vote if referendum supporters get enough names on a petition to call for a vote. Resort critics were not so convinced all their questions had been answered, and some believe the vote should be delayed another week so the plan can get the scrutiny it deserves.”

“In a later news conference, the coalition, a group of almost 30 local organizations, highlighted a number of environmental and safety questions incurred by the PGA developer, Lumbermen's Investment Corp., and its parent company.

“Although alleged violations were unrelated to the proposed PGA project, group leaders questioned whether Lumbermen's, with its track record, would adequately protect the Edwards Aquifer from possible contamination. Smart Growth leaders pointed to a list showing that over the past decade, municipal, state and federal agencies have cited Lumbermen's and its parent company, Temple-Inland Inc., and other Temple-Inland subsidiaries, for a number of environmental and safety violations.

“‘We believe Lumbermen's/Temple Inland are not good corporate citizens and this agreement will do nothing, nothing to protect our water supply,’ said Enrique Valdivia, director of the Esperanza Environmental Justice Project, a member of Smart Growth.

“Doyle Simons, vice president of administration for Temple-Inland, did not return a message left Monday afternoon at his Austin office seeking a response. A Lumbermen's executive did not return a phone call. Lumbermen's is the real estate division of the parent company, which also has operations in paper, building products and financial services.”

“The company's record, according to the various agencies that leveled the violations, includes:

- An Environmental Protection Agency citation against Lumbermen's in December for violating the Clean Water Act in Travis County. Proposed fines totaled \$137,500.

- A citation against Temple-Inland Financial Services by the city of Austin in August 2000 for failing to follow the city's mandatory water restrictions at an office building. A fine of \$500 was paid.

- A citation for 19 safety and health violations against Temple-Inland Forest Products by the U.S. Occupational Safety and Health Administration after a six-month investigation into a 1998 explosion and fire at the company's manufacturing plant in Mount Jewett, Pa., that seriously burned 10 employees - three of whom died. The proposed penalty was \$248,400.

-A \$720 penalty assessed against Lumbermen's by the Texas Natural Resource Conservation Commission for a water quality violation. The state agency had no other details on the penalty Monday.

“At the news conference, Smart Growth leaders reaffirmed their opposition to the proposed golf and residential development, even with the changes, and called for a public vote on the issue. ‘It's still over our water,’ Maria Berriozabal said. ‘It's still with our money.’

April 3, 2002 (1A)   **“PGA at eye of storm. Foes blast revisions”**

The revised development plan for the proposed PGA Village golf resort was released Tuesday to howls of protest from some opponents and a word of warning from Mayor Ed Garza. Garza said he was pleased with the proposal's environmental controls and financial limits of a special taxing district, but he added that the developers need to make a greater commitment to pay a "living wage" to resort hotel employees before he can endorse it.

“‘If it stays as written, I won't support it. We need to get significant change as it relates to the index factor in this development agreement,’ Garza said. ‘We've made it very clear. If you come to the city for a public subsidy, you're going to have to live by our rules. I'm stating very clearly, our rules are a living wage for all the employees that will be employed by the hotel.’”

“Bill Kaufman, lobbyist for Lumbermen's, said developers had not accepted the indexing factor so far because it would create problems as they line up financing for the hotel.

“Meanwhile, COPS and Metro officials said they were dissatisfied with the terms of the deal. Father Walter D'heedene, representing both those organizations, said that overall, the plan lacked the financial controls and the environmental protections the organizations had hoped to see. ‘There has been no progress made,’ D'heedene said of the new proposal. ‘What we see is not acceptable to us.’

“COPS and Metro had been willing to reconsider their opposition after Garza outlined his changes. However, they also have pledged to join forces with other groups that may try to force a public vote on the resort if their concerns are not addressed.”

“Banks Smith, an attorney representing the San Antonio Conservation Society, said the agreement gives Lumbermen's and its parent company, Temple-Inland, the ability to shield their assets from a city lawsuit or other legal action in the event that the resort contaminates the aquifer. ‘If there is a pollution problem, if the developer does not live up to other provisions under the agreement the city would have no recourse, no effective recourse of any type for damages against the developer,’ Smith said.

“A major question also remains about whether the agreement rules out the possibility of a petition drive that could force a public vote to decide whether the district should be created.”

“George Rice, a San Antonio hydrologist, said that few, if any, of the environmental changes requested by the Smart Growth Coalition have been made. Rice said there still are too few water monitoring wells to adequately check the aquifer for possible pollution emanating from the development.

“He also took issue with the agreement's "unspecified" cleanup standards if the aquifer is compromised and the fact that only \$1 million is dedicated in the deal to fund potential pollution problems.”

“George Veni, a San Antonio hydrogeologist widely known as an expert in karst aquifers such as the Edwards, said of the environmental controls: ‘Overall, I think the latest proposal is a significant improvement over what they started with.’

But he said the agreement leaves too many details to be worked out later. One of the biggest potential problems, Veni said, is that the U.S. Fish and Wildlife Service hasn't been brought in to assess the question of protection of habitat for endangered birds and cave creatures. ‘Without concurrence of Fish and Wildlife, the city's taking a big chance. We don't know what we're getting into,’ he said.”

#### April 3, 2002 (1A)    **“Moods at district forums span emotional spectrum”**

“City Council members went on tour Tuesday night, fanning out across San Antonio to get public input on the revised PGA Village golf resort that developers want to build north of Loop 1604 on the Edwards Aquifer recharge zone.

“Each of the 10 council members convened a public hearing in his or her home district to explain the proposed compromise, which includes establishing a special taxing district that developers could use to pay for infrastructure and public improvements in the resort area.

“Moods varied at the hearings, as did public opinion. At many, people were upset about the format, which restricted participants to submitting written questions that were answered by developer and city representatives. However, at least one council member let participants express their opinions and ask questions out loud.

“Fireworks erupted early in District 5 on the West Side, where the crowd grew unruly and began chanting, demanding the chance to speak. Councilman David A. Garcia pulled the microphone plug when Father Walter D'heedene, a leader of Communities Organized for Public Service and the Metro Alliance, got up and tried to address the crowd.

COPS and the Metro Alliance have been vocal critics both of the proposal and of Garcia, who is undeclared on the PGA issue but is considered to be leaning in favor of it. D'heedene walked out, as did most of the crowd of 100 people, leaving Garcia, engineer Gene Dawson and a city staff member in the room with just a handful of residents.

“In District 9 on the North Side, residents also grew angry, saying the format was designed to help the city sell its proposal, rather than listen to public concerns.

“Residents expressed opinions that ran the gamut, as they have during the past several months that the council has wrestled with the controversial proposal. Some praised the proposal as a model for responsible development over the environmentally sensitive recharge zone and said it would establish San Antonio as an elite golfing destination.”

#### April 3, 2002 (3A)    **“Land gift switcheroo means millions more for Lumbermen’s”**

Columnist Rick Casey goes after a change in the PGA deal that would result in profits of \$17.3

million to \$26 million instead of \$15 million to \$20 million and a federal income tax deduction for the value of 1,100 acres that could be worth at least \$5.25 million.

“When I grow up I want to be a negotiator for Lumbermen’s Investment Corp. These guys are good.”

“For months a key component of their proposal was that they would turn over to the city 1,100 acres of open space as part of their PGA Village special taxing district over the Edwards Aquifer recharge zone.” Lumbermen’s would be paid for the land from revenues raised by the taxing district—a cost the city would actually pay “through the assumption of debt or the loss of tax revenue during the annexation delay.”

When the mayor later noted that “much of the 1,100 acres was restricted and couldn’t be intensely developed, and was not as environmentally significant as other land in the district” he said the city would prefer not to buy it.

“They said fine” and instead proposed to donate the land to a nonprofit organization or to the city and then “sell to the district (and thereby to the city) the 865 acres earmarked for as many as three golf courses. Under the earlier plan, Lumbermen’s would donate that land to the PGA. Now the district (and thereby the city) would donate it to the PGA, and pay Lumbermen’s market value for it.”

“But there’s more. Lumbermen’s will get a federal income tax deduction of the value of the 1,100 acres.”

#### April 4, 2002 (6B) **“Agreement on PGA much better for city”**

In an editorial, the Express-News writes: “Through the leadership of Mayor Ed Garza, the agreement between the city and PGA Village developers is far better for San Antonio than earlier proposals. Securing the PGA resort is a worthy goal, and city leaders have the responsibility of making the best deal possible for taxpayers. Garza has taken that job seriously.

“His efforts have been productive.” They include, the editorial notes, reducing the special taxing district to 13 years, restricting the district to its presently proposed size, dropping “the estimated tax revenue for the district ... to \$51.7 million,” and securing an agreement that the resort’s Marriott Hotel would “meet a living-wage standard.”

“In exchange for approving the special taxing district, the city will become home to a world-class golf resort that will boost the local economy and provide the safest use for this private property over the Edwards Aquifer recharge zone.”

“Garza has worked hard to bring all points of view to the table and address major issues raised by critics. While we see no remaining roadblocks, the final agreement was not available until Tuesday. Council members must take the time to read the document before they vote today.”

#### April 4, 2002 (7A) **“Little is clear about workers’ pay”**

“The revised development plan for the proposed PGA Village golf resort released Tuesday stipulates that hotel workers must be paid a minimum of \$7 an hour in the first year, increasing

to \$8.50 an hour by the end of the hotel's first year.”

“Observers point out that some key questions remain, such as how many hotel workers would be designated as full-time employees. In the contract, it's up to the hotel owner to decide who is a full-time employee and who is eligible for the living wage required for full-time employees.

“A critic of the proposal, Heywood Sanders, who heads the public administration program at the University of Texas at San Antonio, said the latest plan ‘guarantees nothing. This one (contract) sounds like there's a lot of loopholes and wiggle room.’”

“According to the revised plan, a full-time employee works a minimum of 30 hours each week and receives a health care benefit, paid vacation and access to a 401(k) plan. ‘If you don't have access to a 401(k) plan, does this mean you are not a full-time employee?’ asked Sanders, who is a member of the Smart Growth Coalition, which opposes the PGA Village resort.

“Many hotel workers, Sanders added, perform part-time or seasonal work that doesn't qualify for full-time status. He said there is nothing in the contract calling for golf-course workers to receive a minimum-wage standard.

“Pierret of Lumbermen's acknowledged that the wage standard would not apply to golf resort workers.”

April 4, 2002 (1A)     **“PGA approval likely today. Opponents vow referendum drive on resort.”**

“The City Council appears poised to approve the controversial PGA Village development plan today after the project's developer gave in, at least conceptually, on a wage issue that was the final sticking point for Mayor Ed Garza. Such a vote would cap months of oftentimes angry debate over the actual development deal, but the controversy over the resort likely won't end there.

“Opponents are continuing to threaten a referendum drive that could force a public vote on the project that could kill it.

“After a final public hearing this evening, the council is scheduled to vote on the development plan for the project, heralded by proponents as an economic boon and a model for development over the Edwards Aquifer recharge zone but denounced by critics as an unwarranted tax subsidy and an environmental threat.

“If the wage agreement doesn't vary from the one outlined Wednesday, a poll of the council, which includes 10 district members and the mayor, showed the development plan could get the backing of as many as nine members.

“Garza apparently got the final changes he sought in hastily called negotiations Wednesday afternoon, though he would not pronounce his absolute support for the plan until he sees the changes in writing. ‘If all of these issues are expressed in the agreement the way we negotiated it, I'll support the agreement,’ Garza said.

“But representatives of opponent groups, Communities Organized for Public Service and the

Metro Alliance, left the talks saying they only got the first of several changes they want. And members of the Smart Growth Coalition said they were dissatisfied with the deal and would move forward on a referendum drive if council approves the project.

“While the developers made "one step in the right direction" by agreeing to a starting \$8.50-an-hour minimum wage for all resort hotel employees, they didn't agree to pay that amount to golf course and golf center employees, said Father Walter D'heedene, a COPS and Metro representative.

“Without such a commitment, the organizations will oppose the final plan and participate with other groups in an anticipated referendum movement, the father said. ‘This is non-negotiable for us,’ D'heedene said.

“But Garza's tentative endorsement of the plan marks a major step toward getting the deal approved today and likely weakens the support for a potential referendum drive.”

“Attorney Banks Smith said that unless council members amend the agreement when they vote on it today, the public might be thwarted from possibly attempting a public referendum on the development deal. But the mayor said he's confident the result of a public referendum would be binding under language in the new agreement. Outside legal counsel for the city has made that clear, he said.”

“Annalisa Peace, a spokeswoman for the Smart Growth Coalition, which represents almost 30 local organizations opposed to the project, said residents would be furious if council members approved a deal that blocked a referendum. Peace also said the coalition plans to start seeking signatures Friday if the council approves the agreement today. ‘We're ready to go for a referendum and we're ready to go as soon as possible,’ Peace said.

April 5, 2002 (1A)    **“Council vote puts PGA Village on map. 9-2 decision early today follows an emotionally charged, marathon public hearing.”**

“The City Council, by a wide margin, approved a development agreement for the PGA Village golf resort early today, a move praised by supporters but condemned by opponents who vowed to try to reverse the decision in a referendum drive.

“The council's blessing came after months of review, weeks of negotiations and several public discussions, including one final volatile public hearing Thursday night about the project, which would be built on environmentally sensitive land over the Edwards Aquifer recharge zone. ‘We're talking about one-sixth of 1 percent of the Edwards Aquifer recharge zone that has generated this intense emotion and divided this community,’ Mayor Ed Garza said.

“The much-anticipated vote was 9-2. Only Councilmen John Sanders and Julian Castro voted against it.

“Before the vote, dozens of speakers, both pro and con, took advantage of an opportunity to speak at the final public hearing, which lasted nearly six hours. The entire council session lasted till—as Garza noted—2:17 a.m. today.”

“There also was a last-minute, unexpected show of support from Archbishop Patrick Flores, who

said his concerns about water quality protection and better wages had been satisfied. Flores had fueled the controversy when he released a letter encouraging Catholics to work against the PGA project, and his change of heart likely will have a negative impact on efforts to launch a referendum drive against the project.

“But opponents still came out in force for the public hearing, outnumbering proponents in the City Council Chambers, which were packed with more than 300 people. Eighty had signed up to speak.

“Enrique Valdivia, spokesman for the Smart Growth Coalition, said the environmental controls and enforcement mechanisms proposed for the resort are inadequate and bound to fail. ‘Council, real courage is standing up to the power of money and corporations,’ Valdivia said. The coalition, which represents about 30 groups opposed to the project, is dedicated to mounting a referendum drive in opposition to the resort, as are the activist organizations Communities Organized for Public Service and the Metro Alliance.

Father Walter D'heedene, representing COPS and Metro, said the groups' leadership felt betrayed by the terms of the minimum wage commitments and was dissatisfied with the environmental regulations and financial allowances that make up the agreement. ‘It's not a good deal for the city,’ D'heedene said. ‘When the (petition) forms are ready, we'll join with Smart Growth and begin walking.’

“However, the project has won sweeping support from the city's business and sports communities. Martha Mangum, executive director of the Real Estate Council of San Antonio, called the resort ‘an example of responsible real estate development,’ while Joe Krier, president of the Greater San Antonio Chamber of Commerce, said it will be valuable from both an environmental and an economic standpoint.

‘It brings hundreds of new jobs in the construction, service and hospitality industries in a time our members are telling me that we have not recovered from the national recession,’ Krier said. ‘And that's where you would see the new jobs focused.’”

“The final proposal includes minimum wage commitments, for all employees of the resort's hotel and for full-time employees of the golf courses and the golf learning center, of \$8.50 an hour if the hotel opens by Oct. 31, 2005, as planned.

“That wage commitment ‘sets a new standard for hotels in San Antonio’ and should have a significant effect on hotel wages citywide as it ripples through the industry, Garza said.

“Garza previously had insisted that developers commit not just to the current living wage that the city pays its employees, \$8.50 an hour, but to index that wage, meaning it would rise with the city's minimum wage to whatever level was applicable when the hotel opens. He got the \$8.50 wage but it will not increase beyond that point if the resort's hotel opens by Oct. 31, 2005, as planned. The required minimum wage would increase by 25 cents an hour each of the next two years if the hotel opening were delayed into 2006 or 2007 but would not be indexed beyond that time. Garza said he backed off his indexing demand because the developers expanded their living wage offerings to include not just hotel employees, but full-time employees at the golf courses as well.”

April 5, 2002 (1A)    **“Resort gets one more hearing”**

“Speakers, both pro and con, took advantage of the opportunity to argue their positions in the last of two public hearings on the resort's development plan Thursday evening. However, with an upgraded wage commitment from the resort's developers and other concerns resolved, the council seemed prepared to approve the deal by a wide margin.

“Only two of the 11 council members, John Sanders and Julian Castro, have said they are dissatisfied with the proposal, and the only other member not expressly stating a position, Toni Moorhouse, has been counted by most observers as a backer. Even Mayor Ed Garza, who opposed the initial development plan for the resort and was the architect of revisions to the proposal, said before Thursday's hearing started that he was ready to support the revised plan. ‘I feel very good about the proposal,’ the mayor said.”

“Garza said if the public evaluates the final agreement objectively, it would see that it provides the city with the environmental protections it needs, has adequate financial controls and brings the city an important, world-class resort. But that was not the way many of the some 300 people who turned out for Thursday's noisy public hearing felt.

“The hearing exhibited the same kind of raw emotions that have been displayed about the resort in other recent forums. Placard-waving opponents chanted "stop corporate greed" outside council chambers, and members of a Native American tribal council pounded on a drum nearby and called on the council to kill the development.

“However, the development has won sweeping support from the city's business and sports communities, whose members see it as an economic generator that also will raise San Antonio's status as a resort destination. The project has energized a broad coalition of opponents who have promised to mount a referendum drive if council endorses the agreement. Annalisa Peace, a member of the Smart Growth Coalition, said the umbrella group's opposition had not changed despite the modifications that the mayor won for the development plan.

“The resort, which would begin with one hotel and two golf courses but could grow to two hotels and three golf courses, should not be located on the Edwards Aquifer recharge zone and should not be subsidized by a special taxing district, Peace said. She said the coalition would initiate a referendum drive if the council backs the development.”

April 5, 2002 (11A)    **“Proposal praised, denounced”**

“Opponents and supporters of the PGA project clashed bitterly during Thursday's final public hearing showcasing the months-long struggle over the deal. Members of the public both praised and chided the council for its handling of the PGA deal.

Former City Councilwoman Maria Berriozabal vowed that if the council approved the proposal, the Smart Growth Coalition—made up of community groups against the PGA plan—would hit the streets. ‘We are going to get our volunteers and start collecting signatures for a referendum so people can vote on this most important issue,’ she said. ‘Our 'Save the Aquifer' campaign is about to start.’

“The San Antonio Hispanic Chamber of Commerce, meanwhile, urged the council to support the PGA Village, saying it would enhance the city's tourism industry. ‘Our chamber strongly, strongly believes that this new development has the potential of becoming one of San Antonio's most high-profile destinations,’ said Berto Guerra Jr., the organization's immediate past president.

“During the first two hours of the meeting, about 20 people stood outside, holding signs and chanting to the beat of makeshift drums. The chants—among them ‘Human need, not corporate greed’ and ‘Go away, PGA’—and drum beats could be heard inside the council chambers.”

“‘When it comes to protecting water quality, the development agreement contains some rather large loopholes,’ said George Rice, a hydrologist and member of the Smart Growth Coalition. He said there are too few aquifer monitoring wells, no groundwater cleanup levels specified and that \$1 million set aside for groundwater cleanup is too little.

“Fay Sinkin, the grand dame of the local aquifer protection movement, told the council that ‘tinkering with the PGA contract won't change the fact that three independent geologists have warned that the cumulative effect of aquifer development will pollute our water supply.’

“But others stressed the development agreement gives the city a rare chance to closely monitor the development so pollution doesn't occur.”

#### April 6, 2002 (1A)   **“Flores considers self neutral on the issue”**

“Archbishop Patrick Flores considers himself neutral on the PGA Village development. He said he feels better about the project now that full-time employees at the resort will receive at least \$8.50 an hour and that stronger environmental controls are included in a proposed agreement between the city and its developers. But he won't be speaking out for it or against it.

“Still, he's not sorry he sent a letter to priests last month inviting Catholics to vote against the resort development, which will be located on the recharge zone of the Edwards Aquifer, San Antonio's main source of drinking water. Flores said many people have told him the letter widened the public debate. ‘I've seen a lot more discussion about the proposal since my letter was written,’ he said. ‘There hadn't been much discussion before that.’ Officials should make sure the agreement's environmental controls are ‘aggressively implemented’ to keep contaminants from the golf and residential development out of the aquifer, the archbishop said.

‘I wasn't against it,’ Flores said of the development. ‘I simply wanted to make sure they were taking proper precautions to protect the water and pay just wages when they start hiring people.’ But his letter, citing the biblical imperative for good stewardship of natural resources, directly invited Catholics to work against the project, sign petitions against it and urge elected officials to oppose it. The apparent inconsistency of Flores' statements this week compared to previous ones has drawn critics and created confusion in local news reports.”

#### April 6, 2002 (1A)   **“Referendum drive under way”**

“Just hours after City Council members voted 9-2 early Friday to approve the PGA Village project, opponents started the daunting task of gathering the signatures of more than 68,000 registered voters to force a referendum on the resort plan. The Smart Growth Coalition, which is

spearheading the petition drive, opened its headquarters Friday at 2108 N. Main Ave.

“The coalition is made up of about 30 community groups opposed to the golf and residential project, including Communities Organized for Public Service and Metro Alliance. Its petition states that council members should repeal the Cibolo Canyon Conservation Improvement District No. 1, the official name of the taxing district that will finance the PGA Village, or allow a public vote on the issue.

“Meanwhile, Austin-based Lumbermen's Investment Corp., the resort's developer, is moving forward with preliminary paperwork on the project and is eager to start negotiations with Marriott International hotels and the Professional Golfers' Association of America on the land deals.”

“Assistant City Clerk Yolanda Ledesma said project opponents have to gather at least 68,023 signatures no later than May 13. Their petitions, she said, must be uniform in style and size, and include a voter's printed name, signature, address and date of birth. The city clerk's office would have 20 days to determine whether the signatures were valid, Ledesma said.

“Opponents would then have another 20 days to gather signatures to make up for ones that were not valid, and the clerk's office would have an additional 10 days to verify the new signatures. Under that scenario, June could be the earliest before it's known whether there will be a referendum. In the event enough valid signatures are collected, it would take even longer to know the fate of the resort. By state law, the only remaining dates the city can schedule an election this year are Sept. 14 and Nov. 5.”

“Kay Turner, a longtime water activist who led successful public votes against adding fluoride to the water and building the Applewhite Reservoir, said PGA Village opponents have a "Herculean task" ahead of them in rounding up the required number of signatures. Turner, who said she plans to stay neutral on the project, nonetheless said opponents have what they need to make a serious and even successful campaign against the development. Even as volunteers seek signatures to overturn the deal, the resort developer will be working to meet a series of requirements to put the project in place.”

April 7, 2002 (3A)    **“PGA Village debate is all about San Antonio’s priorities”**

Syndicated columnist Carlos Guerra, watching the “PGA Village cheerleaders on TV” the night of the Council vote, writes: “I recalled how much of the sales pitch was about ‘creating badly needed jobs.’ And opponents reminded me that much of the last-minute negotiations were over an \$8.50 hourly minimum wage with ‘indexing’ to trigger cost-of-living increases for workers. But on the day of the vote, no one could say for sure how many jobs the project would create.

“‘They never sold this as a job creator,’ said Leilah Powell, assistant to Mayor Ed Garza.

“Earlier, when the village included two hotels and three golf courses, we were told that 820 permanent jobs would be created. But what the council approved was two golf courses and one hotel for \$57 million in tax money. So let's be generous and assume that the \$57 million will create 600 full-time jobs. That comes to \$95,000 per new job.

“Sure, the hotel's general manager, his top aides and the chef will earn big salaries, as will the golf courses' top brass. But the vast majority of golf course and hotel workers will earn close to the legal minimum. And each \$8.50-an-hour worker will work 11,176 hours to earn the \$95,000 it cost to create his or her job. That's 279 weeks, or 5.37 years.”

“Since tuition for a full-time Alamo Community College District student is \$938 per year, the PGA Village's \$57 million would pay tuition and fees for 60,767 students for a year.

“But going to college costs more than tuition and fees. If you add books, room and board, transportation and other personal expenses, ACCD students spend an average of \$11,401 per year. The PGA Village's \$57 million could pay for 2,500 students to earn associate of arts degrees - all expenses paid. At UTSA, where tuition is \$2,878 a year, that \$57 million could pay tuition for 19,805 students for a year, or it could provide four-year scholarships, covering everything, including living costs, for 1,082 students. Now, honestly, which is better: A city with a world-class golf resort or one with a world-class work force? We can be either, but we have to choose one.”

April 7, 2002 (1A)     **“Mayor not stopping at 19<sup>th</sup> hole. Garza will go to work on converting the passions displayed over the golf resort into a comprehensive pollution plan for the aquifer.”**

Instead of “reveling” in the 9-2 vote victory in City Council that his revised plan secured, along with “what could be a critical neutral stance by Archbishop Patrick Flores,” Mayor Ed Garza told reporters “he was disappointed that ‘we could not pull in more of the opponents.’”

“Garza said his focus will shift to converting the passions exhibited over the golf resort into a sustained effort to develop comprehensive plans to control pollution over the Edwards Aquifer recharge zone, which is where the resort would be built.

“Garza said he believes the environmental controls proposed for the 2,861-acre resort are the strongest ever created for a development in the recharge zone and should be given a chance, to determine whether the plan can become a model for future development there. ‘That's one way to channel the energy into something we all can agree on,’ Garza said.

“He understands, however, that most of the energy spent on the issue in the coming weeks will come from organizations that believe the city made a mistake by approving the deal with Lumbermen's Investment Corp., the resort's developer, and providing it with a tax subsidy far larger than anything the city ever before has offered.”

April 9, 2002 (8B)     **“Opponents of PGA need broader focus. Rather than splitting the city apart, PGA opponents should move on to regional aquifer protection and Better Jobs.”**

In an editorial, the Express-News noted that while citizens “have every right to petition their government,” the “energy and zeal of those leading the drive to force a citywide referendum on the PGA Village could be better channeled to serve not only their interests but also the city’s best interest. COPS and Metro Alliance should turn their attention to educating people and winning support for their Better Jobs initiative, which had been planned for a November ballot. A continuing squabble over the PGA Village could doom it.

“The Smart Growth Coalition, meanwhile, should be using its newfound power to press for a regional approach for regulations that require stricter standards for development over the Edwards Aquifer. It also could focus on broader smart growth and development issues by carrying out the city's new Master Plan.

“The opposition of these organizations to the original PGA development plan resulted in a much better deal for the city.”

The editorial concluded: “The city needs to move past the PGA Village and look to the larger issues this controversy has raised.”

April 14, 2002 (1A) **“Better Jobs bid may be put off. PGA Village battle has pitted tax’s backers against each other.”**

“The vote on Better Jobs, overshadowed by the PGA referendum drive, likely will be pushed back again to May 2003 at the earliest, according to supporters of the proposal. But Mayor Ed Garza, who along with the City Council has the power to put the sales-tax initiative on the ballot, said he's not ruling out a Better Jobs election in November, though prospects dim as proponents fall further behind schedule in organizing and fund raising.

“Many Better Jobs backers said a November vote neither was realistic nor politically smart, given the volatile debate over the PGA golf resort, which pitted the jobs initiative's natural allies against each other. ‘You're not going to be able to put on the ballot the anti-PGA referendum and the Better Jobs initiative. That just won't work,’ Bexar County Judge Nelson Wolff said.

“Better Jobs, a proposed 1/8-cent sales tax for educational programs, has been four years in the making. The grass-roots organizations Communities Organized for Public Service and Metro Alliance have won backing for the plan from many of the city's business leaders, including the Greater San Antonio Chamber of Commerce. But business and grass-roots activists are staring each other down over the city's decision to create a special taxing district to build the PGA Village over the Edwards Aquifer recharge zone in far North Bexar County.

“Wolff said he fears a backlash against the signature drive for an anti-PGA referendum could kill Better Jobs, or at least make it harder to pass. ‘It's very, very hard to pull together a community after a divisive vote,’ he said. ‘That's just the way it is.’

“The Better Jobs sales tax would put \$16 million to \$20 million annually into five areas already funded by the city: literacy, early childhood education, job training, after-school care and college scholarships. The mayor, who brokered concessions from PGA developers on the environment and wages, called the golf resort debate a distraction from his main priority, ‘the education and human development of our citizens. It makes it (Better Jobs) more of a challenge,” Garza said Friday. ‘PGA has consumed a lot of time off people's plates.’”

“San Antonio banker Tom Frost, a veteran of many San Antonio political wars, took the long view. Few people disagree that education builds a stronger work force, crucial to a city's economic development, Frost said. But it will take time to convince citizens to tax themselves for it.

Frost has fought with COPS and Metro before, but said he never held grudges. Still, he said, business leaders may need a breather. After the 1989 debate over a sales tax to build the Alamodome, both sides ‘came back together perfectly,’ Frost said. ‘We don’t sit there and seethe like the Hatfields and the McCoys.’

“Business is the natural constituency for the Better Jobs program, which seeks to build San Antonio’s work force and attract higher-paying jobs, COPS leader Andres Sarabia said. People must separate the PGA and Better Jobs debates, Sarabia said.”

April 15, 2002 (1B) **“PGA Village foes mum on petition progress. Group has until May 13 to collect signatures.”**

“Opponents of the planned PGA Village resort are closely guarding whether their week-old effort to collect enough signatures to force a public vote on the development is on pace to be a success.

Gary Poole, treasurer of Save Our Aquifer, a specific-purpose committee created under state law to organize and raise money for a campaign against the PGA project, said the group won’t be issuing periodic progress reports on the petition drive. ‘I think our main interest is just to stay focused on the task at hand. That is to collect more signatures,’ Poole said. ‘If we have a lot of signatures we don’t want people to get lazy, and if we don’t, we don’t want people to get depressed.’

Annalisa Peace, a spokeswoman for the Smart Growth Coalition, which is composed of about 30 neighborhood, environmental and community groups opposed to the project, offered another reason. ‘There’s so many groups involved on any given day that it’s really difficult to get an accurate count,’ she said. Peace said Save Our Aquifer has ‘several hundred people’ working to collect petitions. She said volunteers are targeting public places that attract large numbers of people.

“‘We’ll be at all the major events with our clipboards and ironing boards,’ she said, explaining that the domestic item is handy for having multiple people signing petitions at any one time. ‘If they see a person with an ironing board, it’s a good bet that they’re us.’

“More than 68,000 signatures must be collected and submitted to the city clerk’s office by May 13 to force an election on reversing a 9-2 City Council decision earlier this month to approve the resort project and create a special taxing district to help pay for it.

“The clerk’s office then would have 20 days to verify that the signatures are from San Antonio residents registered to vote. Opponents would have 20 more days to gather additional signatures to make up for any that are discarded. A referendum on PGA Village could be held this year on Sept. 14 or Nov. 5, though the latter date is considered more realistic, observers say.

“In addition to Poole, a stay-at-home dad and an amateur spelunker, Save Our Aquifer officially is led by Enrique Valdivia, director of the Esperanza Environmental Justice Project, and Maria Berriozabal, a former councilwoman.”

“Peace pointed to a flooded-out golf course in Austin as another reason why she thinks PGA developer Lumbermen’s Investment Corp. cannot be trusted with its plans to build a resort in San

Antonio. More than a dozen residents who live near Onion Creek Golf Course filed a lawsuit against Lumbermen's last month. The lawsuit alleges that the company and a club they claim it controls induced them into purchasing homes with advertisements promoting championship golf, but have not kept up their end of the deal.

“Brian Rider, corporate counsel for Lumbermen's in Austin, declined to comment about the lawsuit, but in a written statement he noted that the company has denied all the allegations in the case.

“The suit claims that Lumbermen's and Onion Creek Club have balked at restoring seven of 18 holes designed by late Masters champion Jimmy Demaret on a course that was used for the first Legends of Golf tournament, which has since evolved into the modern-day Senior PGA tour. That course was built along the creek in the floodplain in the 1970s. It has been damaged and repaired several times, but the club opted not to buy flood insurance in the late 1990s. In November, flooding ravaged about half of the historic course, some residents say.

“‘They have maintained the golf course, and I think they did that because they wanted to sell the lots,’ said Frank Fugate, who believes that his \$250,000 home with a view of the devastated fourth hole has diminished in value. ‘Now they're leaving us with a pile of rocks.’

“Peace said the incident causes her to question whether Lumbermen's would comply with environmental controls included in its agreement with the city to help keep contaminants out of the aquifer. ‘It just shows a history of misbehavior and bad faith on their part,’ she said.

#### April 19, 2002 (3B) **“Ex-mayors pitch golf resort plan”**

“While three former San Antonio mayors met Thursday on the steps of City Hall to throw their support behind the PGA Village golf resort plan, a fourth former mayor, Henry Cisneros, took a break from an East Coast trip to phone in his endorsement. ‘I believe the mayor has made a good effort to negotiate environmental guarantees and to make the project environmentally sound, and he has made it fiscally sound as well,’ Cisneros said of the compromise brokered by Mayor Ed Garza that won council approval on a 9-2 vote this month.

Cisneros, a popular and sometimes controversial mayor from 1981 to 1989, said while critics may see the development plan as imperfect, he hopes the public will come together behind the proposal and avoid a divisive referendum battle that could leave deep scars. ‘I don't feel that our interests would be served by having a referendum election to overturn this project,’ said Cisneros, a former secretary of the U.S. Department of Housing and Urban Development.

“Cisneros' comments echoed those of the three former mayors—Bill Thornton, Howard Peak and Bexar County Judge Nelson Wolff—who appeared before members of the media Thursday.

“But opponents, who include a wide-ranging coalition of architects, civic activists and environmentalists, said they remain focused on gathering the 68,000 signatures necessary to force a public vote on the issue. ‘There's a saying: ‘You've got to choose in politics. You can have people or you can have money,’ said John Thompson, a member of the Smart Growth Coalition that opposes the project. ‘We've got people.’”

“Thompson and other PGA Village opponents held their own news conference Thursday outside

their headquarters at 2108 N. Main Ave., where they showed off new blue ‘Save Our Aquifer’ T-shirts and ironing boards festooned with Fiesta-style decorations. They plan to be present near the entrances at most major Fiesta events beginning this weekend to collect the signatures of registered voters.

“‘There are communities throughout the United States who envy us for having this,’ added Thornton, mayor from 1995 to 1997, referring to the golf resort that would be one of two in the United States carrying the name of the Professional Golfers' Association of America.”

April 20, 2002 (10B) **“Former S.A. mayors make sense on PGA. Although the former city leaders have differing viewpoints, they agree the PGA deal is good for S.A.”**

In an editorial, the Express-News noted the support of four former mayors for the PGA Village deal. “Can all these former mayors be wrong? We don't think so.

“Opponents of the plan continue to gather signatures on petitions to force a referendum. This is their right as citizens, but we hope that a divisive public vote on the issue can be avoided.

“The present City Council has spoken on a 9-2 vote after enormous input from citizens in every part of San Antonio. The support of four former mayors is further evidence that this deal, though imperfect, is worthy of the community's support.”

April 21, 2002 (1A) **“PGA foes step up their efforts. Petition bearers seek signatures amid Fiesta crowds”**

“Opponents of the PGA Village resort entered the most aggressive stage of their petition effort Saturday, knocking on doors in West Side neighborhoods and fanning out amid the crush of people at Fiesta gatherings. Needing the signatures of 68,023 registered voters by May 13 to force the City Council to reconsider its position on the development project over the Edwards Aquifer recharge zone, volunteers had various degrees of success as they likely added several thousand fresh names to the anti-PGA effort.

“Within likely pockets of support such as the Earth Day celebration at Woodlawn Lake, activists wearing bright blue T-shirts and carrying ironing boards to use as makeshift desks were kept busy at the environmentally conscious event. ‘I'm a golfer, and I would love for something like the PGA to happen in San Antonio,’ said Daniel Robles, an off-duty San Antonio police patrolman who was with his family. ‘But at the same time, what are we risking? If something were to happen to the water, I'm sure the PGA would just pick up and leave.’

“Jim Isaman, a Save Our Aquifer volunteer who got Robles to put pen to paper, said he had gathered nearly 100 signatures by 12:30 p.m. Isaman was one of about a half-dozen people spread out among the crowd to seek signatures.”

“While proponents received a boost last week from four former San Antonio mayors—Henry Cisneros, Nelson Wolff, Bill Thornton and Howard Peak—two activist organizations that oppose the PGA Village block-walked in areas on the South, West and Northwest sides of the city.”

“But while opponents plan to maintain a steady presence during Fiesta, access to public events has not been as open as petitioners had hoped. There are legal uncertainties. Many of the organizations that sponsor events have raised questions by creating different rules on whether to allow petitioners to solicit supporting signatures on the property they lease—property which is often public or city-owned.

“Some of those problems surfaced Saturday. In one instance, a sheriff's deputy at Oyster Bake tried to shoo a petitioner away from the entrance until she produced a letter outlining her right to be there. ‘No one wants to create a nuisance,’ said architect Bob Harris, a member of the Smart Growth Coalition and a supporter of the petition drive. ‘But we need to get the names. If you can't do it in public places, where can you do it?’

“Petitioners say they've asked the city attorney's office and the San Antonio Police Department where petitioners can legally collect signatures, but they have not received a formal response.”

April 23, 2002 (1B) **“Agreement won't ban recycled water over recharge zone”**

Syndicated columnist Carlos Guerra writes: “For the last week, many residents have been shuddering at the thought that a San Antonio Water System pipe carrying lightly treated sewage was carelessly hooked into a drinking water line.

“‘Reuse’ water—which SAWS claims is of ‘near drinking water standards’—was piped into 175 homes and the agency was slow to check out complaints of foul-smelling water and discovered the fiasco. Then, ignoring its procedures, the public health risks and common decency, SAWS informed only a few of the affected families.

“But reuse water already had been in the news for a year because the SAWS brass had been working openly to revoke the ban on its use over the Edwards Aquifer recharge zone.”

“But in spite of the claimed environmental victory [that Lumbermen’s “had relented on building a sewage plant, and there would be no irrigating with effluent, either”], the latest draft of the city's development agreement does not ban reuse water.

“The April 1 draft of the ‘Golf Course Environmental Management Plan’ does say in Section 5.13 that ‘no recycled water use will be allowed on the golf courses during construction or otherwise.’ But it also says: ‘The use of any recycled water on the golf courses is subject to the adoption by SAWS and City Council of a policy permitting recycled water on the Edwards Aquifer recharge zone.’”

“And alarmingly, Section 2.07 of the April 4 revision of ‘Water Provision Agreement’ states: ‘In the event (SAWS) establishes a policy permitting the use of recycled water over the Edwards Aquifer recharge zone ... (the) developer shall convert to recycled water for purposes of irrigating the golf courses and golf learning center.’

“In other words, six members of this or any future City Council and a majority of the council-appointed SAWS board can overturn the existing reuse water ban. And when they do, the PGA Village will be legally obligated to water their courses with wastewater. Does that sound like a great environmental victory to you?”

April 24, 2002 (1B) **“Recycled water in golf draft getting ax. SAWS officials say they don’t know why the plan is in agreement.”**

“The San Antonio Water System is backtracking from parts of a proposed water agreement with the PGA Village developer that would require the resort to use treated sewage water for irrigating its courses if the city-owned utility makes it available at the site.

“The latest draft of an amendment to the agreement between the city and the developer, Lumbermen's Investment Corp., states that the ‘developer shall convert to recycled water for purposes of irrigating the golf courses and the golf learning center.’ But a SAWS spokesman and Mayor Ed Garza said Tuesday they didn't know why or how the clause was in the draft.

‘It's coming out,’ promised John Boggess, the SAWS spokesman, who did not know why the draft water provision agreement mistakenly preserved the possibility that reuse water would be used at PGA Village.’ The provision was not intentionally inserted or left in the draft, and it was not an attempt to circumvent the City Council, Boggess stressed. He said he did not know when the proposal, one of the ongoing PGA agreements SAWS is overseeing, would become final.”

“‘We took it completely off the table,’ Garza said. ‘It was discussed, but the council had voiced its opinion, and I did too.’”

“Annalisa Peace, a spokeswoman for the Smart Growth Coalition, credited George Rice, a hydrologist and PGA Village opponent, for uncovering the matter. ‘It's just indicative that this council approved a development agreement with too many facets of the agreement left blank,’ she said. ‘This is exactly why we want a vote and why we are doing a petition on it. Council was irresponsible in approving that agreement.’

April 25, 2002 (1B) **“What else remains unknown about the PGA Village deal?”**

Syndicated columnist Carlos Guerra writes: “Do you wonder if more important elements of the PGA Village development agreement have eluded city officials?

“Wednesday, after this column cited three parts of the agreement that provided for irrigating the PGA's golf courses with wastewater, city and SAWS officials expressed shock and promised to have them removed—again! Please. Since the City Council approved this pact, the mayor and eight council members have lavishly praised it for having ‘the most stringent environmental protections ever’ for the aquifer.”

“The PGA Village, all keep saying, will protect the aquifer, create jobs and raise wages. But will it? And will we discover after it's too late that the contract also included some BIH- or Yanaguana-like provisions that commit us to things no one wants, or encumber us with a huge bill?”

“In the core contract's six-page table of contents are details about the 58 pages of contract provisions. But missing are six of 11 very important exhibits and any financial schedules or information.”

“And if you're still optimistic and expect the council to wake up any minute and insist that the blanks be filled and the agreement tightened before it's too late, read Ordinance 95579 that approved the pact: Section 1 provides that ‘if an agreement can be executed substantially in accordance with the terms of the development agreement attached, the city manager (or an assistant) is authorized to execute such agreement without further City Council action.’ The ‘agreement attached’ is what I quoted Tuesday and today.

“So unless the citizenry arises to retake our city from the developers, whatever the city manager signs will obligate us all.”

April 25, 2002 (5B) **“Golf resort foes cite Lumbermen’s fine”**

“PGA Village opponents on Wednesday used a \$72,100 fine paid by the planned resort's developer and other companies involved in an Austin housing development to support their contention that the project could compromise San Antonio's primary drinking water source.

“The Environmental Protection Agency alleged in December that Lumbermen's Investment Corp. and six other companies violated the Clean Water Act during construction of the Village at Western Oaks subdivision in Austin. The agency alleged that construction at the site could cause pollutants to enter a nearby creek and that the companies failed to obtain a required permit. It also states that permit conditions were violated, but it is not clear which companies allegedly did so. Lumbermen's, which was specifically accused only of failing to obtain a permit before beginning construction, and the other firms signed an agreement earlier this year to settle the matter. Still, the company denied the allegations.

“John Pierret, executive vice president of Lumbermen's, characterized the alleged violations as irrelevant in terms of actual protection of the environment. ‘It was an administrative penalty for paperwork violations,’ he said. ‘We did all the procedures and were in compliance, but we didn't have the permit.’ Pierret said the company agreed to pay the fine so that the ‘minor’ matter could be quickly resolved.”

“‘We have heard a lot of promises to keep our water safe, but so far little has been said about the track record of the promise makers,’ [Smart Growth Coalition spokesman Enrique] Valdivia said.”

May 3, 2002 (3A) **“Will SAWS guard aquifer? Only if board understands it.”**

“SAWS has promised to play a major role in protecting the aquifer if the golf development is built, but the more important question is will it play a major role in protecting the aquifer beyond the PGA development, whether it is built or not?”

“Its history is not encouraging, and I'm not referring to the recent embarrassment in which the entire River Road neighborhood was hooked up to treated wastewater intended just for adjacent Brackenridge Golf Course. SAWS and its predecessor, the old City Water Board, have always been water purveyors, not water protectors.

“In the mid-1990s, citizens mounted an effort to draft the agency into water protection as well as purveyance. The result, after much compromise, was a package of regulations regarding development over the recharge zone. But as an environmental lawyer hired by the city pointed

out, SAWS has not been aggressive in enforcing those regulations.”

Further, Casey adds, having potential board members like candidate Lynda Billa Burke—a former councilwoman who was recently asked by District 3 Councilwoman Toni Moorhouse if she would be willing to serve—raises other questions. In conversation with Casey, Burke asserted that the Edwards Aquifer is “porous and it filters the water.”

“But Geary Schindel, chief technical officer of the Edwards Aquifer Authority, said scientists agree that limestone karst aquifers such as the Edwards take in water very rapidly through caves, sinkholes and disappearing streams and do not filter water as it enters or flows through the aquifer. ‘Karst aquifers are not noted for filtering out contaminants,’ he said. ‘They are very susceptible to contaminants. The literature is thick with that.’

I suspect a lot of you readers already knew that. That Burke didn't, after years in public office including on the board of an Edwards Aquifer agency, does not inspire confidence that she will champion SAWS as a protector of our water.”

May 3, 2002 (3D)     **“South Siders start recall petitions”**

South Side residents launched a recall petition drive Thursday against its City Councilwoman, Toni Moorhouse, saying she failed to represent their interests in the recent City Council vote over the PGA Village Resort.

Attorney Luis Vera told about 50 residents of City Council District 3 that Moorhouse had decided how she was going to vote on the controversial development at least a month before the final PGA Village Resort debate at City Hall, but she did not tell her constituents. ‘That means we had no opportunity to convince her otherwise,’ Vera said.”

“Moorhouse, 52, is halfway through her first two-year term as a council member. She would not discuss her thoughts about the recall effort Thursday or her reasons for supporting the PGA Village development. But she denied she had ignored constituents in the controversial approval process.”

May 5, 2002 (1B)     **“PGA or not, plans set.”**

“Referendum or not, Lumbermen's Investment Corp. expects to begin construction of the main road for the PGA Village resort development by early July, the company's executive vice president said.

“‘We're going to do a subdivision out there with the referendum or without it, with the PGA or without it,’ said John Pierret, Lumbermen's vice president in charge of the controversial golf and hotel resort. Pierret said he is awaiting approval from the city on the plans for the main east-west road, to be known as the Cibolo Canyon Parkway. ‘We should be able to start construction in about 90 days,’ he said.”

“‘Once the road is done, we'll start building single-family lots,’ Pierret said.

“City Council voted April 5 to approve a development agreement creating a special taxing district that can levy property and sales taxes to help pay for the infrastructure associated with

the project. The PGA Village, as proposed, would include two golf courses, a 500-room hotel resort, a residential community composed of 4,000 homes, condos and apartments, and 100,000 square feet of commercial office space.”

“Smart Growth Coalition spokesman Darby Riley said the outcome of the petition drive will be known before the date Pierret said construction would start on the site. ‘They may be telling us plans in order to give the public the idea this project cannot be stopped,’ Riley said. ‘We’re on our way to get these 68,000 signatures, but we’re not there yet.’

“Riley asked supporters not to lose hope, adding that a defeat of the development agreement in a fall election still could lead to a land swap that would move the PGA Village off the aquifer’s sensitive recharge zone.”

May 7, 2002 (1B)      **“Anti-PGA petition could get extension”**

“Anti-PGA Village forces will get an additional 20 days to gather names on a petition seeking a public vote on the resort development if they don’t get the required 68,023 names by the initial May 13 deadline, the city clerk said Monday.

“Despite news of the extension, groups behind the monthlong petition drive continued efforts to secure the needed names by the deadline. The Save Our Aquifer Campaign, formed by a coalition opposing the golf resort, held a news conference Monday to recognize six individuals who have secured more than 1,000 names each on petitions.

“Juliana Murphy, spokeswoman for the campaign, said: ‘We’re proceeding as if we have to have all 68,000 on day 40 because that’s the most cautious interpretation. As long as we keep producing at the level we’re producing now, we’ll make it,’ Murphy said. She and other coalition officials have declined to say how many signatures they have.

“She said the campaign was checking on the clerk’s interpretation of the extension to make certain it was accurate.

“City Clerk Norma Rodriguez said the city’s practice always has been to give petitioners an additional 20 days to gather names if the number fell short of the required amount by the first deadline.”

“Exactly when the additional 20 days would start is uncertain. Rodriguez’s office has 20 days to review the initial petitions to determine if the names are registered voters in the city and to calculate if the right number was obtained. The clerk has seven days after that to notify the council if the petitions are adequate and must notify the petitioners if the effort was inadequate. The additional 20-day count would start once that notice is sent to petitioners, the City Charter says. The count would include weekends.”

May 9, 2002 (1A)      **“PGA’s foes say they will have enough petitions to force a vote on the golf resort project.”**

“PGA Village opponents said Wednesday they are within reach of obtaining the number of petitioners needed to force a public referendum on the golf resort project and will mobilize hundreds of volunteers this weekend to gather more signatures.

“After staying mum on the subject for more than a month, PGA foes announced they had collected more than 64,000 names on petitions challenging a development plan for the project, meaning they need to gather a little more than 4,000 signatures by Monday.

“By May 13, we will go beyond our goal,’ said Patricia Ozuna, who represents the sister activist organizations Communities Organized for Public Service and the Metro Alliance. ‘This is to show the people have spoken.’

“Anti-PGA forces need to gather 68,023 signatures by the Monday deadline to either force the City Council to rescind its April 5 vote in favor of the PGA resort development plan or schedule a public vote on the issue.”

“Even those who are in favor of PGA say we want a vote on this because we don't like the way the City Council has conducted those public hearings, most of which were public jokes,’ COPS leader Father Walter D'heedene said. He was referring to the public forums held in each council district just days before the vote.

“COPS and Metro have slightly more than 40,000 signatures in hand, while the Save Our Aquifer Campaign has gathered more than 24,000 signatures in more than a month of campaigning, officials said. They also said they have petitions still out that haven't been counted.

“And as part of a concerted effort to get the needed signatures, COPS, Metro and Save Our Aquifer plan to send hundreds of volunteers into the streets through the weekend to reach the goal and then some. They say they want to get 16,000 more names. COPS and Metro officials expect more than 400 mothers, grandmothers and children to canvass for signatures this weekend to celebrate Mother's Day, while Save Our Aquifer plans to use 200 volunteers.

“PGA foes said most people signing the petitions are against the project, but about 1 percent support it but believe the voters should decide. Proponents have said the PGA Village will push San Antonio into the upper strata of resort destinations and provide a model for responsible development over the recharge zone.

“A PGA spokesperson declined to comment Wednesday, saying the organization may have something to say after the names are verified.”

May 9, 2002 (1B)     **“Finally, a couple of surprise PGA Village developments”**

“After a year of the expected, surprises are adding some drama to the PGA Village debate.

“When I stumbled upon the PGA Village plans 13 months ago, research quickly indicated that the few who understood what was being attempted—virtually all the officeholders at City Hall and in the local legislative delegation—were eager to push it through. But many non-politicos here and in Austin were horrified at the notion of giving tens of millions of dollars to a huge, out-of-town developer trying to turn a profit from a project that could jeopardize our single water source.”

“When the vote finally came, most City Council members simply ignored the broad-based opposition. And only hours after nine of the 11 council members enthusiastically endorsed the

PGA Village development contract—which is still being negotiated—the diverse coalition opposed to the project spent \$690 to print petitions to gather 68,000 signatures needed to force a public vote. ‘They’ll never do it,’ one City Hall cognoscenti chuckled smugly, ‘not in today’s world!’ His comments echoed the conventional wisdom of City Hall insiders, who had concluded that gathering signatures from 10 percent of the eligible voters was so daunting a task that it would prove futile.

“On Wednesday, representatives of the groups seeking a public vote were all smiles at the San Pedro Street offices of Metro Alliance and Communities Organized for Public Service as they showed off the 64,000 signatures.”

“Also on Wednesday, preliminary results of the latest scientific poll, which will be released later this week, came into our hands. With a margin of error of less than 5 percent, it shows that when voters were asked about the City Council’s decision on the PGA Village 56.3 percent of voters disagreed or strongly disagreed, while 36.3 percent agreed or strongly agreed and 7.3 percent had no opinion.

“Asked how they would vote on the PGA Village, 55.5 percent said they would vote against it and 35.4 percent said they would vote for it, with 9 percent undecided.

“So, from all appearances, this issue won’t be resolved until November.”

May 11, 2002 (10B) **“PGA referendum self-defeating move. Killing the PGA Village deal will not help the environment over the Edwards recharge zone.”**

In an editorial, the Express-News wrote: “The news that opponents of the PGA Village have collected more than 64,000 names on petitions that would force a public referendum on the issue is a potential blow to the future economic and environmental quality of life in San Antonio.”

“Such a referendum will be a self-defeating process that will not result in greater protections for the Edwards Aquifer. Instead, it could result in the loss of an important economic generator for our community.”

“The environmental controls that Lumbermen’s agreed to in the PGA deal are more stringent than those that presently exist. If the referendum is successful, one thing is certain: Lumbermen’s will go forward and develop the 2,855-acre site without the added protections to the aquifer.”

“Therefore, a vote to rescind City Council’s decision will have the effect of producing precisely what PGA opponents oppose: more unregulated development over the aquifer.

“In San Antonio, which has a long history of deep conflicts over water issues, it is easy to wave a sign that says ‘Save Our Aquifer’ and attract a passionate following. However, signing a petition to force a public referendum on an issue that was decided in April, after months of compromises, will not do anything to save the aquifer. The only thing a referendum will accomplish is months of division and long-term scars on the city’s body politic.”

May 11, 2002 (5B) **“Poll finds majority against PGA approval”**

“A new poll shows a majority of San Antonio residents oppose the City Council’s decision to

approve a development plan for the PGA Village golf resort. The survey by the University of Texas at San Antonio's Metropolitan Research and Policy Institute showed that 57 percent of the 330 San Antonio residents polled disagree with the council's vote last month in favor of the resort.

“Thirty-six percent agreed with the decision, while the remaining 7 percent did not answer or had no opinion. When asked how they would vote on the PGA proposal if the issue went to a vote, 57 percent said they would vote against it, and 35 percent said they would support it. Eight percent were not sure. A petition effort is under way to try to force a vote on the resort.

“UTSA associate professor Arturo Vega, the study's lead investigator, said the poll shows that area residents ‘definitely have strong majority opinions against the council's PGA decision.’ But Vega also said the telephone survey, conducted April 29-May 3, should not be considered a prediction of voting results. He said respondents were not asked if they were registered voters, and the survey could not anticipate changes that might occur in public opinion if marketers, both pro and con, try to influence voters before such an election.”

May 12, 2002 (1A)   **“Petitions worry PGA’s backers”**

“Fatalism is creeping into the tone of some key PGA Village resort supporters as opponents gather the final signatures they say they need to put the divisive development to a public vote.

“Bexar County Judge Nelson Wolff, who backs the project, said Friday that San Antonio voters never have rejected a ballot initiative after a successful petition drive. ‘If the citizens can create enough signatures to reverse a City Council decision, I'm not sure anyone has ever overturned that,’ Wolff said.”

“Joe Garcia, a volunteer with Save Our Aquifer, an anti-PGA group, said he collected 350 signatures Saturday while standing at the door of Guadalupe Lumber on South Zarzamora Street. The coalition behind the petition drive cites environmental concerns and corporate welfare for their opposition. ‘People are very familiar with the issue and tell us yes or no right away,’ Garcia said.”

“Other PGA supporters said they are not convinced the opposition has all the valid signatures needed to force an election.

“‘Before the city of San Antonio spends a half-million dollars on an election, they should make sure they have 68,000 good signatures,’ said Martin Wender, chairman of the Greater San Antonio Chamber of Commerce, which backs the project.

“City Clerk Norma Rodriguez said Friday her office plans to add an additional shift and bring in 35 temporary workers to assist her staff in certifying the names on the petitions are of people currently registered to vote.

“Rodriguez said every signature would be checked to make sure all the necessary information accompanies the signing. Then each name will be entered into a computer to determine if it corresponds with the voter registration list. She said the certification must be completed by June 20 in order for the matter to be put to a vote in a Sept. 14 special election. After June 20, the issue could be added to the Nov. 5 ballot that will feature races for a new Texas governor, a new

U.S. senator and dozens of other state and local offices.

“Wolff, a former San Antonio mayor who was elected to that office in 1991, recalled that on that same day voters rejected a controversial proposal to build Applewhite reservoir on the Medina River.

“He still was serving in the top job at City Hall when voters turned down a second, revised proposal for the shallow lake south of San Antonio. He also pointed to other examples of successful petition drive initiatives, including the rejection of a City Council move to fluoridate water in 1985.

“‘Money and media have very little influence in an election like this, when the issue is so well defined,’ Wolff said. It’s hard to shift people’s thinking.’”

“A spokeswoman for the PGA said it is too soon to know how her organization would respond if the project is delayed by a public vote, but Wender predicted business leaders would mount an aggressive public information campaign to get their message out.

"If they come up with the signatures, we'll put all the facts on the table," he said. "If people understand the facts, they will vote for it."

Trish DeBerry, a public-relations consultant for Lumbermen's, said the resort development partners have been working with grass-roots groups during the opposition's petition drive, but "we'll step back and look at the communication options if the signatures come in."

May 12, 2002 (3A) **“Petition bar based on more than 130,000 ‘phantom voters’”**

Exploring why a petition effort against a “supermall” over the Edwards Aquifer recharge zone in 1975, which also required obtaining signatures from 10 percent of registered voters, seemed to have been done so quickly compared to the anti-PGA petition drive, columnist Rick Casey uncovered a key issue.

“In 1975, petition gatherers were required to get about 27,000 signatures. About 270,000 voters were registered in the previous city election. That represented about 60 percent of the population that was old enough to vote. The requirement now is about 68,000 signatures because 680,000 voters were registered during last year’s council elections. That represents an impressive 83 percent of San Antonio’s voting-age population.

“A major reason for the increase in registration is a federal law passed in the mid-1990s called the Motor-Voter Act. It requires that virtually all state agencies—from driver’s license bureaus to welfare offices—offer voter registration cards to people they serve. The result has been a large jump in voter registration, but not a large jump in voting.

“What’s more, federal law now requires that the registration rolls include what can only be called phantom voters. Each February, the Bexar County elections office sends postcards to all registered voters, with instructions to the post office to return the cards if the voter no longer lives at the listed address. Those named on the returned card are put into what is called a ‘suspension file.’

“By federal law, names cannot be removed from that file for two federal election cycles, or up to four years. So, those names remain on the voting rolls.”

“The city's share of these ‘voters’ is more than 130,000. That means that about 13,000 of the signatures required for the petition are the result of ‘voters’ who are on the bureaucratic equivalent of life support. Only a federal law keeps the plug from being pulled. Some have moved out of the county. Some have married, changed their last names and moved to a new address. They may have registered under a new name, but their old registration remains on the books.

“And for every 10 of these ‘suspension’ phantoms in the city, petition organizers must get one more signature than they would have had to get in 1975.”

May 14, 2002 (1A) **“83,700 signatures ready for checking. PGA Village foes file petitions. Public vote on the proposed golf resort could come as early as Sept. 14”**

“Jubilant community activists seeking to overturn the City Council's decision to support the PGA Village filed petitions Monday with the names of more than 83,000 people who want a chance to determine if the golf resort should be built.

“The city clerk now must determine if at least 68,023 signatures are of valid registered voters in San Antonio. If they are, the council could schedule a public vote on the project as early as Sept. 14. ‘The people of San Antonio have spoken,’ said Father Walter D'heedene, representing sister activist organizations Communities Organized for Public Service and the Metro Alliance. ‘This (petition drive) says the people are not in favor of the way the city negotiated this deal. There are a lot of questions remaining.’

“The Save Our Aquifer Campaign, a coalition of environmental and community organizations, faced a Monday deadline to submit the names of at least 10 percent of the city's registered voters to force the City Council to either reconsider its support of PGA Village or allow a public referendum on the development.”

“Lobbyist Bill Kaufman, who represents the project's developers, said he would wait until the city clerk verifies the petitions before commenting on the depth of the opposition or on what the developers might do next.

“City Clerk Norma Rodriguez, who received six large mounds of boxed and bound petitions, said it was the largest petition drive she could recall. If successful, it would exceed the 70,000 names gathered in 1985 to overturn the proposed fluoridation of the city's drinking water. Rodriguez said she plans to bring in about 35 extra employees to check each name against voter registration rolls within the 20-day time limit allowed.

“If her count knocks out enough names to shrink the total to under the required 68,023 names, petition organizers would get 20 more days to collect names. If the petition drive still failed after that, there would be no public vote.

“The petition drive started April 5, the same day the council endorsed a development plan for

PGA Village. Organizers said the support they already have generated should be a clear sign to the council that the PGA plan needs to be changed. Leticia Vela and Juliana Murphy, Save Our Aquifer coordinators, said a new crop of leadership has emerged that is intent on showing the city that the way business has been done ‘was not good enough.’

“Poll numbers released by SurveyUSA for KSAT-TV late Monday show that 72 percent of respondents said there should be a public vote on the issue. Half of San Antonio adults polled who are familiar with the issue said the council made the wrong decision by approving the special taxing district.”

“Mayor Ed Garza, who supported the plan after crafting modifications to it, said he could not predict how the council might react to the petition drive until all the names are certified. However, Councilman Julian Castro, who opposed the PGA plan with Councilman John Sanders, said the petition drive ‘exceeded most folks’ expectations’ and should be enough to convince the council a vote is needed.”

#### May 15, 2002 (10B) **“Some PGA petitions left out”**

“Petitions signed by about 4,000 people were inadvertently left out of the batch turned in earlier this week seeking to stop the PGA Village golf resort, but they could be used later if needed, petitioners said Tuesday.

“Communities Organized for Public Service, the Metro Alliance and the Save Our Aquifer Campaign turned in what they estimated to be 83,700 signatures Monday after a 40-day petition drive against the resort, which would be built over the Edwards Aquifer recharge zone.

“But a Save Our Aquifer official said that total should be reduced by about 4,000 names, which were on petitions left behind when the others were handed over to the city clerk’s office. Maria Berriozabal, who said she regretted the mistake, explained that the missing petitions were part of a group collected Sunday and early Monday that were not placed with the rest of the boxes after copies of the petitions were made.”

“Attorney Darby Riley, who is on the executive committee of a coalition that is sponsoring the Save Our Aquifer effort, said he believes the coalition collected enough qualified signatures to force the vote even without the missing box. However, if the clerk disqualifies enough names to bring the total below 68,023, petitioners will be given 20 days to make up the difference. Berriozabal said names from the omitted box could be counted at that point.”

#### May 15, 2002 (3A) **“COPS/Metro discussed potential PGA deal with mayor”**

Columnist Rick Casey wrote about a quiet meeting: “Leaders of Communities Organized for Public Service and Metro Alliance met quietly with Mayor Ed Garza on Monday—the same day they turned in a mass of referendum petitions—to see if a deal could be reached that would avoid an election on the PGA Village development.

“COPS and Metro did not disclose the meeting to other members of the broad coalition that helped collect a reported 83,000 signatures to force to a vote on the rich deal granted by City Council to Lumbermen’s Investment Corp. for the PGA Village project.

“But spokespersons for the organization later said it would take major changes in the development agreement to make it acceptable.

“Former COPS president Andres Sarabia said any agreement would need approval from other members of the coalition that collected a record number of signatures. ‘Particularly in the area of protection of our water,’ he said. ‘They're just as adamant as we are about protecting the water, and we're adamant about moving San Antonio from a cheap labor town to a city that invests in its people and has wage earners that can support their family.’

Garza, speaking from Los Angeles where he was attending an Urban Land Institute ‘roundtable,’ said the meeting started awkwardly with both he and the COPS/Metro representatives waiting for the other side to begin. ‘Once we got over the uncertainty of the first five minutes or so one of their members said, ‘We don't want an election, but we would have to get a significantly better development agreement,’ Garza said.

“He said he asked what, specifically, they were seeking. ‘They talked again about the living wage,’ he said.”

“Garza said the groups also said they wanted an environmental oversight panel to make sure the anti-pollution measures in the development agreement are enforced. The project is over the sensitive Edwards Aquifer recharge zone.”

“An environmental oversight group did not satisfy some other members of the coalition.

“George Rice, a hydrologist active in the petition drive, said he didn't think another oversight layer would meet his concerns. ‘I'm not a spokesperson for Smart Growth or Save our Aquifer,’ he said. ‘But my personal opinion is that the agreement as is not very good. I see very little value in having an oversight committee to enforce it.’

“Former Councilwoman Maria Berriozabal was succinct. ‘With me, it would be remove (the project) from our water and take away the taxing district,’ she said. ‘We've had a mantra which we heard many times when we were collecting signatures: Not over our water, not with our money!’”

“A deal would be dangerous for the mayor as well—something he recognized. ‘I was only talking to 10 people in the room,’ he said. ‘I need to meet with the other groups that were at the table to get their perspectives on the outcome—Smart Growth, the League of Women Voters, neighborhood groups. If they all agree (on a negotiated deal), then that's an option I'm willing to look at.’ My projection: That will happen when the aquifer freezes over.”

May 17, 2002 (3B)    **“Mayor, PGA foes say no deals”**

“Mayor Ed Garza and representatives of two organizations at the forefront of the petition drive against the PGA Village golf resort said Thursday they are not discussing a compromise development deal.

“Communities Organized for Public Service and the Metro Alliance did not close the door on listening to new proposals that might be developed by the mayor and the resort's developer, but

the groups were not hopeful any new proposal would satisfy their concerns. ‘It’s up to them to make a move,’ said Father Walter D’heedene, a representative of both organizations.

The mayor said nothing new is in the works. ‘At this time, no,’ Garza said. A meeting Monday did not budge positions on either side.”

“D’heedene and other COPS-Metro leaders met with the mayor, City Manager Terry Brechtel and City Attorney Andy Martin on Monday before the petitions were turned in.

“Banker Tom Frost, whose intervention in the PGA debate set the stage for initial modifications in the development plan, was at Monday’s meeting. Frost and others are concerned that a heated referendum battle could undermine progress on other significant public issues, such as the Better Jobs training initiative.

“Frost said Thursday he had hoped that if the opponents clarified their objections, and the city responded to those objections, it could be the start of serious negotiations.

“But Thursday, the groups said they would not provide any further details. Garza said his first priority was to ‘let the (petition) process take its course’ and see if the opposition had secured enough names to force the council to consider killing the plan.”

“Frost said he doesn’t want to give up hope that a compromise can be reached, but no additional meetings between the two sides are scheduled.”

#### May 19, 2002 (3A) **“City lawyer plucked city clerk from a sticky PGA situation”**

New City Attorney Andrew Martin last week did City Clerk Norma Rodriguez a huge favor—one that may have saved her from being tarred and feathered in front of more than a thousand fellow city clerks from all over the world.

“Monday afternoon, after a coalition of citizens had turned in about 80,000 signatures on petitions opposing the planned PGA Village development, Rodriguez was explaining to reporters the process through which she would verify the petitions.

“Signatures would, for example, be disallowed if the date of birth was not provided, or if the person did not show up on the county’s database as being registered to vote at an address in the city of San Antonio.

“Then, looking at one of the thousands of petition sheets that had been delivered in cartons, she pointed to two signatures and explained that they would be disallowed for another reason.

“The dates in the boxes just to the left of the signatures were not the same as the date written at the bottom of the sheet by the person who attested to having circulated the petition sheet. In other words, the person gathering the signatures had to use a separate sheet each day and sign and date each sheet that same day.”

“Before starting the drive, COPS and Metro Alliance leaders had met with Rodriguez to make sure they knew all the technicalities. It would be a huge effort to collect more than 68,000 valid signatures, and they didn’t want to get it wrong.

“Rodriguez says she explained the requirement that the dates must match to the leaders. They say she didn't. It's hard to imagine they would not have followed the directive if they had understood its necessity. But with that one technicality, Rodriguez almost certainly would disqualify tens of thousands of signatures and void a petition drive that had collected more signatures than any in San Antonio history. The result would be an outpouring of anger and distrust that would have overrun City Hall.

“When I told Rodriguez her ruling would look like a ‘gotcha’ move, she said, ‘People who know me know I wouldn't do that.’ I agree. In all the years I've covered City Hall, I've never known Rodriguez to play political games with information or processes. Even petition leaders respect her. ‘She must be under a lot of pressure,’ said one.”

“Happily, Rodriguez referred the question to City Attorney Martin on Tuesday morning. Within hours, he told her the dates did not have to match. A rebellion was averted...”

May 21, 2002 (1B)    **“City, firm sign off on PGA plan. The move won't affect the bid to put the matter to a vote”**

“After weeks of review, a final version of the development plan for the PGA Village resort has been signed by the city and resort developers and should be available for public review this week. City officials and representatives of Lumbermen's Investment Corp. signed the three-inch-thick document Monday, the last day of a 45-day deadline the city had set to finalize the agreement approved April 5 by City Council.

“It was a formality to sign the document, which outlines the details of a development plan that had been under negotiation for months and was revised in the final days before council's vote. Assistant City Manager Chris Brady said the signing does not affect the public's ability to try to overturn the council's vote if a referendum movement succeeds in getting the plan on the ballot later this year.”

May 24, 2002 (1B)    **“Garza says PGA may bolt if a vote is set. The mayor talked to developers about it months ago.”**

“The Professional Golfers' Association probably would back out of the PGA Village resort rather than risk facing defeat by San Antonio voters, Mayor Ed Garza said Thursday.

“Meanwhile, all 10 City Council members and Garza signed a memo favoring incentives to develop land in northwestern Bexar County outside the Edwards Aquifer recharge zone that Garza said would make a "great site" for the PGA. It's the same site that has been mentioned as a possible alternate.

“Garza said he believes that the PGA will pull out of the present City Council-approved deal to create a special taxing district for the resort if a petition drive forces an election on the issue.”

“PGA had said months ago that if the signatures got to the point that they would call for an election that they would not want to move forward,’ said Garza, who has not previously publicly disclosed such remarks. In that event, Garza said he would once again try to persuade PGA officials to consider other San Antonio sites, including a property known as the Village at West

Pointe near SeaWorld. Its boosters tout the fact that recycled water is already available for year-round use.”

“I don't know how they're feeling, given the process of getting the signatures,’ Garza said of whether PGA might now be interested in exploring other sites in the San Antonio area. ‘It comes back to the question: Are they bitter?’

“Messages left Thursday with PGA officials in Florida were not immediately returned. However, PGA Chief Executive Officer Jim Awtrey told the San Antonio Express-News in March that Lumbermen's land was the association's only local option.”

May 26, 2002 (3A) **“State law: PGA petition needs about 61,000—not 68,000”**

Columnist Rick Casey writes that PGA opponents “don’t need 68,000 valid signatures. They probably need about 10 percent less, more like 61,000. The reason is one obscure sentence the Legislature added to the Texas Election Code in 1995. I know this only because a column I wrote two weeks ago was wrong.”

Casey learned from Tax Assessor-Collector Sylvia Romo that the “phantom voters” he described in his May 12, 2002 column—who are on “what the law calls a ‘suspense list’—“don’t count for petitions.” Romo reportedly said, “Call the secretary of state,” which he did. Casey was then directed to Chapter 277 of the Election Code:

“If the minimum number of signatures required for a petition is determined by a computation applied to the number of registered voters of a particular territory, voters whose names appear on the list of registered voters with the notation 'S,' or a similar notation, shall be excluded from the computation.”

“But Yolanda Ledesma, assistant city clerk for elections, said she was not aware of this provision (as [Bexar County Elections Administrator Cliff] Borofsky had not been), and these names were not deducted in obtaining the 68,000 figure. Borofsky estimates that as of last May, about 70,000 suspense-list voters were on the city's list. Thus, the requirement for a referendum should be about 61,000, not 68,000. An exact count will have to be obtained by counting the numbers of names with an "S" after them.

City Attorney Andrew Martin said Friday he would research the issue and advise the city. ‘I'm glad this was brought to our attention now rather than later,’ he said. ‘It could've been a mess.’”

May30, 2002 (1B) **“PGA petition goal may get help. ‘Suspense voters’ don’t count in the requirement, thus lowering the target total by thousands.”**

“Petitioners looking to overturn the City Council's support of the PGA Village golf resort likely will need several thousand fewer signatures than they thought, City Attorney Andy Martin said Wednesday.

“Martin said his review concluded that people characterized under state law as ‘suspense voters’ should not be used in determining how many signatures of registered voters are needed to force a public vote. Suspense voters are those whose voter registration cards are returned to county elections officials as undeliverable by the Postal Service.”

“Bexar County Elections Administrator Clifford Borofsky said his office is refining numbers from July 2001 to establish the size of the city's suspense list from the last city general election in May 2001. The only total he had Wednesday showed that the entire county had 69,278 voters on the suspense list in July 2001.”

“Bill Kaufman, a local lobbyist representing the developers of the resort, said that while the developers were not troubled by the city attorney's opinion, he plans to evaluate election law as well, to feel comfortable the city's interpretation is correct. He said developers are prepared a public relations effort if enough signatures are obtained to force a public vote.”

June 1, 2002 (3B)      **“PGA petition tally nears. Verification of signatures expected today.”**

“City Clerk Norma Rodriguez said Friday her office is trying to obtain voter registration data that would allow her to more accurately define how large the voter registration rolls were when the city held its last regular election in May 2001. The data provided so far is from two months after the election.

“Rodriguez said earlier data would allow her to comply with City Charter requirements more completely. ‘It probably won't be that much of a difference, but I want to do the best job that I can,’ she said.

“She needs to calculate the number of voters on the so-called ‘suspense list’ at the time of the 2001 election. That category of voters, representing people whose residences could not be confirmed, was not an issue when her office first calculated the size of the city's voter registration rolls.”

“Meanwhile, she must finish today the task of determining which signatures are from valid voters. The three petitioning organizations had until May 13 to turn in signatures, and the charter gave Rodriguez's office 20 days after that to count them.

“Rodriguez has not divulged how many of the nearly 80,000 names submitted were knocked out because they could not be confirmed as registered voters, or did not live in the city. She said she will report that total to the City Council on Thursday.”

“‘We are trying to make sure that every legitimate signature I have that was affixed to those petitions is verified,’ she said.

“Representatives of the Save Our Aquifer Campaign, a leading PGA opponent, said they had no reason to question the process used by the clerk's office. ‘When they tell us we have the required number, we'll celebrate,’ said Maria Berriozabal, a former councilwoman who had been active in the campaign. ‘If we don't, we'll just work harder to get those names. I'm confident in the end we'll get what we need.’

June 5, 2002 (1A)      **“Mayor's hunch: PGA petitions will fall short”**

Mayor Ed Garza said Tuesday he doubted opponents of the proposed PGA Village had gathered the signatures of enough registered voters to force a public vote on the resort's development plans. ‘If I had a bet, I'd say they're not going to get the signatures this week,’ Garza said during

a meeting with the San Antonio Express-News Editorial Board.

“He termed his projection ‘a hunch,’ and noted he had not received any information from the city clerk, whose office is charged with verifying the number of registered voters on the petitions.

“City Clerk Norma Rodriguez, meanwhile, declined to say how many registered voters had been certified by her office's count of the anti-PGA Village petition drives initiated by Communities Organized for Public Service, the Metro Alliance and the Save Our Aquifer Campaign.”

“If the opponents come up short, they would have 20 more days to overcome the deficit. Garza said he hopes that during that time he can convince the resort's developers to modify the plan enough to win more public support and avoid a potentially bitter election. ‘I'm certainly open to looking at making improvements to the development agreement if we have 20 more days,’ he said.

“But Tim McCallum, a Metro Alliance executive committee member representing that group and COPS, said further negotiations were not in their plans. ‘The mayor has two options—rescind the ordinance or call for an election. That's it,’ McCallum said.

“Juliana Murphy, a spokeswoman for the Save Our Aquifer Campaign, said two conditions would have to be met for that organization to consider a compromise: The resort must be moved off the Edwards Aquifer recharge zone, and all public subsidies must be eliminated.

If those conditions were met, ‘we can see where we'd go from there,’ she said.

“Garza said he thinks all parties are open to negotiation. He said he believes Lumbermen's Investment Corp., the resort's developer, and the Professional Golfers' Association of America want to avoid a costly and potentially unsuccessful election.

“He also said he suspects COPS and Metro Alliance would prefer to see an improved development agreement for the resort than for the matter to go to the public.”

June 6, 2002 (1B)      **“Clerk to release PGA results today”**

“The city clerk will have a rapt audience at today's City Council meeting when she reveals whether PGA Village opponents gathered enough signatures to take the matter to a public vote. City Clerk Norma Rodriguez said Wednesday that despite predictions from Mayor Ed Garza and others that the petition drive will fall short of its goal, she has not given the total to anyone and will not do so until 1:30 p.m. ‘They can't drag it out of me,’ Rodriguez said of interested parties who have tried to get the signature count early.”

“Also Wednesday, Bill Kaufman, a lobbyist representing the resort developers, said that Professional Golfers' Association of America officials reconfirmed their commitment to stick with the development even if a vote is required. Earlier, there had been speculation that PGA might opt out of the development if the petitions were able to force a potentially rancorous election on the issue.”

“Officials with the main petitioning organizations, the Save Our Aquifer Campaign, Communities Organized for Public Service and the Metro Alliance, said they, too, have been

kept in the dark about the result of their 40-day petition drive that ended May 13.

“Juliana Murphy, a spokeswoman for the campaign, said the organization has heard that the number of certified voters on the petitions came up short of the number needed, which is at least 10 percent of the city's voters as calculated at the last regular election. But she said those predictions did not come from Rodriguez or anyone with dependable information, so campaign officials will rely on the number the clerk reports today.”

“Added to the list of people who believe the petition count will miss the mark is County Judge Nelson Wolff. Ken Mireles, an aide to Wolff, confirmed Wednesday the judge said he was told the tally is about 51,000 names, which could be more than 10,000 names fewer than the number needed. But the judge said his information did not come from Rodriguez or anyone in her office.

“Councilmen Bobby Perez and Julian Castro said they have heard the initial drive would not reach its goal, but not from the clerk.”

June 7, 2002 (1A)      **“Signatures fall short on PGA-vote petitions. Foes have 20 more days to get needed names.”**

“With PGA Village opponents vowing to hit the streets after a city review found their petition drive short by nearly 13,500 signatures Thursday, Mayor Ed Garza said he'll seek a compromise deal with developers in hopes of avoiding a public vote in November.

“‘Even though the number wasn't met, I think a message was sent,’ Garza said. ‘The opportunity that exists now is to try to make improvements to the development agreement that everybody can agree with.’

“In a long-awaited presentation to the council that attracted rare interest from city staff and residents, City Clerk Norma Rodriguez said her office certified that 49,513—or 62 percent—of the 79,083 names submitted by a wide coalition of anti-PGA forces represented actual registered voters in San Antonio.

“Rodriguez said the certified signatures were 13,493 short of the 63,006 needed to force the council to rescind its support of the resort or call for a public vote, according to a City Charter provision requiring the signatures of 10 percent of the city's registered voters. Foes of the resort agreement, which was originally approved by the council April 5, now have 20 days to collect the necessary signatures.

“Those opponents, including Communities Organized for Public Service and the Metro Alliance, who packed City Hall chambers as they often have during months of heated discussions, took the news as a challenge, not a setback. ‘COPS and Metro Alliance are ready to hit the streets again,’ said COPS leader Sister Gabriella Lohan, sparking a two-minute standing ovation from nearly 200 opponents filling the council chamber.

“Other members of the anti-PGA coalition expressed similar resolve. ‘We will continue our efforts to gather the additional signatures,’ said Anne Alexander of the Save Our Aquifer Campaign. ‘We will take it to the streets, outside churches, and to your front door.’”

“Opponents, meanwhile, said they were surprised by the number of signatures that were thrown

out—nearly 40 percent—and will request a copy from Rodriguez. ‘We will scrutinize the disqualified signatures,’ said Alexander of Save Our Aquifer. ‘We owe that to the people who signed the petition.’

“In a detailed, four-page, single-spaced report, Rodriguez explained how she reviewed the petition signatures and all of the various reasons why a total of 29,570 were ruled invalid—such as duplicates, non-San Antonio residents and illegible writing.”

June 7, 2002 (3A)     **“PGA Village petition count was bad news for everybody”**

Columnist Rick Casey, on the shortfall in signatures to force a public vote on the PGA project wrote: “It was bad news all around. Let’s count the unfortunates one by one.

“Project opponents: They’ve got to hit the streets again in 90-degree heat. And they have a frustrating number to make up. They’re too close to quit, but too far not to fear failure.”

“Lumbermen’s Investment Corp.: If the petition fails, Lumbermen’s wins. But if not, the company would have been better off if enough signatures had been turned in Thursday. Then Lumbermen’s might have been able to persuade the council to run a special election in September just for this issue. The deadline for setting a September election would be June 20. But now the new signatures aren’t due until June 26. So the PGA Village question would have to be added to the general election ballot in November.

“Lumbermen’s would have been substantially better off with a September stand-alone election for two reasons. The Democratic ticket is headed by Ron Kirk, the African American former mayor of Dallas running for the U.S. Senate, and by Tony Sanchez, the Laredo businessman running for governor. With both candidates waging well-funded campaigns, predictions are that African Americans and Hispanics—two groups that don’t traditionally turn out heavily for special elections—will vote in record numbers.

“Polls done by the reputable Survey USA for KSAT-TV have consistently shown that Hispanics and African Americans are significantly more opposed to the PGA Village project than are Anglos. The latest poll, a month ago, asked whether respondents thought City Council had done the right thing in approving the project.

“Among Anglos, 51 percent said the council had done the right thing, 39 percent said it was wrong, and 10 percent were unsure. Among Hispanics, 34 percent agreed with the council action and 57 percent disagreed. Nine percent were unsure. Among African Americans, only 18 percent agreed with the council, while 82 percent said the council erred.

“So the last thing Lumbermen’s wants is an election with heavier-than-usual minority turnout.”

“City Council: This is the sort of election, like Applewhite, that rouses passions in San Antonio—passions that will peak in November and will not fade by council elections in May. November is the time for opponents to line up against council incumbents.

“North Side Councilman Carroll Schubert, who has led the charge for the project, will be particularly vulnerable to challenge by a candidate seen as willing to take on developer interests. Citizens are already gathering signatures to recall council members Toni Moorhouse and David

Garcia because of their support for PGA Village. The heat of having the issue on the ballot will put recall petitions over the top in the unlikely event that not enough signatures have been collected by November.

“So there was no gloating at City Hall on Thursday.”

June 7, 2002 (6B)      **“Let city avoid vote on PGA agreement. Moving to a public vote would be divisive and would not improve protection of the aquifer.”**

In an editorial, the Express-News wrote: “Now that the city clerk has confirmed opponents of PGA Village have fallen short of enough signatures to force a public vote on the proposed development agreement, San Antonio finds itself at yet another critical juncture in this rancorous, ongoing saga.

“The next 20 days will see a fresh round of frantic efforts to secure additional signatures by those organizations that have spearheaded the petition campaign. We will also see a potential new round of negotiations led by Mayor Ed Garza between opponents of the project and representatives of the resort's developers.

“For the sake of the city, we urge those citizens who have not yet signed petitions to take pragmatic, long-term look at the issue and not sign the petitions. An election on the PGA Village can only divide the city further and will not result in any additional safeguards for the city's water supply.

“Whatever anyone's position on the proposed PGA Village, no one can claim that the public has not had significant influence on this process. Early opposition to the development agreement surfaced in a vigorous round of public hearings. That opposition forced modifications to the original plan that provided more protection for the city's water supply and improvements to the overall design.”

“The message has been sent and received: San Antonians want stricter controls over development the recharge zone and more accountability for developers who seek tax breaks. Those controls must be sought at a regional and statewide level, as well as from local government.

“The best possible course for critics of the PGA Village is not to hobble the City Council in the future by forcing a public vote on this issue and others that might be equally controversial, but to seek an improved development agreement, if that can be worked out.

“Failing that, opponents of the project should realize that they have had their say—if not their way—and focus their civic energy elsewhere. An election will be costly, divisive and a further distraction from the hard work that must be done to protect San Antonio's water supply and encourage smart development.”

June 9, 2002 (1B)      **“PGA petitioners hit city’s streets again. The mayor seeks a compromise on the golf resort plan.”**

“Facing a tighter deadline and less margin for error, anti-PGA Village forces fanned out to collect more petition signatures Saturday as Mayor Ed Garza tried to jump-start talks on a

compromise development deal in an attempt to head off a November vote.

“Garza, anticipating a meeting early this week with the resort developer, Lumbermen's Investment Corp., said he requested and received assurances that he would get a detailed list of concerns from two of the organizations that oppose the creation of the resort over the Edwards Aquifer recharge zone.

“‘We are having ongoing discussions,’ confirmed Father Walter D'heedene, who represents Members of Communities Organized for Public Service and the Metro Alliance. ‘The mayor has made it known he wants to communicate.’

“After opponents learned Thursday they had only 49,513 of the 63,006 verified signatures needed to force the City Council to reconsider their support of the resort, the sister organizations raised three issues regarding the current development agreement that, if addressed, could sway their commitment to a November referendum.

“They include clearer guidelines on how the resort's water quality measures will be enforced; a commitment to a minimum "living wage" of \$8.50 an hour for all resort, hotel and golf course employees; and scaling back the life of the project's taxing district from 13 years to between five and 10 years.

“Once he receives them in writing, Garza said, he intends to review the concerns with Lumbermen's representatives.”

“Garza said he is focusing on COPS and Metro Alliance because other members of the anti-PGA coalition, including Save Our Aquifer, are adamant that the project not be built over the recharge zone under any circumstances.”

“Trish DeBerry, a spokeswoman for Lumbermen's, said the developers have been researching a possible election scenario and believe ‘it's very winnable. I wouldn't say we've done any polling, but we've been laying the groundwork,’ she said.

“Such a scenario is contrary to recent polling that has been made public. A survey by the University of Texas at San Antonio's Metropolitan Research and Policy Institute in May showed 57 percent of the 330 San Antonio residents polled said they would vote against the project.”

“Manuel Berriozabal, a UTSA mathematics professor whose wife, Maria, is a well-known PGA Village opponent, said the task is ‘doable.’ He said the petitioners gathered an average of 2,000 signatures a day during the first 40-day process and would need only half that rate in this second, 20-day time frame to gather about 20,000 signatures. Because nearly 40 percent of the previous signatures were thrown out for a variety of reasons, petitioners believe they must get several thousand signatures over the minimum threshold.

“Henry Flores, a St. Mary's University political scientist, said he believes the goal is going to be ‘awful difficult to do.’ Flores said the petitioners would have to expand beyond their normal areas of support to find new pools of qualified voters, which requires intense organization. ‘They're going to have to be almost error-free’ in collecting new signatures, Flores said.

“Despite the seemingly tough task, few on any side of the issue doubt the resolve of the groups

collecting signatures. Their fervor was still apparent Saturday as they gathered at churches and public events such as the Texas Folklife Festival and walked door-to-door in some neighborhoods.”

June 11, 2002 (1B) **“Were ‘New Year’s baby’ petition signatures eliminated?”**

Syndicated columnist Carlos Guerra wrote about the various issues involved in the “sticky” business of validating signatures on petitions.

“Expecting that up to 20 percent of the signatures collected might be tossed out, COPS, Metro Alliance and the Save Our Aquifer Coalition leaders turned in what they thought were 84,000 signatures, only to discover later that 4,000 of the names had inadvertently been left behind in an office. But it wasn't until after the clerk's office had checked all the signatures submitted that Rodriguez finally got a count of the city's suspense voters from the Secretary of State's office and announced that only 63,006 were actually needed.

“Then, she announced that even so, the petitions were short more than 13,000 names. Of the 79,083 signatures turned in, 29,570, or 37 percent, were ruled invalid. Of those tossed out, 3,617 were eliminated ‘at cursory review’ for reasons such as listing out-of-town addresses, signing with a pencil or listing no birth date.

“But 25,953 were invalidated after the names, addresses and birth dates, as signed, were manually key-punched into a database, she reported to the City Council. This database was cross-checked against the county's voter registration list by ‘matching full last name, full first name and date of birth as signed by the petitioner. If not matched, a second attempt was made with full last name, first letter of the first name and date of birth,’ the report added. ‘If not matched, the name was flagged as ‘not registered.’”

“Bexar County voter rolls, however, list many older voters as being born on ‘01-01,’ or Jan. 1 of their birth year. ‘Some time ago, we only used to require the year and not the date of birth’ for the rolls, explained Clifford Borofsky, Bexar County election administrator. ‘When the (records) conversion took place, which preceded me and was done some time in the ‘70s or ‘80s,’ he continued, ‘a number of those registrations went down (as having been born on) ‘01-01.’”

“Asked how many signatures may have been invalidated because signers listed their actual birthdays instead of Jan. 1, Melinda Lopez of the City Clerk's Office said: ‘That wasn't part of the report, so if you want that information, you're going to have to file an open-records request.’ We have, and we'll let you know.

June 12, 2002 (5B) **“Mayor fears PGA talks at an end”**

“Mayor Ed Garza said Tuesday he is not optimistic that further negotiations are possible on the PGA Village golf resort because key players do not appear interested enough in compromise. ‘I've had conversations with both sides, and there really hasn't been any movement,’ Garza said shortly after returning from a two-day trip to Dallas. ‘I'm disappointed that they're not taking advantage of this window of opportunity to negotiate.’

“The mayor, a key architect of the resort's development deal that City Council approved April 5, has been the primary advocate for further negotiations since opponents of the development were

given 20 more days to fill out more petitions calling for a public vote. If they get the names of 13,493 registered voters needed—and the petition drive's sponsors are confident they can—the resort could be overturned by the council or by a public vote.”

“Meanwhile, groups opposed to the resort's development plans said they would closely examine petition records to determine if the city clerk improperly discarded qualified voters because the dates of birth listed on voter registration records were incorrect.

“Several years, possibly decades, ago, Bexar County voter rolls did not record an exact date for an individual's date of birth but instead listed the birthday as ‘01-01,’ or Jan. 1, of the year the individual was born, officials have said. If that date was never corrected as voter registration cards were renewed, an individual could have listed his or her correct date of birth on the anti-PGA Village petitions, but that date would not have coincided with the date on the county's voter registration records. Whether that caused the clerk to throw out those names was uncertain Tuesday. But officials with Communities Organized for Public Service and the Metro Alliance, sister organizations that were prime sponsors of the petition drive, said they suspect valid voters were improperly disqualified because of the error, possibly a large number of voters. ‘Let the people's voice be heard,’ COPS leader Father Walter D'heedene said. ‘We want an accurate count.’

“He said COPS and Metro had filed a request with the city clerk to report how many names with an ‘01-01’ date of birth had been disqualified from the petition count. He said the city also should extend the 20-day period the petitioning organizations have to sign on more supporters.

“Assistant City Clerk Yolanda Ledesma said that office was working on a count reflecting the number of petitioners who were thrown out because the dates of birth on voting documents did not match the birth dates put on petitions. Ledesma said she understood that county election officials have said about 18,000 of the 850,000 registered voters in Bexar County had ‘01-01’ recorded as their birth dates.”

June 13, 2002 (5B)    **“Clerk to recheck some PGA petitioners. Old data may be in conflict.”**

“Reacting to questions raised about the accuracy of voting records, the city clerk vowed Wednesday to re-examine certain petitions gathered by anti-PGA Village forces to determine if some disqualified names should have been counted. ‘We'll do everything we can to validate a person who is qualified to vote and signed the petitions,’ said City Clerk Norma Rodriguez.”

“If the date of birth listed on the petition differed from the date of birth on the voter registration records, the name could have been disqualified, Rodriguez said. Rodriguez said her office will re-examine the names of all the people who were disqualified in the first count because of problems with their birth dates to see if their voter status can be confirmed some other way. She said she was not certain Wednesday how many people might have been disqualified for that reason.”

June 14, 2002 (1B)    **“2 anti-PGA groups pose offer. Changes would please some foes”**

“Mayor Ed Garza and two activist groups on Thursday outlined separate but unexpectedly similar changes to the PGA Village development deal that could short-circuit a petition drive

against the project.

“The proposals by Communities Organized for Public Service and the Metro Alliance, which oppose the plan, and Garza, who voted for it, raise the possibility of further negotiations on the divisive issue.

“However, the project's main developer, Lumbermen's Investment Corp., has not been consulted on changes and council members were unfamiliar and even skeptical about the proposals.”

“And the Save Our Aquifer Campaign, a main PGA opponent, is examining the legality of changing the development plan before the petition drive has run its course. Juliana Murphy, a spokeswoman for the campaign, said that even if modifications are legal, ‘it's not ethical.’ The coalition does not want the resort to get public financing or be built on the Edwards Aquifer recharge zone, as proposed.

“COPS and Metro, which gathered most of the signatures in the first phase, have said they would be willing to consider changes to the plan and they have discussed their demands in general. On Thursday, they presented their requirements in writing in a meeting with the San Antonio Express-News editorial board.

“Those demands include having an expert in the new city auditor's office share oversight of environmental controls, upgrading wage standards to cover all hotel and golf course employees, and shortening the lifetime of the taxing district that would support the resort.

“If developers and the council can accept the changes, COPS and Metro officials said they would quit the petition drive.

“Meanwhile, Garza released a memo he sent to council members that says they should upgrade the deal's current wage standard and employ a team that would include environmental attorney Jim Blackburn to help oversee the resort's environmental controls. Also, he said they should require the developer to contribute \$500,000 next year to help the city develop a land management plan for the aquifer.

“But Garza said he doesn't believe the taxing district's term, currently set at 13 years, could be reduced to 10 years as the activist groups proposed. Garza said upgrading the wage standard would make it difficult to ask the developer to cut back on the revenue it would raise from the district.

“The mayor said he believes the changes address the concerns of voters who signed anti-PGA petitions, and are reasonable enough to preserve the support of the resort's developers. Garza has asked the city manager to place an item on the council agenda next week allowing the ordinance authorizing the development deal to be amended or repealed.”

June 15, 2002 (10C) **“Time for final push on PGA negotiation. If major issues can be resolved short of a referendum, that would be in the best interest of the community.”**

In an editorial, the Express-News wrote: “The final opportunity has arrived for negotiations over PGA Village that could prevent a drawn-out and divisive election over the issue, and Mayor Ed

Garza must seize the moment.

“Communities Organized for Public Service and Metro Alliance finally have put on paper their final negotiating position. The final deadline for submission of signatures on the petition for a referendum is looming. Chances appear good that petitioners will obtain the necessary signatures.”

“Obviously, some groups who oppose the project under any circumstances will not be satisfied.

“But Garza should step up to lead a final round of negotiations, with the involvement of both parties. If the developer does not wish to participate, the mayor should make that clear.

“The issue is too important to the community to leave any effort untried to bring a majority to a consensus, short of this referendum.

“The clock is ticking, and time is growing short. The mayor must exert leadership at this critical point. We encourage one final effort to find an agreement that will let the project move forward with the maximum number of people in support.”

June 18, 2002 (1B)    **“Recount boosts anti-PGA groups. Petition drive protesting golf resort needs 9,681”**

“The number of signed petitions needed by groups opposed to the PGA Village golf resort shrank by almost 4,000 names Monday. A recount by the city clerk concluded that 53,325 people who signed the initial batch of anti-PGA petitions should have been certified as registered voters in the city, not the 49,513 first reported.

“Because the City Charter says 63,006 signatures are needed to force the City Council to either withdraw its support or put the issue to a public vote, the petition drive's goal fell to 9,681 names. Originally, City Clerk Norma Rodriguez said 13,493 additional names were required. Rodriguez, in the new review, certified 3,812 petitioners as registered voters after they originally had been disqualified in the first count. The names were certified using data other than dates of birth to verify an individual's voting status in the city.

“Rodriguez, in a letter to council members, said 1,716 people who were disqualified because the birth dates on their voter registration cards erroneously listed ‘01-01’ were in fact identified as valid voters. In addition, 2,096 people who erroneously listed 2002 as the birth year were verified as registered voters by using other data to identify them. ‘I assure you and the citizens of San Antonio that we have made every possible effort within the confines of the law to accurately verify and validate every signature on this petition and will continue to do so throughout the entire process,’ Rodriguez said in her written report to the council.

“Anti-PGA groups were pleased with the new numbers.

“Juliana Murphy, a spokeswoman for Save Our Aquifer Campaign, said the new count makes it a little easier to reach its goal.

“But both Murphy and a spokesman for Communities Organized for Public Service and the Metro Alliance said they are not convinced the clerk identified all the registered voters on the

petitions turned in last month. The organizations got copies of the petitions Monday and were examining them to determine if they had been properly counted.

“Andy Sarabia, a representative for COPS and Metro, claimed that of the first 12 names checked, four of the five names invalidated should have been recognized as voters. ‘We’ll continue doing our research,” Sarabia said. ‘This is too important an issue for this type of invalidating to be occurring.’”

“Save Our Aquifer officials suggested Monday that the clerk’s updated report should start the clock ticking on the 20-day drive again, but Rodriguez said the charter did not provide for an extension.”

June 20, 2002 (8B)    **“Resort foes question clerk’s rejections. May go to court over petitions.”**

“Representatives of a group opposed to the proposed PGA Village claimed Wednesday the city clerk incorrectly rejected "hundreds" of names that were gathered to force a public vote on the development, but wouldn't say exactly how many errors they found.

“Save Our Aquifer Campaign officials hinted they may go to court over the matter. ‘We were aghast with the number of people (rejected),’ said Jon Thompson, a member of the Save Our Aquifer Campaign.

“City officials maintain they made few errors. Efforts to independently verify City Clerk Norma Rodriguez’s findings that anti-PGA forces were 9,681 names short in their quest for a referendum have been stymied because she has not provided an updated list of those who were disqualified.”

“Assistant City Clerk Yolanda Ledesma said workers used a variety of methods to determine if the names on the petitions were valid. While human error might have resulted in a few voters not being counted, she said, she doubted that the numbers would reach the levels claimed by Save Our Aquifer.

“Juliana Murphy, a spokeswoman for Save Our Aquifer, said the organization has evaluated a sampling of names that were disqualified. Of the pages they’ve checked, she said, some pages had error rates as high as 80 percent. The smallest error rate found on a single page was 20 percent, she said. ‘We understand margin of error, but this is ridiculous,’ Murphy said.

“City Attorney Andrew Martin said he will meet with the PGA opponents to determine if their complaints should be examined. Murphy said that if the city is unwilling to correct what they feel are obvious mistakes, Save Our Aquifer may take the matter to court. ‘We feel very strongly that every registered voter should be counted,’ she said.”

June 21, 2002 (8B)    **“Clerk to recheck petitions. Computer possibly erred.”**

“The City Clerk’s office agreed Thursday to re-evaluate 1,166 names of people who were disqualified in the petition drive against the PGA Village resort after learning that a computer program might have read the wrong date from voting records.

Assistant City Clerk Yolanda Ledesma said that when she determined the petitioners’ claim of a

programming error might be correct, she decided the challenged names should be checked. 'It's the only right way to do it,' said Ledesma. She said the re-evaluation, which is being conducted manually for accuracy, started Thursday and likely would be complete next week.

"The problem involves voters whose names were rejected because they signed petitions before their voter registrations were effective. It was one of several concerns that were taken to Ledesma on Thursday by the petitioning organizations: Save Our Aquifer Campaign, Communities Organized for Public Service and the Metro Alliance. They said typing errors on voting records caused numerous voters to be improperly disqualified during the initial count by the clerk, among other complaints.

"Ledesma said she could not authorize a broader re-evaluation of the petition records until the matter is reviewed by City Clerk Norma Rodriguez, who is out of town, and by City Attorney Andrew Martin, who said Wednesday he would meet with representatives of the group.

"Juliana Murphy, a spokeswoman for the campaign, said the petitioners want to give the city a chance to correct errors, but may consider legal action if all the mistakes are not addressed."

#### June 23, 2002 (7B) **"Council appears to back mayor's revised resort plan"**

"If Mayor Ed Garza succeeds in revising the development plan for the PGA Village resort, he already may have the support he needs on City Council to adopt the changes. Only three of the 10 council members have expressed reservations about the mayor's effort to amend the current development deal with the aim of avoiding a bitter public vote.

"Council members David Garcia, Bonnie Conner and Julian Castro say either they are not convinced the public is willing to accept the proposed modifications at this late date, or the changes do not go far enough to warrant support."

"Councilman David Carpenter said a compromise deal that satisfies the mayor and the resort's developer as well as Communities Organized for Public Service and the Metro Alliance—two activist organizations that have helped lead the petition drive against the resort—is probably the best solution. Carpenter, Garza and other council members are concerned about taking the resort to a public vote that would be costly, politically bloody and could kill the development plan.

"'Anything to avoid an election,' Carpenter said."

"The question that remained late last week was whether a compromise deal could be reached. Officials with Lumbermen's Investment Corp., the resort's developer, COPS and Metro met for four days to see if they could come closer on three issues: an expanded environmental oversight plan that includes the city auditor's office; a commitment to the city's living wage standard for all resort employees; and a possible shortening of the lifetime of a tax district set up to support the resort.

"The last item, which also would reduce the amount of tax revenue developers would recoup from the project, has been demanded by COPS and Metro but was not one of the mayor's proposed changes. Lumbermen's attorney Bill Kaufman said the company is trying to identify ways that the development agreement can be improved for all parties.

'We'd be foolish not to resolve issues that could produce a better result,' he said."

“The mayor, recognized as the driving force behind the renewed talks, remains hopeful a revised plan will be ready for council to review Thursday, the last meeting before a three-week break in July.”

June 23, 2002 (3A) **“New signatures, clerk’s errors will add up to petition success”**

“A sampling of several hundred names by COPS-Metro and Save Our Aquifer indicates a substantial number were erroneously disqualified. Early results of a check begun by this newspaper support that conclusion.

“The effort to check the work of the city clerk's office has been difficult. The Express-News didn't receive the list of disqualified signatures until last Monday, but we almost immediately learned that Rodriguez had that day issued an updated list that qualified another 3,812 signatures.

“We were told to file a new Open Records Act request for the updated list, and did not obtain it until late Friday afternoon. Meanwhile, I had gone to the COPS-Metro office to see how the people there were doing their check. It is a tedious process.”

“In one hour, I was able to check only 13 names. Of those 13, I found three indeed were registered voters in the city of San Antonio: Ramona Garcia Gonzalez of 15706 Horse Creek, Antonio Dominguez of 934 Chalmers, and Rafael Gonzalez of 910 N. Frio.

“Apparently the reason they were kicked out was that each had signed and printed their familiar name—Mona, Tony and Ralph—instead of the more formal name listed on voter registration rolls. But the dates of birth and the addresses were the same. The person who signed—assuming no fraud—is obviously the same person listed as a registered voter.”

“A COPS-Metro staffer said City Attorney Andrew Martin told him Friday that he has advised the city clerk's office that the signatures of all voters registered in San Antonio should be approved and not disqualified on technicalities. This would appear to include these three.

“My very small sample yielded an error rate of 23 percent. A COPS-Metro spokesperson said of 165 names the group checked, 59 were registered—an error rate of 36 percent. Some were because of obvious typographical errors, either on the county's list or on the city's, so that when the city compared its list to the county's, the names didn't match.

“A spokeswoman for Save Our Aquifer said their error rates ranged from 20 percent to 80 percent per city clerk's page. A conservative guess indicates that we may be looking at thousands of signers who were improperly disqualified.”

June 25, 2002 (1B) **“More petitions on way to city. PGA opponents are still pushing for an accurate certification.”**

“Still unconvinced they got a fair shake the first time around, opponents of the PGA Village resort will hand city officials a second and final batch of petitions today in hopes of sending the controversial issue to a public vote in November.

“Opponents, who need the signatures of 9,681 registered voters to push them over the benchmark

of 63,006, said Monday they are confident they have enough names to clear the shortfall and provide a cushion for any names that might be declared invalid by the city clerk's office.

“Juliana Murphy, a spokeswoman for the Save Our Aquifer Campaign, said her organization enjoyed a ‘really big day Saturday’ signing on supporters at Juneteenth celebrations and that backing from the city's North and East sides had grown significantly since the first petition drive ended May 13.”

“COPS and Metro officials, who have been doing their own analysis of the petition records, claim that 103 of the 281 disqualified names they checked were wrongly excluded from the count. Save Our Aquifer representatives claim to have found error rates of up to 80 percent on some pages of the disqualified voter roster.

“The San Antonio Express-News, meanwhile, examined 35 names of people who had been disqualified as registered voters and found that five of them could have been certified if the information they filed on petitions had been examined more closely.

“Rodriguez acknowledged that the 20-day time limit to conduct the review kept her from doing the kind of detailed examination of names that has been performed by the opponent groups. But she said the city used a variety of computerized checks to identify the qualified voters and stands behind her count.”

June 26, 2002 (1A)    **“PGA battle continues. Foes hand in 26,000 more signatures. Opponents also file suit to block city’s verification process.”**

“Efforts to force a public vote on the PGA Village golf resort received a major boost Tuesday when opponents said they turned in more than 26,000 new names on petitions to the city clerk's office. Even if half of those signatures are rejected, the anti-PGA petition drive still would be a success, meaning the City Council would have to either rescind its support of the golf resort or put the issue on the November ballot.

“Officials with Save Our Aquifer Campaign, Communities Organized for Public Service and the Metro Alliance needed to gather 9,681 more signatures of San Antonio voters by Tuesday to reach the required number of 63,006; that is, 10 percent of city voters, as required by the City Charter.

“City Clerk Norma Rodriguez's office now has 10 days to count the names. She has said she'll report the tally to the council July 10.

“‘This is a historic day for all of San Antonio,’ said a jubilant Joleen Garcia of the Save Our Aquifer Campaign. ‘The voters have spoken. The city and the mayor deserve to hear our voices and act accordingly.’

“But the same group took an unexpected detour less than two hours later, asking U.S. District Judge Fred Biery to stop officials from taking any action on the PGA Village ordinance, including using computers to verify petition signatures, until the U.S. Justice Department reviews the process. Biery is expected to rule today on the campaign's request for a temporary restraining order. Such an order could stop the city from verifying the new signatures until a hearing on a permanent injunction could be held.

“Save Our Aquifer representatives said they recognize their request could delay counting the new batch of signatures, and perhaps even forestall a win for their side, but said it's the principle that counts. ‘There's no point in expediting a process that's not being carried out fairly,’ said Leticia Vela, a volunteer coordinator for the campaign. ‘Instead of moving forward with the same tainted procedure, we want them to own up to the problem of the first petition signatures.’

“Amy Kastely, one of the group's attorneys, said much the same to group members gathered outside the federal courthouse after the lawsuit was filed. ‘We have, what, 105,000 who signed the petition? Our job is to make sure they get heard,’ she said.”

“The lawsuit filed by Save Our Aquifer alleges the city failed to seek approval from the Justice Department before it started using computers to check petition signatures. It also asserts the city's computerized verification process resulted in the disproportionate disqualification of minority voters, a class protected by the Voting Rights Act.

“Many were disqualified because of simple computer errors, the group alleges. For example, one of the plaintiffs, Rafael Gonzalez, signed the petition as ‘Ralph Gonzalez.’ The computers failed to recognize the Anglicized version of his name and disqualified his signature.

“City Attorney Andy Martin said he had not yet been served with the lawsuit.

“Mayor Ed Garza said he wasn't aware the Justice Department had to clear the process used, but he added the rules surrounding elections have become difficult to understand. ‘Given the circumstances, I think officials in the clerk's office did what they were charged to do,’ he said. Rodriguez has defended the process used to verify registered voters in the first round. Still, she said she intends to evaluate the petitions closer in this second batch and make several computer runs using different combinations of information to identify as many voters as possible.

“City Councilman Bobby Perez said raising more than 26,000 names in 20 days ‘is an impressive number without question.’ But Perez still is hopeful a compromise development deal can be reached that would replace the existing PGA development agreement. Negotiations on that subject hit an undisclosed sticking point Friday.

“The Save Our Aquifer Campaign has refused to participate in the negotiations. Garza, who spearheaded the discussions, said no additional talks are planned with the resort's developer and COPS and Metro officials, but he still hopes to fashion changes that will make the resort's development agreement acceptable to more people. He said those changes would not be ready for the council to consider Thursday.

“Because the council does not have a regular meeting in July, the earliest the changes could be looked at is August, the mayor said.”

June 26, 2002 (3A) **“How big is 70,000 signatures? Garza got 59,000 in ‘landslide’”**

Columnist Rick Casey put the petition effort in perspective. In its entirety, his column read: “If City Hall officials—and PGA Village developer Lumbermen's Investment Corp.—weren't stunned by the delivery of 26,000 supplementary signatures in the petition drive opposing that golf resort project, I'd like to put it into perspective for them.

“Communities Organized for Public Service and the Metro Alliance spent \$7,000 on this largest petition effort in San Antonio history. Save Our Aquifer spent \$19,000.

“Together, with their \$26,000, they collected 105,000 signatures. Of those, somewhere between 65,000 and 70,000 will be ruled valid. (And, as we have seen, a considerable number of those ruled invalid will be real voters.) Rounding off, that's about 40 cents per valid signature.”

“By contrast, in what was considered a landslide victory last year, Mayor Ed Garza got 59,000 votes, a modest number by comparison. To do it he spent \$800,000. That's about \$13.56 per vote.

“That anti-PGA Village forces could gather so many signatures with so little money is a testimony to their hard work. It also is a powerful statement of public sentiment. In the face of that sentiment, the efforts of Mayor Garza and COPS/Metro to negotiate a deal with Lumbermen's is politically both naive and combustible. A petition drive of this magnitude is not about the fine points of an agreement. It's about anger.

“COPS/Metro has laid down ‘non-negotiable demands’ to the mayor that would tie wage requirements in the development to an inflation index, add a bit more oversight to environmental enforcement, and shorten the term of the deal's substantial tax subsidy.

“The implication is that if the mayor gets Lumbermen's to agree, COPS and Metro will sign off on a modified PGA Village deal. It's not at all clear that such a compromise would be legal. Under the City Charter, a successful referendum requires City Council to either rescind the ordinance in question or put it to a public vote. The City Charter says ‘no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the council within six months ...’

“Could the council repeal the PGA Village ordinance, make changes and pass it again before six months? They could expect a court fight. But more importantly, they could expect a rebellion at the polls. No slogan has been more effective in San Antonio in the past 20 years than ‘No means no.’

“Voters rejected the Applewhite Reservoir at the polls in 1991 after council approved it and a petition drive put it on the ballot. Then-Mayor Nelson Wolff made substantial changes to the project and submitted it to the voters again in the heat of August 1994. Business leaders ponied up nearly \$1 million for the pro-Applewhite campaign.

“More than 100,000 voters turned out to reject it by 55-45—7,000 votes bigger than the first time.

“Wolff's analysis was summarized succinctly in this newspaper lead: ‘The Applewhite reservoir was rejected by voters because they believe city officials are in the pockets of developers, Mayor Wolff said Monday. Then this quote from Wolff: ‘The perception, whether real or otherwise, is that water policies are driven by developers.’

“Change the word ‘water’ to the word ‘growth’ and you have the essence of the anger behind the current petition drive. A hundred thousand people didn't sign petitions as a quibble over the

details. They do it because they're fed up.

“If these voters believe someone is presenting them the same pig in a new dress, and telling them they need to gather 100,000 signatures again if they don't like it, they will rebel. They may do it by rejecting Better Jobs or any other initiative brought before them. They may do it by voting for new candidates who know how to ride their anger.”

June 27, 2002 (1A) **“City action halted on golf resort plan. Judge orders S.A. not to proceed till he hears opponents' claims.”**

“A federal judge put a temporary stop to the city's fierce political fight Wednesday when he barred officials from proceeding with the PGA Village project until a legal challenge filed by its opponents can be examined. The temporary restraining order issued by U.S. District Judge Fred Biery marked yet another round in the prolonged and emotional debate over plans to build the golf resort on the Edwards Aquifer recharge zone.

“Save Our Aquifer requested the restraining order in a lawsuit claiming the city violated the federal Voting Rights Act by using computers to verify and disqualify nearly 30,000 signatures on petitions demanding the PGA project be put to a public vote. Biery scheduled a hearing for July 5, at which time he can extend the restraining order another 10 days or enter an injunction that would last the duration of what could be a lengthy litigation.

“Save Our Aquifer filed the lawsuit Tuesday, just hours after it and other PGA opponents submitted an additional 26,000 petition signatures - more than enough, observers believe, to force the City Council to rescind its support of the resort or put the issue on the November ballot. For that reason the lawsuit appeared somewhat self-defeating: The group that helped to collect names essentially was asking a judge to stop the city from verifying the very signatures it helped gather.

“But members described their lawsuit as driven by principle. They said they wanted to correct a flawed process that effectively disenfranchised thousands of voters by allowing computers to mistakenly disqualify their petition signatures. ‘If you can't trust the count of the vote, how can you trust your government?’ group volunteer Jon Thompson said at an afternoon news conference.

“But campaign officials said they also had another reason for filing the lawsuit. They felt it was crucial to prevent the council from considering any compromise deal that could be used to circumvent demands for a public vote.

“Mayor Ed Garza had consulted with the resort's developers and two key PGA opponents, Communities Organized for Public Service and the Metro Alliance, in an effort to work out a new development deal. Time had been scheduled for the council to consider a potential compromise agreement both last week and this week, but Garza said Wednesday that no new agreement is ready for consideration. ‘We were concerned that if we did not act, we could be frustrated by the actions of the mayor and council,’ Save Our Aquifer leader Enrique Valdivia said.”

“Valdivia and Maria Berriozabal, a former councilwoman and campaign leader, said they hoped consideration of their lawsuit would not delay a vote on the resort. But Thompson said correcting

flaws in the voter validations process is so important, it should be done even if that means a vote on the current resort deal is delayed. 'Justice comes before politics,' he said.

June 27, 2002 (6B) **“More valid signatures will make lawsuit moot. The validation process had too many flaws for comfort, but petitioners are likely to get their wish.”**

In an editorial, the Express-News wrote: “The lawsuit filed by San Antonians seeking a referendum on the PGA Village likely will be moot by its scheduled July 5 hearing. Plaintiffs are upset because their names were invalidated on petitions seeking to force City Council to rescind approval of the PGA Village development agreement or call an election.”

“It's hard to imagine a scenario under which the PGA foes, who needed only 9,681 more qualified signatures, failed to get enough valid signatures.”

“Of the signature validation process, the Express-News wrote that “it is clear the process of validating the first set of PGA Village petitions went off-track. Too many signatures were erroneously ruled invalid for citizens to be comfortable with the process, regardless of their position on the PGA Village issue.

“The Save Our Aquifer group's lawsuit challenged the process because the Justice Department did not clear use of computers. If the new signatures guarantee that PGA foes will succeed in forcing City Council to rescind the development agreement or call an election, the plaintiffs will have a hard time demonstrating harm.”

June 27, 2002 (1B) **“Water saving exceptions get curiouser and curiouser”**

As San Antonio was preparing to enter into Stage I water restrictions triggered by the Edwards Aquifer levels dropping below 650 feet, syndicated columnist Carlos Guerra wrote that “San Antonians have become very conservation-minded about water.”

“Consumption records clearly document increasing conservation. In the mid-1980s we were using 213 gallons per person, per day," says SAWS spokesman John Boggess. But by 2000, per-day, per-capita consumption had been cut to 146 gallons in the Alamo City, while it was still 237 in Dallas, 204 in Austin and 211 in Houston.

“Last June we had an all-time record low of 146 gallons, and this year we're about 5 percent below that," he says, adding: "We're serving about 200,000 more people with the same amount of water, per year, that we were 15 years ago.

“Why, then, did San Antonio's largest water purveyor enter into a contract with the developer of the proposed PGA Village to exempt the resort from Stage I, Stage II and Stage III restrictions that are legally binding on everyone else? There were trade-offs, says Boggess. The project ‘will be exempted from Stages I, II and III, but they'll basically be in drought restrictions all year round.’

“He explained that the village will be contractually bound to use state-of-the-art, computerized monitoring and watering systems that will minimize water use. And they'll only be able to

irrigate 90 acres of each golf course, restrictions other golf courses aren't bound to. Boggess also pointed out that the developers will be required to buy or lease the rights to twice as much water as they anticipate using, up to 900 acre-feet, and deed these rights to SAWS.

“Since the rule-of-thumb is that a family of four needs half-an-acre-foot of water per year, so I posed a hypothetical question: Would SAWS exempt a private family from the drought restrictions, I asked, in exchange for installing low-flush toilets and water-saver shower heads, xeriscaping and buying an acre-foot of water? ‘No one is required to do that,’ Boggess said.

But asked again, he said that SAWS hasn't considered such a thing because no one has asked. ‘One more thing,’ Boggess interjected, “they (the PGA Village) will not be exempt from Stage IV restrictions.” That's reassuring, except that Stage IV restrictions have never been imposed—perhaps because they haven't even been developed.”

June 28, 2002 (3A) **“City shouldn't wait for the feds to solve petition problems”**

Columnist Rick Casey wrote: “One of the more bizarre twists of the PGA Village saga was the filing of a federal lawsuit asking to freeze the city's handling of petitions the same day opponents turned in nearly three times as many signatures required to force an election on the deal.

“That's what happened Monday. Save Our Aquifer together with Communities Organized for Public Service and the Metro Alliance danced into City Hall with more than 26,000 signatures to make up a deficit of 9,681 after nearly one in three of the 79,000 signatures they submitted earlier had been rejected by the City Clerk's Office.

“When conservative business leaders forged the City Charter 50 years ago, San Antonio had about 200,000 registered voters. A petition drive would require only 20,000 signatures - an amount that five clerks could validate by hand in 20 days without breaking into much of a sweat. But now the requirement is more than 63,000 signatures that must be verified in the same 20 days, so the use of computers becomes attractive.”

“The problem is that if the data didn't exactly match, the names were tossed out. A typo on either list could mean disqualification. Or the entry of Mission St. instead of Mission Ave. Or any sort of variation.”

“The problem here, though, isn't the use of computers. It's the unsophisticated use of computers.”

“The point now—especially since the petition drive has enough signatures— is not to find blame. In fact, the City Clerk's Office may have done anti-PGA Village forces a favor. It forced them to get the names and addresses of as many as 26,000 more voters whom they can urge to the polls should the matter go to an election.

“But city officials should agree that they need to learn from this effort. And they shouldn't wait for the Justice Department to tell them how to do it.

“It has been 10 years since the last petition drive, and it may be 10 years before the next one. By that time, all members of City Council will be gone and the top staff at the clerk's office may be retired. What is needed is an expert audit of the city clerk's validation process and a report of recommendations for the next petition drive.”

June 28, 2002 (3B) **“City, petitioners send in their lawyers. But the judge, off fishing, handles motions by fax”**

“The war over whether the PGA Village project will be put to a public vote resumed Thursday as both sides filed tit-for-tat legal motions.

“The city's lawyer, Rolando Rios, was waiting at the door with a motion in hand when the federal court clerk's office opened in the morning. Caught off guard, lawyers for one of the golf resort's opponents, Save Our Aquifer, responded by mid-afternoon. Although wrapped in drab legalese, the back-and-forth maneuvering masked jockeying with potentially important consequences for the proposed golf resort over the Edwards Aquifer recharge zone.

“The city's motion asked U.S. District Judge Fred Biery to give City Council the authority to rescind an ordinance establishing terms of the proposed development. But that action soon became moot when an item to consider such a move was pulled from the council's agenda. Mayor Ed Garza said he had nothing new about PGA to take to the council Thursday so he felt it was better to take a step back and consider the options rather than press forward with a vote to repeal. Because no regular council meeting is scheduled in July, further consideration may be delayed until August. The mayor, city manager or three members of council could request that the matter be considered in a special meeting.

“Garza has taken the lead in trying to develop a compromise plan that would address enough of critics' concerns to silence the call for a public vote. Those talks reportedly have stalled. For a compromise to be implemented, the existing agreement would have to be rescinded. Garza said the new one would not be subject to a referendum if it's substantially different. The ideas being discussed would constitute such changes, he has said.

“But such a move could mean that the new deal might go untested at the polls unless opponents gathered yet another batch of petition signatures, said Nina Perales, an attorney for the Mexican American Legal Defense and Educational Fund, which represents Save Our Aquifer.

The city clerk is examining petitions turned in by PGA foes to determine if they gathered enough to force an election. The judge, who was on vacation and had planned to spend the day fishing, refereed the latest dispute via fax machine. Biery agreed to the city's request early in the day, modifying a temporary restraining order he had issued a day earlier after Save Our Aquifer filed suit.

“In response, Save Our Aquifer asked Biery to further modify his order so that the council could only rescind the petition if it also certified petitions previously submitted, thus ensuring the issue a spot on the ballot. Biery did not respond to the group's counter-motion. In its lawsuit, Save Our Aquifer claims the city violated the federal Voting Rights Act when it used computers to verify and disqualify nearly 30,000 signatures on petitions.

June 30, 2002 (5B) **“Federal lawsuit clouds PGA Village controversy. City clerk processing new petitions”**

“One thing that emerged from the whirlwind week was the growing cachet of the resort's opponents, a coalition of groups, including the Save Our Aquifer Campaign and veteran activist

organizations Communities Organized for Public Service and the Metro Alliance.

“On Tuesday, those groups produced petitions with more than 26,000 additional signatures to go with the 79,083 names that were handed in during the first phase of the drive. The 105,000 names exceed the number of people who voted for all of the mayoral candidates in the 2001 city elections.

“Bexar County Judge Nelson Wolff, a former mayor, said he was astounded by an effort that went ‘way beyond anything I thought could happen.’

“City Clerk Norma Rodriguez is expected to announce July 10 whether those petitions contain enough registered voters to push the total verified signatures to 63,006 and force council action. Registered San Antonio voters are the only names that count in the referendum effort.

“Save Our Aquifer, COPS and Metro Alliance officials consistently have maintained that the clerk did not accurately count all the voters on their original batch of petitions. On Tuesday, Save Our Aquifer went to federal court to prove that point, claiming the computer programs used to identify voters had not been properly validated.

“U.S. District Judge Fred Biery allowed the count of petitions to continue but told the city to take no action on the resort's development deal until a July 8 hearing. At the city's request, the judge modified his order to let the council rescind the ordinance outlining the development deal, but council passed up a chance to consider such a move on Thursday.

“Mayor Ed Garza has left open the door to a scenario that would have the council rescind the current deal and implement a compromise plan, if such a deal can be struck that addresses enough of the public's concerns. Garza met with the resort's developer and COPS and Metro representatives to see if such a compromise was possible, but those talks have gone nowhere and their future is uncertain.

July 6, 2002 (1A))     **“Anti-PGA forces apparently did it. City clerk's report says the petition drive didn't fall short.”**

“PGA Village foes apparently have obtained the number of names needed to force City Council to rescind its support of the golf resort or let the public decide the issue in a fall election. Although actual numbers won't be revealed until next week, City Clerk Norma Rodriguez sent a report to the council Friday stating the opponents' petition drive has not fallen short of the 63,006 names of registered voters it needed.

“If a petition effort is insufficient, the City Charter requires the clerk to file a notice within 10 days of when the final signatures are filed—Friday in this case. However, it does not require a report to be filed if an effort is successful. If no such notice is filed, it is reasonable to assume the petition drive succeeded, City Attorney Andrew Martin said. ‘To me, that would be the logical conclusion that one could draw,’ he added.

“Members of the Save Our Aquifer Campaign, one of three organizations spearheading the anti-resort petition drive, said they reached the same conclusion as they celebrated their success with a cake. ‘We're certain that we do have sufficient signatures,’ said Leticia Vela, the campaign's volunteer coordinator.

“The campaign and two associated activist organizations, Communities Organized for Public Service and the Metro Alliance, turned in what they said were more than 26,000 new names on the last batch of petitions June 25.”

“Rodriguez refused to say how many of the 26,000 new names were verified as registered voters just as she did after the first batch of petitions were certified a month ago. A report will be made to the council Wednesday.”

“Once the number of voters is certified, the council will have 30 days to decide whether to repeal the ordinance it passed that sets up the taxing district for the resort. If no repeal is authorized, the matter automatically would go to the public for a vote in November, assuming the council faces no delays in scheduling such an election.

“Garza said he would urge the council not to rescind the ordinance but to allow it to go to a vote if the current development plan is not modified to address COPS and Metro's criticisms. Garza worked with those groups and the resort's developer, Lumbermen's Investment Corp., to see if a compromise agreement is possible but said those talks failed.

“John Pierret, executive vice president of Lumbermen's, said Friday he was not aware the petition drive had been decided by the clerk's memo, but he said Lumbermen's has always thought (the opponent groups) would get enough names.”

“Complicating the matter is a federal lawsuit that Save Our Aquifer filed against the city over alleged improprieties in the verification process. A hearing on the lawsuit is set for Monday.”

July 7, 2002 (8B)      **“Lawsuit could delay election over golf resort. Judge could rule computers were wrongly used”**

“As it became clear Friday that opponents of the proposed PGA Village golf resort had enough signatures to call for a public vote on the project, resort supporters began gearing for a battle at the ballot box in November.

“But one of those opponents could force a delay in such an election if U.S. District Judge Fred Biery agrees with their claims that the city wrongly used computers to validate the signatures. A hearing in that lawsuit is set for Monday.

“Once the victory is certified, the council will have 30 days to decide whether to repeal the ordinance it passed that set up the taxing district and imposed environmental controls on the resort. If the council decides against repealing the ordinance, it must be scheduled for a public vote as required by the City Charter. Originally, opponents were shooting for November.

“That could be delayed if Biery decides the city was wrong in using computers for the signature verification process; Save Our Aquifer has argued that using computers resulted in unfairly throwing out many valid signatures and that the city should have sought clearance from the Justice Department before using that method. The city has said such clearance was unnecessary.

“Representatives of Save Our Aquifer have acknowledged that their proceedings could delay a vote, but they insist that every valid signature should be counted.

“Meanwhile, the mayor acknowledged Friday that talks between COPS, Metro Alliance and the resort's developer, Lumbermen's Investment Corp., have failed to produce agreement on key points.

“The resort deal includes a special taxing district authorized by the Legislature that would allow developers to recoup many of their project costs; as long as that stays in the plan, Garza said, it's ‘highly unlikely’ that a compromise can be reached.

“Garza said if the deal can't be changed, he would support a vote on the project rather than having the council kill it. He and eight council members support the development plan because it creates tighter environmental controls in an environmentally sensitive area of the county and because of other benefits they see for the city. None have withdrawn their backing so far even though most fear that a referendum on the issue would be deeply divisive and could thwart progress on other vital issues.”

“Lumbermen's could take an election off the table, however, if it exercises its option to terminate its participation in the development plan. Some observers have speculated that the developer is contemplating such action, but Lumbermen's chief has said it is one of only several options the firm will evaluate if the petition drive succeeds.

“Lumbermen's Executive Vice President John Pierret said the firm has focused more on mounting an educational campaign aimed at showing the public the many benefits of the resort. Lumbermen's officials have said their consultants believe the resort could win public approval.”

July 9, 2002 (1A)      **“Judge freezes resort project. Restraining order closes loophole in City Charter to block a vote”** [story below in its entirety]

“A judge issued an order Monday keeping the door open for local voters to decide whether the city subsidizes a luxurious tourist attraction over the environmentally sensitive Edwards Aquifer recharge zone.

“U.S. District Judge Fred Biery's ruling temporarily forbids city officials from moving forward with the contentious proposal to create a tax-subsidized golf resort over land that is crucial to the city's water supply. The restraining order freezes the PGA Village project at least until Wednesday, when the City Council is scheduled to accept the PGA referendum petitions. Once that's done, the council must either rescind its support of the development or let its fate be settled by a public referendum.

“Buffeted by months of ardent debate, two rounds of laborious petitioning and, so far, one civil lawsuit, the project has polarized groups focused on economic development, the environment and, most recently, minority voting rights. The judge's ruling came at the request of community activists who feared that local officials might use a possible loophole in the City Charter to keep the resort issue off the November ballot.

“In that scenario, which city lawyers characterized as unrealistic, the council could dodge the referendum by scuttling the existing proposal—if it could do so before the petitions are accepted. Without a plan to challenge, the petitions would be powerless. Later, officials could substitute an amended resort plan without having to hurdle a citywide vote—unless petitioners gathered roughly 63,000 signatures again.

“Biery, anxious not to appear like a federal official meddling in the affairs of locally elected representatives, tried to weave diplomacy into his ruling. As a result, his decision sounded more like a handshake deal than a legal order.

“On paper, Biery's order stopped the City Council from taking any action save one: Officials still can rescind the PGA Village ordinance. But in court, Biery made it plain that he expected the city would take no action— not even to repeal an ordinance setting out provisions of the proposed development.

“The city's lawyer, Rolando Rios, assured the judge that the PGA proposal would remain intact when the council met this week. And Mayor Ed Garza and other council members likewise said that they had no plans to rescind the PGA ordinance at the meeting.

“Biery also invited the community groups opposed to the PGA plan to challenge in his court any move to repeal the ordinance.

“The judge's ruling indefinitely extended a 10-day temporary restraining order that had been obtained June 25 by some of the community groups pushing for a public referendum.

“Save Our Aquifer and other groups claim in the still-pending lawsuit that the city improperly rejected thousands of petition signatures—disenfranchising minority voters in the process and thereby violating the federal Voting Rights Act. The groups had asked that the city be restrained from proceeding with the resort plan until the alleged violations are addressed.”

July 11, 2002 (1A)    **Signatures verified “far” surpass threshold needed for election.**  
[story below in its entirety]

“A majority of City Council members is ready to let voters decide the fate of the PGA Village golf resort this fall unless a separate deal with developers can be arranged by early August. ‘There's really no option from a taxing district standpoint but to call an election,’ Mayor Ed Garza said, all but calling an end to attempts to modify the current agreement. ‘If the PGA wants to look at different ways of approaching this project, I'm looking forward to hearing from them.’

“The city's hand was forced Wednesday when the inevitable was pronounced a certainty: Anti-PGA forces had gathered more than enough names of registered San Antonio voters to trigger the referendum process. City Clerk Norma Rodriguez, in a report to a special meeting of the council, said opponents gathered 77,419 valid signatures over two, high-drama petition drives, far surpassing the 63,006-signature threshold set forth in the City Charter.

“Now, the council has 30 days to decide whether to repeal the ordinance it passed in April establishing a taxing district for the 2,861-acre project or let the public vote on the issue Nov. 5, the same day as the state's general election. The council, which is in the midst of a monthlong break, is expected to consider the issue at one of its first two meetings in August.

“With Garza and other council members so far unable to craft a compromise on the current deal, the only apparent way to avoid an election would be for the city to strike a vastly different agreement with the developer, Lumbermen's Investment Corp., which would not include a taxing district.

“One possible scenario that has been floated at City Hall would involve the city agreeing not to annex the site for up to 20 years, which would free the developer from having to pay city taxes on the property for the term of the contract. A major sticking point would be what the city would receive in return.

“Opponents, who believe the development would pose a threat to the Edwards Aquifer recharge zone, and most city officials said such an agreement would have to include the strict environmental regulations contained in the current development agreement.

But a Lumbermen's official who flew in from Dallas to monitor Wednesday's developments said that would be unlikely because of the cost. ‘There are prohibitive costs with those kinds of controls,’ said John Pierret, Lumbermen's executive vice president. ‘But at the same time, we would make every effort possible to protect the Edwards Aquifer. ‘We have a giant investment out there, and it's in our interest to protect the water,’ he said.

“All of the nine council members present Wednesday said the absence of such a compromise would force them to vote for an election, even though some believe it will be unnecessarily divisive for the city. Councilmen David Garcia and Enrique Martin were not at the meeting. ‘We are headed to a vote. That's what it looks like to me,’ Councilman Bobby Perez said. ‘Personally speaking, that's not where I want to go, but I don't see how we can get around it right now.’

“Councilman Julian Castro, who has rejected the idea that an election would brew bad blood in the city, said the petition drive was a ‘terrific example of the democratic process. This should go to an election,’ Castro said. ‘We should allow that full expression of the citizenry to take place.’

“The opponents' success appeared assured last week when Rodriguez sent a report to the council stating that the petition drive had not fallen short. Although the petition news was rather anti-climactic, anti-PGA forces were as passionate as they've been throughout the process.

“The groups spearheading the petition drive, Save Our Aquifer Campaign, Communities Organized for Public Service and Metro Alliance, forced Rodriguez to pause for several seconds when applause erupted after she announced they collected a total of 107,033 signatures in what amounted to 60 days. ‘The city of San Antonio has focused too long on Lumbermen's and the PGA,’ said Sister Gabriela Lohan, representing COPS and the Metro Alliance. ‘Repeal this ordinance and repeal it soon.’

“Father Walter D'heedene, a COPS leader, said the activist organization is willing to consider a compromise, but not the current development deal. ‘If you decide to take the present deal to a public vote, COPS and Metro is ready to defeat it,’ he said.

July 18, 2002 (1B)     **“Mayor wants voters to decide PGA’s fate”**  
[story below in its entirety]

“Mayor Ed Garza said Wednesday he will ask the City Council to let voters decide the PGA Village issue in a November election rather than rescind the deal on its own because he wants to restore the public's confidence in local government.

“Garza also said he doesn't want to kill the idea of negotiating a different development deal with

the golf resort's backers that would get the project moved off the environmentally sensitive Edwards Aquifer recharge zone. But he said those negotiations must be conducted fairly and deliberately and entirely separately from the already approved development deal he wants the public to review at the polls.

“Garza said the community spoke with ‘a very loud voice’ when 77,419 registered voters signed petitions calling on the council to repeal the PGA development deal or place it on a public ballot. ‘They directed us to put this issue on the ballot, and I will call for an election on Nov. 5, 2002,’ the mayor said in a memo he sent to the council outlining his positions. ‘If we cannot address management of the Edwards Aquifer now, and restore faith in the democratic process, I am sure that members of the City Council will face this issue again in the spring.’

“The mayor and all 11 council seats will be up for election next spring.

“Garza had sought to hammer out a more acceptable development deal through negotiations between the resort's developer, Lumbermen's Investment Corp., and two of its most outspoken critics, Communities Organized for Public Service and the Metro Alliance, but those talks failed. Garza said he has no plans to pursue further modifications of the existing deal and that he felt repealing it, given the success of the petition drive, would be inappropriate.

“The council will be asked to consider his recommendations at its next meeting Aug. 1. The mayor said he would be surprised if council members denied San Antonians the opportunity to vote on the matter. A majority of the council already has verbally endorsed such a vote. Several, including both councilmen who opposed the deal in April, Julian Castro and John Sanders, reiterated that support Wednesday. Both councilmen also said they were pleased that the mayor was interested in continuing to look at alternative deals that could keep the PGA resort in San Antonio if voters reject the current proposal.

“In his memo, Garza said he could support the use of various incentives to encourage consideration of a site off the recharge zone. He also would remain open to negotiations about alternative incentive plans for the project at the current location, assuming the public would still receive substantial benefits. Garza said he would not initiate discussions about such alternatives before a possible election but would be interested in listening to proposals made by Lumbermen's or the PGA.

“A spokesperson said the PGA plans to stick with the current project as long as Lumbermen's is on board. Bill Kaufman, a San Antonio attorney representing Lumbermen's, said a variety of options remain on the table, but added that moving forward with an educational campaign aimed at winning an election is probably the top option under consideration. Kaufman said Lumbermen's cannot decide its next step until the council acts.

“The mayor said it is difficult to predict whether the current development plan will be approved if it is sent to a public vote. He does not plan to play a major role in a public relations campaign associated with an election but said he will explain to the public why he supported the deal and believes it is good for the city.

“Garza also wants the council to set up committees to evaluate the adequacy of water quality protection programs for the aquifer and the city's process for verifying petitions. He also wants the council to take steps to see that the property where the project is proposed would be part of

the city's annexation plans this year if it is not developed as a PGA resort.”

July 31, 2002 (8B) **“PGA’s commitment to resort in question”**

The lobbyist for developers of the proposed PGA Village resort said Tuesday he is worried that the Professional Golfers' Association of America may pull out of the project, but other officials said they've had no word that the association is giving up.

Attorney Bill Kaufman, who represents developer Lumbermen's Investment Corp., acknowledged he hadn't talked with PGA officials recently, but said he was concerned that the controversy ‘never seems to go away’ and could cause the association to back out. ‘They're not excited about their name being dragged through this election,’ Kaufman said Tuesday. ‘It's up in the air now.’

John Pierret, vice president of Lumbermen's, said he had no indication that PGA will call it quits. ‘(It's) news to me,’ Pierret said Tuesday. ‘Who starts these rumors? We're still here.’ PGA officials could not be reached for comment.

“The City Council is expected to decide Thursday whether to rescind its approval of a taxing district that would pay for much of the resort's infrastructure or send it to a public vote. The decision was forced by a successful petition drive mounted by project opponents. Mayor Ed Garza has said he prefers an election.

Tuesday, the mayor said he hadn't heard of any impending PGA announcement. ‘I've not heard any specifics from PGA or LIC on that issue,’ Garza said, adding that he had seen no indication from PGA officials that their commitment was waning.

Aug. 1, 2002 (1A) **“PGA pullout rumors fly as scheduling of vote looms.”**

Forced by a successful petition drive, the “City Council is primed to call for a public vote today on the controversial PGA Village golf resort—unless persistent rumors that the Professional Golfers' Association of America is dropping out of the deal prove true.” Councilman David Carpenter and Lumbermen’s attorney Bill Kaufman “said they were concerned that PGA would pull out of the resort rather than face a public vote.” Carpenter said if PGA withdrew, “he would support a motion to repeal the development ordinance so the council could work with the developer on an alternate plan to keep PGA in San Antonio.

“The resort has become a powder keg politically because it concerns development over an environmentally sensitive area where water seeps into the underground aquifer that provides the city with most of its drinking water and because taxing authority would be granted to developers to help build the project. Supporters of the resort contend it includes state-of-the-art environmental controls to protect the aquifer and will improve the city's standing as a resort city. Opponents argue that the controls are inadequate and the taxing authority unnecessary.”

Aug. 2, 2002 (1A) **“PGA deal has run its course. S.A. council rescinds ordinance after golf group pulls out.”**

On Aug. 1, the City Council voted unanimously “to rescind an ordinance that would have given the [PGA Village] project life” after the mayor received a letter advising that the PGA of

America “had withdrawn its support for the controversial plan, and that developer Lumbermen’s Investment Corp. no longer wanted to pursue the project as approved in April.

“A successful referendum drive that drew the support of 77,419 voters forced the council to either overturn the deal or place the matter on the ballot in November. Most of the council had supported a public vote on the agreement, but PGA's decision to withdraw changed all that. While the existing development deal was taken off the table, council members expressed interest in pursuing an alternative plan that still might draw PGA to San Antonio.”

In his letter to Mayor Ed Garza, PGA chief executive officer Jim Awtrey hinted that they might be open to such an alternative, writing, "we would be interested in revisiting a PGA relationship," if the city and the resort's sponsor could reach a new agreement about development at the northern Bexar County site.

“John Pierret, executive vice president of Lumbermen's Investment Corp., advised the mayor in his letter disclosing PGA's decision that with the development deal and its associated taxing district overturned, "it will be extremely difficult to provide the PGA with the incentives that they need to be involved in this project. But he also told the mayor, ‘Any assistance you can provide with developing other options will be appreciated.’” Garza said his focus would now shift to developing an alternative plan.

Aug. 2, 2002 (6B)     **“Door not yet closed on project for PGA”**

An editorial in the San Antonio Express News urged PGA and Lumbermen’s “to let the dust settle and keep their options open, as they appear ready to do.” The editorial noted that “it may be possible to structure a new deal that will win over some of its opponents and move toward a greater community consensus.” Two major objections—a taxing district and “a bill allowing its creation without public knowledge and debate”—are gone.

“The question is whether a deal can be structured that will provide ... protections to the aquifer while at the same time providing the incentives needed for the project to be viable. The community should hope that an agreement can be reached, because the PGA Village would be a boon for San Antonio, signaling other good things to follow.”

Aug. 4, 2002 (1A)     **Lumbermen’s “now will focus on turning its land over the Edwards Aquifer recharge zone into a sprawling residential development.”**

Lumbermen’s lawyer Bill Kaufman reportedly said, “We have no choice but to proceed with the plans for a large masterplanned subdivision...”

“Kaufman said the matter is ‘in the mayor or City Council’s lap. We’re looking for option.’”

“The mayor, meanwhile, said PGA believes San Antonio is the best city for the resort and pledged to begin work this week on a new plan that would meet the developers' needs and satisfy the majority of critics.

“‘I believe it can happen,’ Garza said. ‘What we've put into the process is gone in terms of the development agreement, but I believe the will to bring PGA to San Antonio has only become stronger.’”

Aug. 7, 2002 (1A)     **Mayor Garza flies to Florida to meet with PGA officials.**

“Without advance notice or fanfare, Mayor Ed Garza has flown to Florida for a meeting this morning with PGA officials, hoping to persuade them not to abandon San Antonio as the location for their second golf resort and teaching center.”

The mayor’s travel followed meetings that Bexar County officials had with Lumbermen’s lobbyist Bill Kaufman “to explore possible incentives the county can offer to attract the resort. ‘All we are doing right now is we’re exploring all the tools in our arsenal—the things that we, as a county, can do to help the city (get this development),’ Bexar County Judge Nelson Wolff said Tuesday,” adding that they would “forward the information that we came up with today to him. To us, the PGA and Lumbermen’s are inseparable. I think this is going to be a tag-team effort.”

Commissioner Lyle Larson, whose North Side precinct includes the property where the resort would be located and attended the meeting with Kaufman, added, “It’s very important that we don’t lose the PGA.”

Aug. 8, 2002 (1A)     **“Mayor is cautiously upbeat after visit with golf officials.”**

Mayor Ed Garza was quoted as saying, “This is something that is very fragile at this point. But if we do what we need to do over the coming days and weeks I feel good that PGA will maintain its commitment that this is their preference priority of all the other sites around the country.”

Garza said he will ask the City Council to support a letter of intent next week to design an incentives plan built around an agreement that could delay annexation of the resort for up to 15 years. In return, resort developers would have to implement strict environmental controls. An annexation delay would allow developers to recoup some of the costs of public improvements but would not provide nearly as much assistance as the \$52 million outlined in the discarded plan.

“With persistent rumors that other cities were ready to step in as PGA’s new resort home, Garza said he felt it was important to let the association know that regardless of the controversy, San Antonio wants the resort to come here. That was the purpose of his low-profile trip to Florida.”

Bexar County officials are moving on developing an incentive plan, as well. County Commissioner Lyle Larson reportedly said the county had “brought on board a widely recognized expert on government assisted economic development to evaluate different financial arrangements for the resort.”

Aug. 9, 2002 (3B)     **City Council likes new ideas on PGA but wants more information.**

Councilman Julian Castro said of the potential new plan offering a non-annexation agreement, “I’m supportive of that as long as we can address issues of water quality and use it as a springboard to address long-term aquifer protection needs.”

Councilman David A. Garcia and Councilwoman Toni Moorhouse, who are “the subjects to recall efforts because of their support for the original PGA plan,” both were open but noted the

new plan would need to be carefully reviewed. “It has to be a deal that is above reproach,” Garcia said. “I don’t want it to look like we back-doored this to get around the opposition.”

“Maria Berriozabal, a leader of the Save Our Aquifer Campaign, said she didn’t see much difference in the new proposal, particularly because the resort would still be on the recharge zone.”

Andy Sarabia, representing both Communities Organizaed for Public Service and Metro Alliance “said any proposal that does not adequately protect the aquifer and does not pay resort employees a ‘living wage’ but grants ‘corporate welfare’ to the developer will be difficult for the organizations to support.”

“Garza has said aquifer protections should remain in the new plan and corporate subsidies will shrink, but he has made no promises about a living wage.”

PGA officials remain “committed to using Lumbermen’s 2,861-acre property in Northeast Bexar County if the PGA comes to San Antonio” rather than considering an alternative site off the aquifer.

## **PGA II: “Non-Annexation Agreement”**

Aug. 13, 2002 (1A) **Mayor unveils revamped PGA proposal with unanimous support from Council; activists unsatisfied.**

A “new deal” for development of the PGA Village resort over the Edwards Aquifer recharge zone was outlined in a letter of intent, which included the following elements:

- The city “would not annex the 2,861-acre tract for 15 years in return for strict environmental controls and regulatory concessions at the site”
- Developers “would need to commit to annual payments of \$100,000 to the San Antonio Water System for surface water and groundwater monitoring.”
- They “would be allowed to place more impervious cover on the property than previously negotiated”—up to a maximum of 25 percent instead of 15 percent.
- The original deal requiring Lumbermen’s “to set aside 1,100 acres aside from the golf courses as open space” is not in the new proposal “though development on 700 acres would be restricted.”

“The letter of intent asks Lumbermen’s to say by 5p.m. today if it can support the concept.”

Among the council members expressing support for the proposal were Councilmen Julian Castro and John Sanders, the only two who opposed the first deal. Activists voiced opposition. “This is a step backwards time two,” Save Our Aquifer spokesman Jon Thompson said. A leader of Communities Organized for Public Service and Metro Alliance “praised the mayor’s leadership but said his groups don’t know enough about the new plan yet to comment.”

Aug 14, 2002 (1A) **“Resort builder endorses proposal, but opponents say mayor’s outline is too much like earlier plan.”**

In approving the proposal, Lumbermen’s reportedly was “hopeful that the PGA will support the plan.”

“Garza unveiled the new proposal Monday, less than two weeks after the Professional Golfers' Association of America said it was pulling out of the first plan because the issue had become too divisive and controversial.”

“The amount of property taxes the city would give up under [the] arrangement has not been divulged. However, the mayor has said it should be considerably less than the estimated \$52 million to \$80 million in public assistance that the developer could have gotten through a taxing district in the rescinded plan.”

“In return, the developer would have to implement the same kind of environmental management plan for the resort's two golf courses it agreed to in the first version and pay \$100,000 annually to monitor surface and groundwater.

“Lumbermen's also would obey numerous city regulations, including drainage, flood plain and tree preservation ordinances that might not apply to a residential subdivision.”

“The plan already has opposition. Members of Save Our Aquifer Campaign said they have been briefed on the deal and have decided it's even worse than the original. Representatives of Metro Alliance and COPS are reserving comment until a final agreement is settled.”

The open space that Lumbermen's would reserve under the new plan would fall to about 700 acres, down from 1,100 acres in the first plan. And the developer would get authority to cover more ground with houses, roads and other impervious materials, which would keep rainwater from sinking into the underground aquifer, campaign officials noted in explaining their opposition.

In the old plan, impervious cover could not be built over more than 15 percent of the property, compared to 25 percent in the new deal.

"I call it the 'pave our aquifer campaign,'" said Enrique Valdivia, a representative of the Save Our Aquifer group.

“Save Our Aquifer officials said they may file suit against the city if it doesn't allow the public a chance to vote on the new deal. They contend that even though the old plan was rescinded, the new one contains only slight modifications and therefore should still be subject to the voters' approval.

“Once the opponents had enough valid signatures, the city charter holds, the council had either to rescind its approval of the deal or schedule a public vote on it.

“The mayor and other supporters insist the new plan differs significantly from the original and doesn't need to go to a vote under the original petitions.”

Aug. 15, 2002 (1A) **“PGA deal makes no mention of wages.”**

The new proposal “remains silent on any wage commitments.” Mayor Ed Garza defended the omission because “we’re not putting any kind of financial incentive...such as a tax phase-in or any other tax district tool on the table. The only agreement is an annexation table and the benefits the city will gain focus solely on the aquifer protection measures.”

“COPS and Metro are on the record stating that any new PGA Village deal must include a living wage, environmental protection and a limited public subsidy. They've even called these provisions ‘non-negotiable.’”

St. Mary’s University political science professor Larry Hufford reportedly said, “If issues like the living wage aren't on the table and if a deal is created that is perceived to be very similar to the last one, I think you're going to find the folks who went out to gather those petitions even angrier.”

Lumbermen’s issued a statement which “indicated that the new deal doesn’t generate enough revenue to establish a floor for salaries.”

Councilman Julian Castro “said that while he would like to see a minimum wage level established in the new agreement, he doesn’t consider the issue to be a deal-breaker.”

Aug. 16, 2002 (1A) **“New resort proposal is hauled into court. Opponents say it’s just a rehash, covered by a restraining order.”**

Save Our Aquifer activists returned to federal court to argue that city officials are “violating a court-imposed restraining order.”

“Although buried under layers of legalese, the question driving the dispute is: Will the public get to decide the fate of the PGA Village project?”

In July, the group obtained a restraining order from U.S. District Judge Fred Biery that forced the city either to put the PGA Village plan on the ballot or rescind the ordinance supporting the development. “The City Council chose the latter,” but then two week later announced support for an alternative plan.”

Contending that by revising the plan, city officials “are resurrecting the rescinded deal,” Save Our Aquifer argued that the city was violating the restraining order and asked Biery to hold the city in contempt of court. City lawyers asserted that the new deal is different from the original one and “that the judge’s restraining order only applied to the first agreement.”

“Amy Kastely, an attorney for Save Our Aquifer, says the right to petition for a referendum is meaningless if city officials can take an issue, put a new wrapper on it, change its name and then claim it's unrelated and not subject to a public vote. ‘It's functionally and substantially the same plan,’ she said. ‘It's on our aquifer and it's with our money.’”

“At the July 8 hearing in Biery's court, the discussion turned briefly to the question: What if the council rescinds the resort deal only to return with a similar one later? The city's lawyer Rolando Rios speculated it would be a risky move in at least two respects.

‘If that happens, (Save Our Aquifer) will have a heck of a good lawsuit, plus,’ he added, the City Council likely would have to face political consequences of disregarding thousands of petitioners who wanted the resort plan put to a vote. Rios, however, contends that the newest plan bears little resemblance to the original.”

Aug. 18, 2002 (5B) **“Different PGA proposal, same opposition. Some critics say new deal worse.”**

“Save Our Aquifer, the group that led the successful petition drive against the now-dead original agreement, is vowing to do ‘whatever it takes’ to keep the city from offering any financial assistance that results in PGA Village being built in the Edwards Aquifer recharge zone.”

Architect David Lake, a spokesman for the Smart Growth Coalition “said he resented that he and others have been vilified for opposing any deal that financially assists the project. He said that the Greater San Antonio Chamber of Commerce and the local development community are to blame for failing to provide any leadership in pushing for an alternate site. ‘If they wanted to do something good for this community, they would have gotten it off the recharge zone, listened to the community and done it right,’ he said.

Martin Wender, chairman of the Greater San Antonio Chamber of Commerce, said, “Locating a golf course is not like locating a Wal-Mart. The only reason I like the second one is because it is better than no deal.”

Aug. 20, 2002 (1B) **“Aquifer group attacks city’s new PGA deal in federal court.”**

Syndicated columnist Carlos Guerra provides more details about the struggle over the PGA Village, including:

- “rumors were swirling” weeks before the petitions were certified to force about a “Plan B” for the project
- there were several versions of “Plan B” in circulation, but “all included some key elements: If the foes’ petition succeeded, the council would rescind its approval of the \$50 million subsidy and approve an alternative city-county package of tax incentives”—such as a non-annexation agreement from the city, a county abatement tax, and roads and other infrastructure built with county taxes.
- “opponents would have to mount another grueling petition drive” but since counties are “immune from initiative and referendum drives” they could only “force a vote on the city’s non-annexation agreement”

“SOA’s amendments now charge that “from August 1 through August 11, (a) majority of the city council deliberated in a series of informal meetings regarding the ‘new’ PGA Village agreement, though ‘no notice was posted, no open meeting was called to order and no record was kept.’ The ‘new’ deal is the old one in new clothes, Kastely says, since it’s about building the same project on the same environmentally sensitive land with virtually the same subsidy.

But in the process of thwarting a public vote on the matter, people’s voting rights and due process guarantees were trampled because ‘the law doesn’t allow serial face-to-face meetings or even serial phone calls’ to sidestep legal requirements that public business be conducted openly, with due notice and appropriate record-keeping.”

Guerra concluded the column with a reminder to city and county leaders about “their latest machinations” that Kastely filed a similar case not long ago, “and the city ended up paying the Esperanza Peace and Justice Center more than a half-million dollars for its violations.”

Aug. 23, 2002 (1A) **Judge rules PGA talks ok for now.**

In a three-page “carefully crafted” ruling, U.S. District Judge Fred Biery ruled that negotiations could continue on a new PGA Village deal, noting: “If and when (a deal is struck), the court will address the matter at the appropriate time.”

“‘We’re very happy,’ said Rolando Rios, a lawyer for the city. ‘It makes it clear the city had done nothing wrong and is free to do what it is supposed to do, which is to provide leadership on the future development of San Antonio.’”

“‘The judge is clear that what is involved here is an attempt to take a different route to get to the same place,’ [Save Our Aquifer attorney Amy] Kastely said, referring to the city’s desire to resurrect the PGA deal.”

Judge Biery's opinion said: "The court infers plaintiffs are seeking to allege that defendants first sought to travel from San Antonio due north to Dallas on Interstate Highway 35, but that defendants are now trying to go to Dallas by way of Interstate Highway 10 through Houston, then by way of Interstate Highway 45 to Dallas, without taking plaintiffs along for the ride or even telling plaintiffs the trip was planned."

"Meanwhile, about 200 people turned out at the steps of City Hall on Thursday to show their support for the proposed new PGA development deal, saying they didn't want to let what they called a 'small minority' imply that the entire community is opposed to the plan."

Aug. 29, 2002 (1A) **"Resort's foes may flip-flop. But COPS/Metro still insisting on \$8.50-per-hour pay scale."**

Communities Organized for Public Service and Metro Alliance said they would drop their opposition to the PGA Village if the city accedes to two demands: "Hiring an environmental attorney to approve the proposal and paying all resort employees at least \$8.50 an hour to start. Mayor Ed Garza said the first demand can be met, but the second is unlikely to pass muster."

"'It has to be in writing in the agreement,' said Father Walter D'heedene, a COPS leader. 'We could support it environmentally.'"

"The organizations previously had asked that the city auditor's office oversee the environmental regulations, but Wednesday specified that they wanted [environmental attorney Jim] Blackburn to give the proposal his OK." Blackburn had "reviewed and helped design the environmental regulations in the now-discarded first deal, so it's 'certainly achievable' that Blackburn could provide the same type of services again, Garza said."

"The living wage issue has been a primary requirement for the two groups since details of the first deal began to emerge earlier this year." In the first deal, Lumbermen's agreed to a base of \$8.50 "if the hotel opens in three years" but didn't accept "an indexing provision that would tie future raises to the city's living wage schedule, which is what COPS and Metro want."

"Garza said that while living wage requirements are part of the tax abatement packages and other incentives the city offers relocating businesses, they are not part of ... non-annexation schedule."

Another in "a series of pro-resort rallies was held, this one by the Judson School District and Northeast Bexar County communities located near the proposed resort."

"Knowing any deal likely will face a considerable public relations hurdle, Lumbermen's late last week hired the high-powered [Austin-based] firm of Public Strategies, Inc. to help boost the project's image"—added to the team that "already includes the well-known local firm of Guerra DeBerry & Coody."

Sept. 1, 2002 (1B) **Non-annexation agreement to cost as much as taxing district.**

Syndicated columnist Carlos Guerra writes: "UTSA public administration professor Heywood Sanders' calculates that [the new PGA plan] it will divert as much or more tax money away from basic services and into the resort as the abandoned special tax district." Guerra reminds readers

of an early report by KMOL that “local governments didn’t provide a penny” to build the original PGA Village in Port St. Lucie, Fla. But, he writes, it appears PGA officials learned “a thing or two from our leaders.”

“The Feb. 24 Port St. Lucie News headlines read: ‘PGA Asks St. Lucie for Property Tax Exemption; Precedent-setting Request.’”

“Florida officials balked” at the proposed \$264,000 abatement in property taxes. “Two weeks later, PGA withdrew its abatement request after it ‘realized it didn’t meet the criteria.’ And, lo, their world did not end. To get free money in Florida, the News reported, ‘qualifiers must make products’ and ‘employ more than 25 full-time employees.’”

Sept. 4, 2002 (5B)     **“PGA deal will take time. Council could schedule vote in November”**

The PGA Village non-annexation deal is estimated to take another two months to complete, as it will be governed by revised procedures taking effect in 2003. “Public hearings would be set for September and October, with a final council vote for Nov. 7,” although city negotiator Chris Brady reportedly said, “We could be asked to have it a little sooner.”

The city for the first time released comparative estimates of the value to the city in 20 years of the resort versus a residential complex on the Lumbermen’s property:

- Resort: \$4.7 in net revenue with “moderate residential development” or \$5.7 million with “higher value residential development, if annexed after 15 years
- Residential complex: \$4.3 million if annexed this year with 6,000 residences built

Heywood Sanders, director of UTSA’s public administration program and “a member of a broad coalition that is opposed to the resort proposal, said “he could not comment on the city’s net revenue calculations until he had a chance to review them.”

“Brady said he has not calculated the value of the taxes the city would give up under the non-annexation deal because staff was more interested in the value of the different developments to the city than the value they hold for the developers.”

Garza reportedly had hoped to get the new proposal to the council this month, but “was not troubled by the proposed timeline, saying, “The annexation plan requires that a certain process be followed with ample opportunity for public input.”

Sept. 5, 2002 (3B)     **“Golf resort foes eye federal court. They say plan should be on ballot, even in new form.”**

Save Our Aquifer attorney Amy Kastely said if no provisions were made to hold a public vote on the new PGA Village plan, the grassroots coalition “will seek a preliminary injunction from federal court seeking to block further action.”

“‘We’re here to make sure the will of thousands who oppose PGA Village will prevail over political arrogance and backroom politics,’ said Virginia Grise, a spokeswoman for Save Our Aquifer.”

Sept. 6, 2002 (1B) **“City attorney says petitions can’t hinder new plan.” Timeline for adopting new plan approved.**

Because non-annexation deals require public hearings, state courts “have consistently ruled” that they are not subject to referenda, according to an opinion issued at City Council by City Attorney Andy Martin.

“Leticia Vela, a spokeswoman for the Save Our Aquifer campaign, a leading opponent of the resort, called Martin's position "a very clever solution" for the city, and promised the organization's attorney will evaluate the opinion to see if it would withstand a court challenge.”

The City Council unanimously endorsed “the general outline” of the non-annexation plan, approving a timeline that would require officials to “create a service plan for the tract and hold public hearings on that plan Sept. 25 and Oct. 3 before bringing the matter back to council for final approval Oct. 24.”

“Lumbermen’s Executive Vice President John Pierret said he also believes the plan has been well received by the PGA, particularly since recent rallies have shown that the new proposal has won widening public support.”

Sept. 8, 2002 (4B) **SOA will press in federal court for a public vote.**

“The Save Our Aquifer campaign will argue that the city violated the U.S. Constitution, the U.S. Voting Rights Act and the City Charter when it didn't call for a public vote after opponents staged a successful referendum drive against a previous development plan. The City Council last week endorsed the new development plan.

““This is another attempt to avoid the consequences of a certified petition and a public election,” said Amy Kastely, an attorney representing the Save Our Aquifer campaign. ‘We'll argue the first referendum should still apply.’”

“The new development deal has changed so little from the first plan, she said, the city’s action to rescind the first deal is moot. ‘I think that is the city’s and (the developer’s) goal, to avoid an election,’ Kastely said of the efforts to craft a new deal.”

“Garza said ‘it was not my purpose’ to find a development tool that would be immune from the public's referendum powers. But he did acknowledge that an election could ‘mean no PGA in San Antonio.’” Garza said the PGA has already made it clear it does not want to be involved in a divisive debate over the resort.”

Sept. 26, 2002 (1B) **“City lists services for PGA. Lumbermen’s would be responsible for resort for at least 15 years.”**

City officials “outlined the services the city would have to provide if it were to annex the Northeast Bexar County project site” to provide a baseline for negotiations in advance of a final deal expected to come to a vote on Oct. 24.

City negotiator Chris Brady “said the city typically develops a service plan for any area targeted for annexation. The plan proposed for the Lumbermen's tract is basically the same as those provided for any newly annexed area, he said.”

“The plan describes the type of services the city will provide the area for 10 years after the land is annexed. The Council can then renew the plan for more years, Brady said. Until the land is annexed, Brady said the developer will be responsible for providing the tract with services.”

Sept. 29, 2002 (3B) **Supporters, foes gearing up for two public hearings on PGA deal.**

The “core” of the public support for the PGA resort “has come from North Side neighborhoods, which fear that a more dense residential development would replace the golf resort,” according to Jeff Farrar, an area homeowner. Farrar “said other areas of town are represented among supporters, and he believes the resort’s appeal is widening.”

“Leticia Vela, a coordinator for the Save Our Aquifer campaign ... said her group represents the 107,000 people, including more than 77,000 registered city voters, who signed petitions opposed to the first development plan for the resort. ... ‘We believe this non-annexation plan is being used to circumvent the petition drive and the voice of the people,’ Vela said.”

Leaders for Communities Organized for Public Service and Metro Alliance “are not certain what role they will take in this week’s hearings. They said they remain concerned about the environmental controls contained in the new deal and about employee wages but do not believe they will know enough about those issues to comment this week.”

“Garza's revised plan replaces a special taxing district that could have raised more than \$52 million for developers with a non-annexation agreement that could free developers from paying \$44 million in taxes before the property is annexed in the 15th year.

“Bill Kaufman, an attorney and lobbyist who represents the resort's developer, Lumbermen's Investment Corp., said he believes PGA is ‘solidly behind’ the new plan but wants to see how much support the proposal has with the City Council and the public before making a public statement.”

Oct. 1, 2002 (1A) **PGA hearing draws nearly 400.**

“Proponents, many of whom live near the site for the proposed golf resort in Northeast Bexar County, outnumbered opponents in the crowd by nearly 2 to 1. But that did not diminish the enthusiasm of foes or their determination to convince council members it would harm the council’s credibility if it votes to bring the resort to San Antonio under the terms outlined.”

“The mood of the meeting was more confrontational than past public hearings on the resort plan. Opponents, who eventually mounted a successful petition drive against an initial development deal, dominated earlier hearings.”

“Public sentiment about the resort has become critical. When the Professional Golfers' Association of America backed out of the initial development deal in early August, it cited divisiveness over that proposal as the reason for its action.”

“Opponents of the resort reject the idea that momentum has shifted in favor of the project. They contend the public is angrier than ever at a development agreement that would be weaker environmentally than the original deal and not be subject to a referendum drive that could overturn it at the polls.”

“I don't believe any harm is going to come to the aquifer,” said Pat McCaffrey, a Northeast San Antonio resident. “I think the PGA is conscientious and they know if they do anything to the aquifer, it would ruin their business.”

Oct. 4, 2002 (1A)     **“PGA debate continues to rage. Passions flare at council meeting.”**

At the second and last public hearing on the PGA golf resort non-annexation development plan, “few new ideas were expressed ... but plenty of passion continued.”

“If this is good for our future, why won't you let the people vote?” asked 14-year-old Marissa Meza, part of a group of Arte Escuela students who received a ringing ovation from about half of the nearly 250 people who jammed into City Council Chambers for the hearing.”

“This project is good for San Antonio,” said Aaron Seaman, external affairs chairman for the San Antonio Hispanic Chamber of Commerce. “This project is about opportunity.”

“Andy Sarabia, representing COPS, said [businessman Bill] Lyons’s comments [that the resort should be welcome because ‘a job is certainly better than no job’] represent ‘the mentality of the 1950s’ and are largely why San Antonio has become known as a ‘cheap labor town.’”

“Only a portion of the council was present at the hearing. Mayor Ed Garza was in Houston for an economic development conference, and council members David A. Garcia and Bonnie Conner were absent. Councilmen Carroll Schubert and Julian Castro stayed for part of the meeting, which lasted well past 10 p.m.”

Oct. 6, 2002 (1B)     **“City Council still gung ho on PGA”**

Past supporters of the PGA project remain committed. Toni Moorhouse reportedly said, “Nothing has caused me to reconsider my support.”

“Two or three council members are considered possible ‘no’ votes on the plan.”

Councilman Julian Castro “said he is more supportive of the nuts and bolts of the new deal,” largely because it no longer includes a taxing district. But he wants to see “more details about the environmental controls used for the resort” and “if referendum rights can be preserved.”

Councilman John Sanders “would ‘like to support’ the new proposal” but wants to see “strenuous environmental protections ... on paper.”

Councilman David A. García said his support for the new plan is “no guarantee of final support if the plan does not include all the safeguards he desires.”

Oct. 11, 2002 (1B) **“New PGA deal has less environment monitoring. Developer would only be required to pay for first 15 years.”**

Council members were briefed on the latest details of the agreement being negotiated by city officials and Lumbermen’s, which indicate the following changes:

- Lumbermen’s would pay for environmental monitoring of the resort “for only 15 years”— monitoring would continue “but the city or SAWS [San Antonio Water Systems] would have to pay for it.”
- Instead of paying to drill “at least four new groundwater monitoring wells to determine any contamination resulting from the development,” Lumbermen’s would pay SAWS \$100,000 per year “to monitor the development.”
- Lumbermen’s would no longer have to pay \$1 million to a liability fund for environmental clean up in the event of contamination.
- Instead of setting aside 1,100 as open space over the recharge zone, Lumbermen’s would now be required to preserve on 700 acres “that could be anywhere on the aquifer’s recharge zone or contributing zone.”

“Mayor Ed Garza said the environmental controls envisioned in the new deal for PGA Village were better than anything else in place on the recharge zone or contributing zone.”

“Councilwoman Bonnie Conner was out of town on vacation, and Councilmen John Sanders and Enrique Martin were asked by Mayor Ed Garza not to attend the meeting after they were arrested Wednesday [Oct. 9] on federal bribery charges.”

Oct. 20, 2002 (5B) **PGA Village vote due this week.**

“The City Council, embroiled in a public scandal over bribery allegations against two members, is set this week to take on the city’s most divisive issue of the year, the PGA Village resort. Despite concerns about the resort’s proposed environmental controls and a plea from a councilman that the plan not be rushed, Mayor Ed Garza said he hopes the council will make a decision Thursday” having told the PGA “when he pitched the new option to them in early August that the deal could be complete by the end of October.”

Details of the proposal are still unfinished as city staffers and Lumbermen’s “still were revising drafts of the deal late last week and were not confident a final plan could be produced before Tuesday.”

Some council members “are questioning the adequacy of the environmental restrictions after San Antonio Water System officials outlined how the new proposal would be different from the first development deal. Among the key changes are the potential elimination of four groundwater monitoring wells that would measure contamination at the site and the end of a \$1 million liability fund the city could have tapped to clean up environmental problems. Lumbermen’s would pay SAWS \$100,000 a year for 15 years to monitor the development’s runoff.”

But two council members who supported the original PGA deal expressed reservations about any changes that might weaken environmental regulations, including Bonnie Connor and Enrique “Kike” Martin who both missed the SAWS briefing. “The plan was also drawing fire from Councilmen Julian Castro and John Sanders” who voted against the earlier plan.

“Sanders was indicted with Martin and two attorneys Oct. 9 for allegedly participating in a bribery scheme.”

Oct. 24, 2002 (6B) **“Council must study contract before vote.”**

In an editorial, the San Antonio Express-News urged Mayor Garza to “listen to conscientious council members who want more time” to review the PGA Village contract.

“Because of the cloud of scandal hanging over the City Council, it must retain every possible shred of integrity as it votes on the contentious PGA Village project. That means council members must have time to read the contract, which they received Tuesday afternoon. It is unreasonable to expect them to vote on the 159-page contract today.”

Oct. 25, 2002 (1A) **City Council on Oct. 24 “overwhelmingly approved” PGA Village agreement.**

“The 10-1 vote all but assures that the 2,600 acres owned by Lumbermen’s Investment Corp. will be transformed into what is being touted as a world-class sporting facility and a boon to the local economy.” The deal:

1. Includes a “last-minute commitment” to provide wages of at least \$8.75 for all hotel workers and full-time PGA employees who don’t receive tips.
2. Requires completion of a new deal between Lumbermen’s and the PGA, and finalization of the city’s agreement not to annex the property for 15 years.
3. Would cover 25% of the property with buildings and asphalt (instead of 30% if developed as a “sprawling residential development as originally planned”).
4. Includes an amendment proposed by Councilwoman Bonnie Conner to “withhold final authorization” until final changes are negotiated.

Supporters: “It’s a historic moment for council,” said Mayor Ed Garza.... ‘It’s a positive step in public policy and a bold step moving the city in the right direction,’ he said.”

Opponents: “Maria Berriozabal, a spokesman for Save Our Aquifer, complained the council simply ignored residents who wanted a public vote on the subject. ‘Lobbyists come before this council and get whatever they want but 107,000 signatures don’t mean anything—and that is our problem,’ she said.” SOA officials said “they will return to federal court, where they filed a lawsuit earlier this year to stop the project.... [and] seek a temporary restraining order.

Neutral: COPS and Metro Alliance withdraw their opposition to the agreement. “‘We never like tax giveaways,’ said Father Walter D’heedene, a COPS leader. ‘But we will not oppose it.’”

Oct. 29, 2002 (3B) **Ruling on temporary restraining order delayed.**

“U.S. District Judge Fred Biery said there was no need for a ruling now because city leaders have yet to finalize the proposal that would pave the way for the PGA Village resort.” Hearing set for Nov. 7.

City lawyers: “insist that annexation plans are not subject to referendums and that the proposal conforms to federal law.”

Opponents: “... lawsuit contends that the nonannexation agreement is an end-run around its earlier effort to force a referendum on a previous proposal to create a taxing district for the development.”

Nov. 8, 2002 (1B)      **Five-hour hearing on SOA lawsuit takes place in federal court before Judge Biery.**

Supporters: The city “dumped its initial plan, as requested by petitioners. It also argued that federal voting laws apply to elections involving presidents and mayors, not petitions calling for referendums.” City lawyer Rolando Ríos “further suggested it was absurd to accuse San Antonio’s mostly Hispanic council of violating federal statutes designed to protect minority voters.”

Opponents: On “one of the hearing’s key questions” as to whether the new plan is “essentially the same as the first,” SOA lawyer Amy Kastely “asked Assistant City Manager Chris J. Brady to read from the memo that first proposed the revised plan, predicting it would receive little opposition.

“‘Why was little opposition expected?’ Kastely asked.

“‘It says, ‘All revisions are minor in nature,’ Brady replied.”

On another key question as to which option would cause more harm—halting the project or ignoring voting rights concerns until litigation ends, a Lumbermen’s representative “testified that any significant delay caused by the lawsuit might undermine the project which is touted as an economic boon for San Antonio.”

Dec. 11, 2002      **Judge Biery denies SOA request for restraining order.**

“The plan’s supporters lauded the appointed judge for not meddling in affairs they said were best left to elected representatives. Its critics mocked the decision as driven by political calculus instead of legal analysis.”

As evidence that the two plans were significantly different, the judge cited the withdrawal of opposition by COPS/Metro Alliance and “rejected the argument that the city’s refusal to put the proposal on the ballot effectively disenfranchised minority voters because most of the petition signatures belonged to Hispanic and African American voters. ‘Indeed,’ he noted, ‘most of the elected officials’ as well as their attorneys were minorities.’”

## **2003**

March 7, 2003 (1B)      **SOA drops lawsuit, “saying it ran out of money but not resolve.”**

City lawyers and others characterized SOA’s “decision to jettison the lawsuit as a graceful way of backing away from a confrontation that likely would have ended with its defeat.”

Joleen García, SOA executive committee member, said, “We feel we can accomplish our goals without this lawsuit.”

The League of United Latin American Citizens (LULAC), District 15, planned to continue its petition, filed alongside SOA’s, alleging that city officials inappropriately disqualified signatures and calling for the city “to improve its procedures for reviewing petitions and then submit the revisions for approval by the Justice Department.”

May 28, 2003 (1A) **City elections “bring flood of change” from “reform-minded voters.”**

In the wake of a “recent period of scandal and contentious issues,” seven of the council’s 11 seats changed hands. Two incumbents lost in the runoff: John Sanders, indicted on federal bribery charges in 2002 for the alleged sale of his vote on a city contract; and Toni Moorhouse, who “never recovered from the bitter fight over the PGA Village development, which she supported despite a successful petition drive that included many residents from her South Side district.” The May elections “saw many candidates emphasize integrity and independence.”

June 15, 2003 (6B) **Six months after signing agreement with city, Lumbermen’s is still in negotiations with PGA and Marriott International on finalizing the \$1.3 billion deal.**

Securing financing to construct the hotel has been the “focus.” Lumbermen’s Executive Vice President John Pierret “said neither the PGA nor Marriott have signed a final contract because each is dependent on the other for the project to succeed.” According to Mayor Garza “the financial hurdles Lumbermen’s and Marriott are facing are typical for the marketplace and he did not believe they would jeopardize the project.” In May 2002, “Lumbermen’s officials predicted that construction on the 500-room Marriott resort would have been well under way by now.”

Oct. 31, 2003 (1D) **PGA Village “still is alive” despite delays in obtaining financing for resort’s Marriott hotel.**

“The goal now is to have a letter of intent between Lumbermen’s and PGA by the end of the year, [Lumbermen’s lawyer Bill] Kaufman said.”

Nov. 12, 2003 (1A) **PGA signs letter of intent with Lumbermen’s.**

It “isn’t a final commitment to take part in the resort project, which would be the association’s only training center outside Florida....But the letter of intent does constitute the PGA’s official declaration that it intends to be part...” Lumbermen’s has “until the end of the year to line up financing on the hotel.”

Supporters: “Mayor Ed Garza said he was pleased to hear the PGA has signed a letter of intent because that should help Lumbermen’s complete financing on the hotel component.”

Opponents: “Maria Berriozabal... said the new council members were elected largely because the public felt the old council ignored its demands to kill the resort.”

“Three new council members—Roger O. Flores, Joel Williams and Patti Radle—... said they opposed the PGA deal before they were elected and remain concerned about development in the

recharge zone, which supplies groundwater to the aquifer, the city's primary source of drinking water."

Lumbermen's had agreed "to implement additional runoff controls at the site and to pay the San Antonio Water System \$100,000 a year to monitor water quality" as well as "to seek commitments from PGA and the hotel operator for 'living wage' salaries of \$8.75 an hour for its lowest-paid workers, which satisfied the objections some had about a public subsidy going to an exclusive development."

Tim McCallum representing both COPS and Metro Alliance "said they welcome the PGA to San Antonio, assuming the association honors the agreements made about wages and environmental controls."

## **2004**

Jan. 19, 2004 (1B) **PGA Village "in holding pattern."**

A "depressed travel industry has kept Lumbermen's from completing a financial package" by the year-end deadline. But the "PGA has not rescinded the letter of intent to participate and will not make a final decision on its involvement until the details of the hotel are finalized..."

April 30, 2004 (1A) **"Activists stamp PGA Village deal invalid."**

"The furor over the PGA Village resort reignited Thursday as grassroots activists released documents they said show the project is invalid, and they called on the City Council to repeal the deal." The activists alleged the October 24, 2002 agreement between the city and Lumbermen's "amounted to a 'blank check' allowing city staffers to continue negotiating the contentious deal out of public view." Based on city documents obtained by the activists through information requests, they declared the deal invalid because:

1. The contract was authorized only if a final agreement was reached by Dec. 9, 2002, but documents show the terms of the agreement continued to be negotiated through the spring 2003.
2. City staff did not present a final written report to the council regarding changes made to the development agreement per the Conner amendment, requiring such a report.
3. Key changes were made, including the removal from the final agreement of specific PGA employee positions that would be paid a living wage.

"Many on the council agreed Thursday that the PGA development has gone largely unmonitored since its approval. The project has been in a holding pattern because of the continued lack of a commitment from at least one of the two hotels planned for the development."

"Mayor Ed Garza and others asked city staffers Thursday to prepare a future briefing to address the coalition's charges while bringing the council up to date on the project."

"The grassroots coalition also raised questions about a bill that quietly passed the Texas Legislature last year that would apply to the PGA development." The new law legalizes the extension of city services to areas within its territorial jurisdiction and "retroactively legalizes

past development agreements such as Lumbermen’s PGA Village,” according to coalition attorney Amy Kastely.

Supporters: Councilman Carroll Schubert, who supported the deal, “criticized the coalition for trying to persuade the council—with its seven new members—to reconsider the deal.... ‘You’ve litigated this at least once and lost that litigation,’ Schubert said.”

Opponents: “Maria Berriozabal, a former councilwoman who is active in the anti-PGA effort, said the grass-roots interest in the issue has been smoldering since the high-profile fight faded from view.... ‘This is amazing—we’re at a time when people don’t get involved. But PGA sparked something, and it’s become a campaign now,’ she said. ‘You talk to people and they understand two things: They understand water and they understand that it’s about their money.’”

May 1, 2004 (1A)     **Activists “didn’t forget about PGA Village.”**

For the past few months, activists have been meeting “over coffee in living rooms,” then taking “large stacks of documents home to pore over every printed line.” With the guidance of lawyers, the activists undertook a “side-by-side analysis” of each version of the “voluminous contract” between the city and Lumbermen’s. The effort led to the allegations on Thursday that the city continued to negotiate terms of the contract past the Dec. 9, 2002 final-authorization date and “through spring 2003 without the council’s approval.”

The group’s lawyer, Amy Kastely, also reported that key provisions in the deal were changed “without input from the council or the public.” These include:

1. Stripping from the agreement the list of “specific hotel employees who would receive a ‘living wage’ of between \$8.75 and \$10 an hour.”
2. Adding new provisions:
  - a. Allowing tax abatements for the project from Bexar County.
  - b. Reducing from “perpetuity” to 15 years Lumbermen’s obligation to pay for monitoring of pesticide and other chemical runoff from the property.
  - c. Exempting PGA golf courses from rules limiting water use during drought periods.

“Father Walter D’heedene, a COPS leader, said the group was surprised and disheartened to learn of the coalition’s allegations that the living wage measure had been changed. ‘We do expect the city and Lumbermen’s to abide by the agreement they made with us,’ he said. ‘If there is any change, our understanding is that would invalidate the contract.’”

May 4, 2004 (1A)     **Quiet passage of retroactive bill in Texas Legislature “raises eyebrows.”**

“A bill that made its way through the Texas Legislature largely unnoticed last year now is raising the ire of many who are opposed to the local PGA Village golf resort. The new law makes it legal for cities to negotiate development deals with property owners within their extraterritorial jurisdictions—areas located beyond incorporated city limits, but not under the umbrella of city codes or the scrutiny of its citizens.

“And because it was written to apply retroactively, the measure essentially would legitimize what the city of San Antonio has been doing for years in talks with PGA developer Lumbermen’s Investment Corp.

“Skeptics are asking the question: Did the city know all along that the PGA deal might be on shaky legal ground?

“But Jim Campbell, San Antonio’s director of external relations, said the city made no connection between the bill and the PGA development slated for North Bexar County. The new law was sought because it gives municipalities more flexibility in managing their extraterritorial jurisdictions, he said. ‘I don’t ever recall this having anything to do with the PGA development agreement,’ Campbell said. ‘We saw this as another positive tool—not just for San Antonio, but for cities in general.

“Last spring, several months after the City Council approved a non-annexation development agreement with Lumbermen’s, two San Antonio city staffers appeared in support of House Bill 1197 in front of a House committee considering it. Campbell said support was given simply so legislators would know that the statute would be useful to San Antonio in the future.

“Rep. Mike Krusee, R-Round Rock, authored the proposal, and lawmaker Jeff Wentworth, R-San Antonio, sponsored it in the Senate. It was Wentworth who authored SB 1629, which authorized the original Cibolo Canyon Conservation and Improvement District, also known as PGA Village, during the 77th Legislature in 2001. He did so in concert with San Antonio city officials. The new law also gives cities a less-expensive option than full-scale annexation to effectively deal with property located near the city limits, Campbell said.

“Activists associated with a revived anti-PGA effort said they are suspicious. They point out that the initiative was not listed in the city’s legislative priorities packet.”

“Attorney Amy Kastely, who is advising the loosely organized coalition that called on City Council last week to repeal the PGA deal, questioned the bill’s quiet passage and its potential significance to the project. ‘I don’t think it’s a mistake that it directly applies to this deal,’ Kastely said, adding that she’s not too concerned because she doesn’t think the law would stand up to a legal challenge. ‘Illegal agreements cannot be retroactively validated,’ she said.

“An Austin developer pursuing a project in Dripping Springs first contacted Krusee about authoring the bill, said Wendy Reilly, the lawmaker’s chief of staff. Before its passage, there was no statutory authorization allowing cities to negotiate with property owners within their extraterritorial jurisdictions, she said. Whether cities that had approved such an agreement—as in the PGA case—before the bill’s passage were acting improperly or illegally, Reilly said she did not know. ‘I don’t know how legitimate it was ... but there was no statutory authority before this,’ she said. ‘I don’t know if it was illegal, though.’ The fact the law would apply retroactively is not uncommon, Reilly said, adding such language is used ‘all the time’ in legislative dealings.

“While Wentworth acknowledged the law would apply to San Antonio’s agreement with Lumbermen’s, he stressed it was not sought for that reason. The Austin developer who wanted it passed was interested in making the law ‘as clear as it ought to be’ for his development, Wentworth said. ‘This was not an under-the-radar sort of thing to slip anything by anybody,’ he said.

May 6, 2004 (1B)     **“Secret PGA Village revisions denied” by city staff.**

At a brief presentation to the council’s Governance Committee, Assistant City Manager Chris Brady said some details were “refined” after the deal with Lumbermen’s was approved on Oct. 24, 2002 but that those revisions “were submitted to the council in two drafts and one closed session review almost a month after the vote.” Brady also stated that each council member received a copy of the final agreement “signed by developers and the city Dec. 9, 2002, containing all the modifications the city has authorized.” He said he would provide “a more detailed report to the Quality of Life Committee next week.”

“Councilman Julian Castro, one of four council members present for the 2002 vote and the only member to vote against the PGA deal, said he does not recall receiving all the information referred to by Brady, but he will withhold judgment until he sees the full report.”

“Amy Kastely, a lawyer representing the revived coalition of environmentalists and grass-roots activists called Clean Water: Clean Democracy, said Brady’s presentation was not convincing.”

According to the opponents, the council never received “a full, written report of the changes in the deal, as members had demanded when they approved the proposal.” Kastely noted that the “computer presentations” Brady referred to “did not qualify as a full report, nor do they reflect some of the disputed contract changes.”

Councilwoman Patti Radle, who is not a member of the Quality of Life Committee, asked the city manager to bring the review of the staff’s findings to the full council. “It’s a big issue for a lot of us,” Radle said. “Whether there’s a case or not, we need to make the situation very clear.”

Castro said he might ask for the city auditor to review the staff’s handling of the agreement if questions remain. “That would bring more objectivity to an emotionally charged issue, he said.”

The project is “still on hold because the developer, Lumbermen’s Investment Corp., has not completed a deal to construct the first of what could be two hotels at the resort.”

May 13, 2004 (3B)     **“City negotiator defends PGA Village dealings” and city attorney lost signed agreements.**

In a report to the council’s Quality of Life Committee, Assistant City Manger Chris Brady said the City Council in 2002 “was immersed in [the] details” of the PGA Village deal and was “well aware of the 11<sup>th</sup>-hour changes to the agreement.”

City Attorney Andy Martin said side agreements to the overall pact had been signed on time “but his office lost the documents and the parties had to re-sign them in April 2003.”

“Brady said council members received two drafts of the deal with changes underlined on Nov. 19, and they discussed the alterations in a closed-door meeting Nov. 21.”

“Councilman Art Hall, elected after the agreement’s approval, balked at that approach. ‘We had a very public, very controversial issue,’ Hall said. ‘At some point in the process, it became secretive, and that’s where the issue is.’”

“Councilman Carroll Schubert, the committee’s chairman and a longtime supporter of the PGA, defended the previous council’s handling of the matter.”

Responding to allegations that the list of PGA golf course positions eligible for a living wage did not appear in the final agreement, Brady said “its omission was simply an oversight and that it’s still part of the agreement.” A full report in response to the allegations will be presented to the City Council on May 20.

May 20, 2004 (1B) **Events leading to Oct. 24, 2002 agreement reveal a “rush to a deal.”**

On the day of the vote, “Bonnie Conner was not a happy councilwoman. The 172-page draft PGA Village agreement landed on her desk just two days before she and her colleagues were to vote on the deal, which would usher in a luxury resort, a Professional Golfers’ Association-operated training facility, two golf courses and a residential development.”

Conner’s “irritation showed as she rapped the staff for the short review time and pointedly noted: ‘I want to see any changes made by council, staff, Lumbermen’s and SAWS (San Antonio Water System) before this agreement is signed by anyone on staff.’”

“She won backing for an amendment that tied the contract’s execution to a written report detailing all changes. That amendment now is at the heart of an effort to scrap the agreement, which Conner and others approved 10-1.”

Activists argue the “act is invalid because city staffers failed to live up to the provision, effectively keeping council members in the dark about the changes. ... The group claims the contract changed substantially, mostly in developer Lumbermen’s Investment Corp.’s favor, without a full accounting of changes to officeholders before the contract was signed Dec. 9, 2002.”

“‘We looked for the paper trail,’ activist Joleen Garcia said, ‘and we didn’t find it.’”

“While Conner found most of the changes acceptable, she agrees the council never got the report she sought in the amendment. ‘If we received that (report), I don’t recall it,’ said Conner, who left office a year ago because of term limits.” Conner was one of two council members “appointed to track the negotiations and serve as the council’s liaison.”

“David Carpenter, a project supporter who also left the council a year ago, likewise said the report never materialized. And he said he wasn’t aware of all the contract changes. ‘We kind of left some loose ends,’ Carpenter said.”

“Councilman Carroll Schubert, meanwhile, described the PGA Village contract as one of the most thoroughly examined in San Antonio’s history.”

A major allegation was that “negotiators hobbled the contract’s landmark ‘living wage’ provision” by leaving out the list of jobs subject to the provision that had been included in the original Oct. 24 deal but did not appear in the final agreement, signed Dec. 9, 2002. “The claim was politically charged because Lumbermen’s wage concession prompted grass-roots groups

Communities Organized for Public Service and Metro Alliance to drop their long-running opposition to the project.”

Brady said the “staffers inadvertently failed to attach the list to the final agreement, but that it remains part of the deal.” Another change between the early and final drafts involved dropping a “prohibition against Lumbermen’s securing tax abatements. According to Brady, it was removed after county officials complained to City Council members.”

“However, County Judge Nelson Wolff denied county officials requested the change, saying, ‘Why they took it out of the agreement I don’t know.’ [William] Kaufman, the developer’s lobbyist, didn’t recall the circumstances surrounding the change, but he said the developer has no plans to seek a county abatement.”

Finally, on the issue of the lost documents, city attorney Andy Martin “said his office lost the wage pact and the agreement detailing the developer’s consent to annexation, and had to have the parties re-sign the contracts April 7, 2003—four months after the deadline.”

“‘It’s just outrageous,’ Amy Kastely said. ‘You have to play by the rules. You can’t have something this controversial and say, ‘We lost it.’”

May 21, 2004 (1B) **“Council not eager to ax PGA pact but members do want to get to bottom of contract changes.”**

In City Council discussion on whether city staffers disclosed major changes to the PGA Village agreement prior to signing the final deal as required, council members “showed little willingness” to declare the contract invalid. Instead Councilman Julian Castro called for the city auditor “to probe changes to the contract made after the council approved the pact Oct. 24, 2002.” He charged that the PGA vote “was all about a severely flawed process” that “smacked of a kind of arrogance that you hadn’t seen in a long time in San Antonio city politics,”

Assistant City Manager Chris Brady “dismissed the accusations” leveled three weeks ago by the activist group Clean Water: Clean Democracy, saying “staffers gave the council a draft of the contract with alterations underlined on Nov. 19 and went over them in a closed-door session Nov. 21.”

Among the changes were additional economic incentives given to Lumbermen’s, including a provision allowing the developer to seek tax abatements from the county without going through the City Council.

Clean Water: Clean Democracy lawyer Amy Kastely “balked” at the idea that this change could be secured in closed-door session. “It was not sufficient for Mr. Brady to take these changes to executive session because council can’t act in executive session,” she said. Brady countered that “while council members couldn’t vote behind closed doors, city negotiators could get a sense of whether a majority supported the changes.”

Several council members expressed concern that “the circumstance surrounding the agreement’s approval had tainted the public’s view of the deal.” Councilman Art Hall said he would not have approved an “incomplete contract” but was concerned that “unwinding the contract now ... could prompt a lawsuit by Lumbermen’s.”

May 29, 2004 (1A) **PGA pulls out of deal, ending 3-year fight over resort.**

No calls were returned from PGA officials to offer comment on their termination of “a letter of intent with Lumbermen’s Investment Corp. to build a golf resort in the Edwards Aquifer recharge zone.”

“Supporters mourned the loss of jobs and tourism dollars the 2,600-acre PGA Village golf development was expected to generate. For opponents, the PGA’s departure marked a milestone in the campaign to protect the city’s sole source of drinking water.”

“PGA felt the pressure from the power of the people,” activist Joleen Garcia said. “I feel the public’s opposition caused the pullout.”

Councilman Carroll Schubert blamed the pullout on environmental and community activists, saying it was “directly related to a small group of no-growth people.” County Commissioner Lyle Larson “blamed city leaders for fumbling what he called ‘a great economic opportunity.’”

Councilman Julian Castro “rejected the notion that the PGA broke with Lumbermen’s because of opposition. Instead, he contended, the cause probably was financial.” Lumbermen’s Vice President John Pierret said they did “everything humanly possible to sustain this project.” PGA’s letter of intent had given Lumbermen’s until Dec. 31, 2003 to find financing.

Amy Kastely said PGA’s actions didn’t come down to Clean Water: Clean Democracy’s actions alone. “PGA was aware from the very beginning that we want to protect our drinking water,” she said.

June 2, 2004 (6B) **Editorial: Lack of leadership led to loss of PGA. Mayor Ed Garza and his City Council colleagues let a golden opportunity slip through their fingers.**

The newspaper editorial placed the failure of leadership on the mayor and “notably” on Councilman Julian Castro. “Castro, who hopes to succeed Garza, bears responsibility for what appears to have been the final straw”—the insistence that the city auditor investigate the city’s contract with Lumbermen’s.

The editorial urges City Council to consider purchasing some of the Lumbermen’s land that is over the recharge zone of the aquifer “so it can be used for open space.” But concludes by saying:

“If Garza wants to make amends, he should get on an airplane and do what he can to put the PGA deal back together. It is probably too late. ... But it would do Garza good to make the fight, even if the fight is lost. That’s the kind of aggressive leadership San Antonio deserves—and does not have.”

Jun 4, 2004 (1A) **Nelson Wolff and Ed Garza hope to “deliver a pitch directly to the PGA’s board in Chicago.”**

County Judge (and former mayor) Nelson Wolff decided to go to Chicago to plead San Antonio's case because the response was "so strong" to his urging project supporters to send letters and emails to the Florida-based association. Wolff and Garza plan to travel to Chicago even though PGA chief executive Jim Awtrey "asked them not to come, but encouraged them to send information."

Wolff was also frustrated by the "council's apparent skittishness about the project." An effort by Mayor Garza to secure a resolution from the City Council supporting the deal barely made it out of committee by a 3-2 vote.

"Seven of the council's current members weren't in office during the battles that many believed had ended with approval of a non-annexation agreement with Lumbermen's in October 2002. Many new officeholders campaigned against the deal and the thwarting of a petition drive that would have put the original Lumbermen's deal on the ballot."

Those council members "are now under pressure from a coalition of environmental and community groups that claim the Lumbermen's contract is illegal."

"This council would be voting to affirm a contract that we have found to be illegal," said Maria Berriozabal, a former councilwoman and long-standing opponent of the project. However, several members—including Art Hall and Julian Castro, who both voted Wednesday against sending the resolution to the full council—said the contract appeared valid, regardless of the misgivings about how the deal came about."

"Business leaders, meanwhile, are calling on the council to unite behind a resolution."

June 5, 2004 (3B)     **"Despite the scuttlebutt, money was key to PGA Village deal."**

Columnist Jaime Castillo writes, "Lost in the wake of the vibrant blame game that's been going on since the apparent demise of the PGA Village golf resort is a very simple lesson in economics. Developers and large national groups like the Professional Golfers' Association always will invest money if they have a reasonable expectation to make gobs more money." They would still be in negotiations if they did not have other options—in Las Vegas or Phoenix, Castillo writes.

June 9, 2004 (1B)     **"PGA tells San Antonio the round's over. Lumbermen's project is officially dead, but local leaders hope for future opportunity."**

County Judge Nelson Wolff and Mayor Ed Garza led a group of nine civic leaders to Chicago for a meeting with PGA chief executive Jim Awtrey "in a last-ditch effort to save the luxury resort project." The group was denied a meeting with the board of directors but given one with Awtrey.

They brought "some 5,000 letters of support, including one from Gov. Rick Perry; a book on San Antonio; and a basketball signed by the Spurs" but came back "empty-handed." Awtrey said, "Right now we're looking at an opportunity further west. We're down to one city."

The group included former Mayor Henry Cisneros, Garza, Wolff, County Commissioner Lyle Larson, City Councilman Carroll Schubert, auto dealer Ernesto Ancira, State Sen. Jeff

Wentworth, Lumbermen’s spokeswoman Trish DeBerry, and Greater San Antonio Chamber of Commerce Chairman Mike Novak.

July 6, 2004                    **“Anti-North Side screechers crow about killing PGA Village.”**

In this op-ed piece, columnist Roddy Stinson runs excerpts of quotes from PGA opponents Joleen García and María Antonietta Berriozábal that appeared in various news outlets from 1999 to 2004, on issues ranging from the 1991 election to media consolidation to the PGA controversy, including a recent Christian Science Monitor article headlined, “Golf course civics lesson: Texas Latinas foil PGA plans.”

Stinson takes primary aim at 27-year-old activist García, whom he characterizes as an “Anglo basher.” He gives Berriozábal “credit” for her “flexibility” in changing “the target of her wrath according to the purpose that needs to be served”—bashing either Anglos or “critics of her water creed.” He concludes that Berriozábal perhaps “no longer feels a need to bash Anglos, seeing that younger versions of herself have achieved positions of leadership and are ready to tackle that job efficiently, effectively and quite enthusiastically.”

## **PGA III: “Taxing District *and* Non-Annexation Agreement”**

August 6, 2004 (1A) **“PGA Tour, a separate organization, now has its eyes on the land.”**

Lumbermen’s confirmed it is engaged in talks with Florida-based PGA Tour, a separate organization that evolved from PGA of America, to construct a major golf project on its land. “In other words, the fight over the 2,600-acre site atop the Edwards Aquifer may not be settled.

PGA Tour operates 24 Tournament Players Clubs (TPCs) in the United States. A source said they are considering a project that “could include at least one top-flight 18-hole course, a resort with up to 700 rooms and a training facility.”

“Lumbermen’s discussions with PGA Tour apparently started after PGA of America sent the delegation [of nine local, civic, and business leaders] home empty-handed.”

“It was unclear whether Lumbermen’s would—or could—seek to substitute the PGA Village for a TPC under the development contract. In any case, Mayor Ed Garza said he would want to see similar protections with a PGA Tour course.”

August 7, 2004 (1A) **PGA “foes ready to tee off against golf course.”**

Potentially facing a new PGA golf course project being built over the Edwards Aquifer, “a coalition of community and environmental groups insists it will work just as hard to keep the proposal from becoming a reality.”

“We have to work as hard as we can to bring out the truth. Sometimes we are successful and sometimes we aren’t successful, but the struggle is for the long haul,” said former councilwoman and PGA Village opponent María Antonietta Berriozábal.

The head of the Greater San Antonio Chamber of Commerce Mike Novak said he thinks that PGA Village deal’s failure “was a wake-up call for our citizens. You’ll see more of a groundswell of support for the TPC concept.”

“Community activist Joleen Garcia argues just the opposite. ‘The people have really been educated about the issue. More people are active in water issues,’ she said. ‘It appears to me that Lumbermen’s doesn’t understand that no means no. Don’t contaminate our water, don’t bankrupt our city with tax breaks, and respect our citizens, which means not building golf courses over that property.’”

August 8, 2004 (1A) **“PGA pact: Same deal, new deal, no deal?”**

The possibility of a new golf organization with a similar name building a resort over the Edwards aquifer recharge zone creates “a sense of déjà vu for a city still reeling from the three-year battle over PGA Village’s plans.”

County Commissioner Lyle Larson and County Judge Nelson Wolff “met with representatives of PGA Tour and Lumbermen’s about a month ago in San Antonio” and describe the scope of the project as featuring “two top-notch 18-hole courses, a hotel with as many as 700 rooms and a training center.” The project “appears similar to the planned PGA Village.” According to supporters, San Antonio is competing for the project with other unnamed cities. If the project were to be proposed, “the City Council would have to decide whether to amend the pact, pursue a new deal with new or similar environmental and water safeguards, or do without an agreement.”

Activists “want the city to try to buy the land.” Community activist Joleen García said, “For me, the conversation should center on ‘Are we going to do everything we can to protect the aquifer or are we going to continue to react to Lumbermen’s?’” García favors “repealing the old deal and going ahead with the purchase of the land.”

Sept. 12, 2004 (1A) **“Aquifer choice may be lesser of 2 evils. Whether it lands on a golf course or on a house, rainwater gets contaminated.”**

Lengthy article describes characteristics of Edwards Aquifer and ways in which rainwater, polluted by rooftops or golf courses, seeps into cracks in the limestone beneath the ground soil directly into the aquifer. “But if both raindrops hit the ground and seep down to the aquifer below, then it doesn’t really matter which one is worse. They’re both going to leave a bad taste.”

Sept. 12, 2004 (1B) **“Shouldn’t we be more mindful of our greatest treasure?”**

Syndicated columnist Carlos Guerra notes that “while we don’t often hear about it, there have been problems with the purity of Edwards water in the past.” Until now, he notes, the enormous volume of the Edwards aquifer “has been sufficient to dilute contaminants to tolerable concentrations.” But it is finite in size. “If we do not develop effective controls on what we let flow into our aquifer, we will one day wake up to the reality that dilution was never the solution to pollution.”

Nov. 10, 2004 (1A) **PGA Tour talks now in “intense” range.**

Negotiations for a luxury resort “have reached the ‘intense’ stage, with local officials expressing greater optimism this time “because the project would account for two critical elements that doomed the PGA village.” The two elements are the participation in the talks of a potential hotelier, Marriott International, and possibility that stricter environmental controls would be part of the plan, muting opposition.

Nov. 21, 2004 (1B) **“PGA Tours plans quiet but sources say a deal for the proposed resort could bloom quickly.”**

County Judge Nelson Wolff, Mayor Ed Garza and other local leaders are planning a trip to the PGA Tour headquarters in Florida on Dec. 3 “in an attempt to woo a luxury golf course, resort hotel, and commercial and residential development to San Antonio.” No deals have been formally struck, according to sources. “But privately, many say they believe it could materialize quickly under the right conditions.”

“This failed the last time because of a lack of transparency in the decision-making process, and if it’s going to happen it’s got to be a process where all interested parties are able to voice their concern and support,” said Larry Hufford, a political scientist at St. Mary’s University.”

“For activists seeking more transparency, the ghosts of PGA Village are waiting in the wings. ‘Their strategy will be to do it real quickly and to stop us from organizing, but I think they’re really underestimating the anger that people feel,’ said Amy Kastely, a legal adviser for community activists concerned about the original project.”

“Kastely said leaders involved in the negotiations are missing the boat by thinking that opponents of a PGA development are solely concerned with its environmental aspects. ‘An equally huge issue is democracy and representative government and control by special interests seeking to make a lot of money,’ she said. ‘Jamming it through is not a way to demonstrate their commitment to the community.’”

Mayor Garza indicated he has “every intention of having inclusive talks about the project,” and that there haven’t been any discussions because “there hasn’t been anything to discuss.” But “Kastely said there is enough history with the failed PGA Village to warrant more open discussions.” Questions about whether the city has the right to negotiate a non-annexation agreement with Lumbermen’s and how many and what types of jobs the new agreement might bring are some of the issues that “will be relevant if they enter into a new agreement with PGA Tour,” Kastely said.

Dec. 4, 2004 (3B)     **Nelson Wolff, Mayor Ed Garza, and others visit PGA Tour in Florida.**

After a meeting at their headquarters with PGA Tour President Vernon Kelly followed by a “golf-cart driven tour of the lush development at Ponte Vedra,” County Judge Nelson Wolff said, on the prospects of a PGA Tour development in San Antonio, “Hopefully we’ll know fairly soon. They were very favorably impressed with our presentation, and they are going to continue and intensify their efforts on this project.”

“City Councilmen Chip Haass and Richard Perez were also on hand to our the site. . . . Councilmen Art Hall and Julian Castro are expected to visit the course this weekend.”

Although leaders hope a deal “can be struck in a matter of weeks, they insist nothing has been decided.”

“Officials have been concerned all along that bad publicity could botch a deal, but Wolff said he has ‘not had one negative call to my office’ from anyone opposed to another round of wooing professional gold to San Antonio. But at least one organization, the Ad-Hoc Citizens Group Opposed to PGA, has continued to rally against the proposal and its predecessor. ‘People have been kept out of the loop,’ said Graciela Sanchez, director of the Esperanza Peace and Justice Center. ‘That’s not democracy the way we see it. That’s not how city government should be run.’

“Sanchez noted the negotiations are taking place around the holidays, when people are preoccupied with traveling and shopping. ‘This way they can shove something in really quick and fast, and then we’re suckered into something people may be very unhappy with,’ she said. ‘This is the most sensitive part of the aquifer.’”

Dec. 5, 2004 (1B) **“S.A. officials hope the site in Florida will be duplicated here.”**

The possible PGA Tour development “hailed by business leaders as a tourist gem, is the latest incarnation of an idea that has bitterly divided the community for the past three years on issues of the environment and democracy. Proponents argue that a strictly regulated golf course is not only an economic engine, but also the best way to protect the land from becoming overrun with housing, parking lots and roadways. Opponents say that too often they have been left out of the decision-making process and that the aquifer—San Antonio’s main source of drinking water—is too precious to risk contaminating with any kind of development.”

“Although no formal deal has been struck, officials say they’d like a deal in place in the next few weeks to keep the issue from harming the mayoral election in May.”

The Lumbermen’s agreement with the city is still in effect.

“Leaders are determining how to adapt that contract to the new partnership, which likely would include hotelier Marriott International.”

Dec. 26, 2004 (1A) **“Foes have a feeling of helplessness as PGA Tour resort cruises toward approval.”**

Two days before Christmas, officials from PGA Tour, Lumbermen’s investment Corp., and Marriott International touted their agreement “in principle” to build a “world-class” golf course resort over the Edwards Aquifer recharge zone, with Mayor Ed Garza calling it a “win-win-win” for the city. The issue was scheduled to come to a vote within two weeks, on Jan. 6, 2005, after the second of two public hearings. The first public hearing is scheduled for Jan. 4.

“‘Essentially, a fait accompli is going to be presented to the citizens and the citizens can respond, but this looks like a done deal,’ said St. Mary’s University political scientist Larry Hufford.”

The “opposition that characterized earlier battles against a similar project is notably subdued.”

Hufford posited that “many who may have opposed the first project now realize there will be development on the land, regardless of resistance.” He also credited Nelson Wolff’s work out front and behind the scenes as helping to sell the project. “Lastly, planning public hearings and a council vote around the holidays is a recipe for scarce participation. ‘It’s not a time when you’re going to have a lot of organized opposition,’ he said.”

Local architect David Lake who was part of the Smart Growth Coalition said he and others are “‘worn out on this whole PGA thing,’ but are still concerned about the way it’s been handled.”

“It’s not open and clear government, and I’m disappointed and frankly outraged,” Lake is quoted as saying.

Councilman Julian Castro, the “lone dissenter” on the PGA Village vote “now appears to be on board.”

“‘I think we can both grow our economy and protect the environment with this agreement,’ said City Councilman Julian Castro, who’s running for mayor in May.” Castro “still has concerns

about how the petition drive was skirted and plans to propose a City Charter reform in the future that would prevent that.”

Dec. 29, 2004 (3A) **“Support for golf resort enhances Castro’s mayoral candidacy.”**

Columnist Ken Rodríguez observes that the PGA Village issue was “once an albatross around the mayoral campaign of Julian Castro. Now the resort may be the jewel adorning his future.”

Castro is quoted as saying about the new PGA Tour, “For folks who are truly concerned about practical environmental reality, this is the best (deal) we are going to get.”

“In private meetings among civic leaders pushing for the golf resort, the perception of Castro has evolved from “obstacle to progress” to “champion of a major development.” An unnamed civic leader who has attended those private meeting said, “It’s going to take a series of issues to measure Julian’s ability to make pro-development decisions, but this is certainly a milestone.”

## **2005**

Jan. 4, 2005 (2B) **“Few attend protest of PGA golf plan.”**

“Calling the most recent proposal for a PGA Tour golf resort an injustice and a threat to the water supply, fewer than 10 community and environmental activists delivered their messages in the form of one-gallon jugs filled with green water. ‘No PGA. Protect our water,’ they chanted as they entered City Hall to deliver the jugs to each member of the City Council. Activist Joleen Garcia said the plan is being rushed through the democratic process in a time when communities around the world struggle to find clean drinking water.”

Jan. 7, 2005 (1A) **“Golf course is a done deal.”**

At the end of a second and final hearing on the evening of Jan. 6, the City Council voted 10-1 to approve the PGA Tour. Councilwoman Patti Radle was the dissenting voice. More than 300 people attended, including residents, members of the business community, and officials from PGA Tour, Marriott and Lumbermen’s.

“Many of those present spoke in favor of the project, but passions flared as opponents stridently pleaded with council members to vote the project down or at least postpone their decision.”

“‘I don’t understand why you’re rushing this vote,’ said Margaret Jones, a member of the Progressive Action Network. Graciela Sanchez, director of the Esperanza Peace and Justice Center, challenged each council member to sign a pledge indicating that they have read and understand the entire agreement, and that ‘you have honestly decided that this is the best way to preserve our clean drinking water.’”

The council voted to approve “despite the fact that new details about the agreement with developers still were being unveiled just hours beforehand. The most important disclosure was an extension of the tax abatement period—from 25 to 29 years, effective immediately.” In exchange, PGA Tour will build on only 15 percent of the overall site and recycle 85 percent of its irrigation water. The abatement is estimated to cost \$50.2 million over the term of the abatement, “assuming that only houses were built on the property.”

The environmental agreement had been unanimously approved by the San Antonio Water System in December “and is widely considered among the strictest in the country.”

Other features of the \$800 million project include:

1. At least two PGA Tour golf courses
2. An 800-room J.W. Marriott hotel
3. Several thousand homes worth an average of \$250,000
4. Condominiums

“The hotel and golf courses must be completed by 2010.”

Jan. 9, 2005 (1A)      **“PGA war really won decade ago. Firm representing Lumbermen’s in 1995 helped resort developer sidestep new aquifer rules.”**

In the mid-1990s, when the city was attempting to draft an aquifer-protection ordinance, one of the co-chairs of the committee charged with drafting the more stringent rules, Gene Dawson, Jr., was the principal of a San Antonio firm, Pape-Dawson Engineers, Inc., that was simultaneously working to “grandfather” its client, Lumbermen’s Investment Corp., out of the new rules. (The other co-chair appointed to head the committee was environmentalist Danielle Milam.)

Pape-Dawson succeeded in giving Lumbermen’s “vested rights” to develop the land outside the restrictions imposed by the new rules by exploiting a loophole known to insiders. A letter sent by Pape-Dawson Vice President Steve Kacmar to Lumbermen’s on Jan 1, 1995, “suggests Pape-Dawson was using its position on the aquifer committee to acquire vested rights for Lumbermen’s.”

They were simply “taking advantage of the law at the time,” said former Mayor Howard Peak, according to the article, who, as a city councilman “played a key role” in promoting the aquifer ordinance.

But the “city’s planning director at the time took a more skeptical view of Kacmar’s letter. ‘Clearly the good guys got outmaneuvered,’ wrote Dave Pasley,” who had argued against accepting the “preliminary” development plans that were being used to obtain vested rights.

“‘The City Council could have prevented this whole grandfather thing,’ Pasley added in his e-mail. ‘It is clear to me that there was an intent and a desire, politically, for widespread grandfathering to occur and the effects of the water quality ordinance to be mitigated. This allowed it to appear that San Antonio was being progressive in environmental protection while at the same time effectively exempting the developers who were in the loop.’”

Jan. 9, 2005 (3A)      **“Stealth attack or good move, PGA project developed quietly.”**

New details revealing how the PGA Tour deal emerged quietly over a seven-month period are detailed in a column by Ken Rodríguez, who writes, “Whatever your position, you can place credit or blame for the new resort on a series of unseen events and meetings.” Among these are:

1. “In late May [2004], [PGA chief executive Jim] Awtrey told County Judge Nelson Wolff: If we pull out of San Antonio, I’ll put you the PGA Tour in touch with you. Maybe they’ll build something over the recharge zone.”
2. In late June, “beneath the radar of the local media,” PGA Tour officials flew into the city to meet with Wolff, County Commissioner Lyle Larson, and Lumbermen’s.
3. PGA Tour president Vernon Kelly said his group wanted to build two golf courses and asked if San Antonio was interested. “I said, ‘Y’all need to have your act together,’ Wolff recalls. ‘We wanted to keep things quiet until we had an agreement.’”
4. On Sept. 8, Wolff and Mayor Ed Garza drove to Austin to meet with Ken Jastrow, CEO of Temple-Inland Industries, the parent company of Lumbermen’s. “Jastrow provided a key environmental tip”—impermeable cover on the proposed PGA Tour site of just 15 percent. “‘That’s the magic number you need for this deal,’ Jastrow said.” It worked for Councilmen Chip Haas and Art Hall, among others.
5. “In mid-October, Marriott International CEO Bill Marriott flew into San Antonio to meet with Garza and Wolff. ‘Bill said he had been out to the site, liked the site and was optimistic about San Antonio,’ Wolff says.”

Feb. 21, 2005 (1B) **PGA developer to build “aquifer shield.”**

PGA Tour has pledged to “build a better gold course.” The engineers are “devising an unusually stringent plan to build a clay barrier between the grass and soil—and the aquifer below, in effect sealing it from harm.” Although PGA Tour has never constructed anything like it, it’s “not experimental,” PGA Tour president Vernon Kelly reportedly said. “The engineering has been used to a greater or lesser degree.”

“I feel like our aquifer is the guinea pig for the project,’ said City Councilwoman Patti Radle, who cast the lone vote against the project. ‘Why would we go ahead and risk something like this?’”

Similar plans have been used in Chicago over landfills, according to Joyce Munie of Illinois’s Environmental Protection Agency. “It’s freshman engineering, basically,” she reportedly said. But added that geology poses a major difference between Chicago and San Antonio. “Although groundwater contamination is a major concern in the Chicago area, the threats posed are nothing like that faced in San Antonio by the area’s porous karst geology, she said.”

Local hydrogeologist and Edwards Aquifer expert George Veni said an issue “lost in the debate” is that contamination is already occurring in the aquifer. But because there has been no research on cause or effect, it is “impossible to estimate how much more pollution the aquifer can take before the water becomes truly fouled and requires filtering through a water treatment plant before it can be safely routed to area taps.”

“That’s what worries people such as Graciela Sanchez, director of the Esperanza Peace and Justice Center, who will continue to cast a critical and suspicious eye at the project. ‘What the presented us was the best they thought they can do, but they have no history with this,’ she said. ‘We don’t know for a fact that it is not going to leak. It’s just going to be, ‘Try it and see how it goes.’”

April 29,2005 (8A) **PGA Tour seeks taxing district on top of the non-annexation deal it obtained from the city four months ago.**

A bill sponsored by Sen. Jeff Wentworth, R-San Antonio and “crafted” by County Judge Nelson Wolff would allow PGA Tour to create a taxing district overseen by Bexar County commissioners. “‘Yeah, we’ve been talking about it a while,’ said Wolff, who testified for Senate Bill 1870 in a committee hearing. ‘We told them right from the very start that we would be amenable to using our public improvement district if the city allowed us to.’”

“Annalisa Peace, executive director of the Greater Edwards Aquifer Alliance, called the bill outrageous, and an ironic contrast to Proposition 1 on the city’s May 7 ballot, which asks voters to approve a sales tax to buy land to protect the aquifer.

“‘We’re asking for taxpayers to give us money to buy land over the recharge zone,’ she said, ‘but we’re also giving away money to develop over the recharge zone, which is going to hike those land prices.’”

The proposed bill would not grant the taxing district eminent domain, which means a county-appointed board would have some oversight. “The bill calls for the county judge to appoint three of the board members, while county commissioners would appoint two. The county would have the authority to approve board actions, including the tax rate it assesses.”

One of the reasons activists opposed the original PGA Village deal was its taxing district, which would have given the development the right of a city. “This keeps the power within the public body,” Wolff reportedly said. “It does not turn it over to the developer.”

Peace said that was an improvement but that the resort’s board would still have the power to issue bonds. “‘If governmental entities keep giving away the right to issue bonds, at what point are they governmental bonds?’ she asked. ‘It perverts the whole purpose.’”

The provision to seek a taxing district evidently was included in the agreement signed by the city in January. “Mayor Ed Garza said city officials ‘always knew there would be a potential request from PGA Tour to the county in regard to the assessment. That was something we knew was allowed.’ Wolff said it was the city’s decision to allow the district within its extraterritorial jurisdiction.”

“Garza said he doesn’t recall discussing whether having both a non-annexation and a taxing district would be crucial to completing the project.” According to Wolff, “the resort might also have the option of using a resort fee, but said the option of a taxing district ‘certainly could be’ crucial.”

When asked whether the bill was drawn up with PGA in mind, Sen. Wentworth reportedly said, “It may be used to help PGA. That may be a result of the bill.”

April 30, 2005 (3B) **“Will it be PGA Tour business as usual after mayoral election?”**

Political editor Jaime Castillo assails the “stealth deal” for PGA Tour in his column, writing that “tax conscious voters ... have to be galled by the potential creation of a special taxing district to

benefit an already wealthy developer” and “upset by what they’ll term as another ‘bait and switch.’”

Recapping events that led to the scrapping of the original PGA Village deal and a “major problem” being that it was done “out of the public eye,” Castillo writes that “the special taxing district with the city went away in exchange for stricter environmental controls and a 29-year non-annexation agreement.”

“But now we come to find out that the city’s deal gives Lumbermen’s the opportunity to have the non-annexation deal and a special taxing district from the county. It is no wonder that voter participation has dipped so low in recent years and why it should surprise no one if many residents don’t expect anything but business as usual when the mayor’s race is over.”

May 1, 2005 (1B)      **“If you don’t like the PGA’s taxing district, what does it matter?”**

Columnist Carlos Guerra writes: “If you thought that instead of a lucrative taxing district, the city would give developers of the latest PGA development scheme a 29-year non-annexation agreement, and you are now surprised that they may get both, don’t be shocked if they get even more.

“That’s right, there may also be an abatement of county taxes. And altogether, that will allow for much of the resort’s costs to be financed with low-interest government bonds repaid with tax money.”

Guerra points out that “implicit” in the second PGA deal, which called for a non-annexation agreement in lieu of a taxing district “roughly equal in value,” was language that Lumbermen’s “would not try to create an entity ‘with the power to tax or issue debt’ or ‘receive an abatement of taxes from ... Bexar County.’”

That language “prohibiting a special taxing district and a county tax abatement vanished, something that wasn’t noticed until [Sen. Jeff] Wentworth filed SB 1879 to create another special taxing district to benefit Temple-Inland [the parent company of Lumbermen’s].

Guerra writes that both city and county officials “say they expected a taxing district on top of the non-annexation agreement, and that no misrepresentation was intended. But why, then, was Wentworth’s bill not introduced until April 25, requiring special Senate action because it came long after the deadline for filing new bills?”

Among the details in Wentworth’s bill “that raise serious questions” are provisions that:

1. “require the district’s directors to have a financial stake in the deal,
2. exempt them from certain conflict-of-interest laws, and
3. authorize them to use tax money to benefit the project.”

“Like the earlier district, this one also will be empowered to collect property, hotel occupancy and sales taxes, and unspecified fees. It also will be able to sell bonds. But unlike the taxing district rescinded by City Council after voters demanded a voice, the county will authorize this one. And that means it won’t be subject to a voter referendum. How ‘bout that?”

May 1, 2005 (1B) **“PGA district unknown to public.”**

City and county “insiders” were aware that Lumbermen’s was reserving the right to seek a special taxing district for its PGA Tour development in the agreement approved by City Council on Jan. 6 and finalized on Jan. 28, but for the public, “it was a different matter.”

“I think people are shocked that this is in the agreement,’ said Erin Zayko, coordinator of Smart Growth San Antonio,” which while not supporting PGA Tour didn’t battle against it either, considering the environmental plan an improvement over earlier proposals.

“But the possibility of a special taxing district is something else altogether. ‘We’re definitely against it,’ Zayko said. ‘This is what 77,000 people were opposed to when they signed the petitions.’”

County Judge Nelson Wolff “chafes at the suggestion that the two taxing districts are similar, saying the previous one ‘was an entirely different deal’ ... more ‘developer driven’ ... with Lumbermen’s appointing its board of directors.” The new district also would have “fewer city powers than its predecessor,” according to Wolff.

“As far as the bill itself, Wolff said it shouldn’t have come as a surprise,” as it appears in the city’s contract and he” touched on the legislation during a Commissioners Court meeting within the past month, ‘and I said it could be used for the PGA.’”

Lumbermen’s approached Wolff about creating a special district as a “fallback” because they “had wanted to charge guests a resort fee—a line item on their hotel bills—to help pay for the project” but weren’t sure if resort fees are legal in Texas.

“In the meantime, the bill has stunned activists who fought the PGA deals. ‘The arrogance and audacity to do this ...,’ said Maria Berriozabal, a former councilwoman and longtime opponent. ‘The special district was the No. 1 issue that the council got rid of. The council didn’t do it. Now the county is going to do it.’”

May 24, 2005 (1A) **“Rep wants public vote on PGA tax district deal.”**

Rep. Lon Burnam, D-Fort Worth is blocking passage of a bill to create “a special taxing district to raise money for a PGA Tour resort in North Bexar County unless the county delegation pledges to allow a public vote on the deal.”

At a news conference in front of San Antonio’s City Hall, activists supported the call for a countywide vote. “I want an election. For me, that’s the bottom line,’ said Maria Berriozabal, a former city councilwoman and longstanding opponent of building a golf resort over the Edwards Aquifer recharge zone.”

“The city’s first agreement with developer Lumbermen’s Investment Corp—which included a special taxing district and involved PGA of America, not PGA Tour—collapsed in 2002 after 107,000 people signed petitions to put the deal to a vote.” Speakers at the news conference “called the current bill a back-door attempt to restore the original pact. The opponents placed two clear plastic tubs filled with petitions signed in 2002 near City Hall’s entrance.”

“‘Since that time in August 2002, the mayor and city officials have worked diligently to make sure that Lumbermen’s gets (a deal similar to the original pact) without a vote of the people, and that’s outrageous,’ said Amy Kastely, a legal adviser to the community activists fighting the development.”

Aug. 17, 2005 (3B) **Bexar County Commissioners okay PGA tax district.**

They set up a public hearing for Sept. 1 on the proposed 2,847-acre taxing district, “which would affect only resort residents and guests [and] will help Lumbermen’s Investment Corp. pay for building houses, a JW Marriott Hotel, and two golf courses on its land in northern Bexar County. The county won’t forgo any taxes in the resort, but the city has agreed not to annex the property, and not tax it, for 29 years.”

“County officials helped push through the legislation in the most recent regular legislative session to allow the taxing district in its current form.”

Sept. 2, 2005 (1B) **“Political insiders” and “corporate heavy-hitters” are chosen to make up the first board of directors for the PGA resort’s special taxing district.**

At a public hearing on the special PGA tax district “where business and chamber types spoke in favor of the resort district,” Commissioners announced a slate of seven directors, including four business leaders, a former councilwoman, a financial adviser, and a city hall lobbyist.

The board will next elect a chairman and meet with PGA Tour developers. “Then they’ll call an election that Wolff characterized as a formality, because only the owners of the unpopulated property would be eligible to vote.”

As to why only one person showed up to speak against the district (“Jack Finger, a regular critic at public meetings”), “Annalisa Peace, executive director of the Greater Edwards Aquifer Alliance said there wasn’t much point in attending the hearing because the resort appeared to be a done deal.”

“Christel Villarreal of Aquifer Guardians in Urban Areas called the hearing and the election shams. ‘We think the people weren’t really represented and the county caved in,’ Villarreal said. The resort will spur more growth in the area, she added, costing the city and county more in the long run.” Lumbermen’s John Pierret “disputes the idea that the resort will spur growth, saying it’s already there.”

“County officials are negotiating with Lumbermen’s and other area landowners to pitch in for road upgrades in the fast-growing area. County Economic Development Director David Marquez said the county alone expects to collect an estimated \$95 million in taxes from the district over 25 years, with school, college and hospital districts looking to collect much more. If it were just houses on the property, as originally planned, he said the county would collect an estimated \$25.5 million.

The individuals appointed to serve as directors of the PGA taxing district are former councilwoman Lynda Billa Burke, financial advisor Robert Rodríguez, city hall lobbyist Walter

Serna, Jim Calloway of SBC Communications, John Nixon of International Bank of Commerce, auto dealer Ernesto Ancira, and Valero Chief Administrative Officer Keith Brooke.

Oct. 15, 2005 (1D) **“S.A. the big winner as PGA Tour comes to town.”**

Business columnist David Hendricks chronicles behind-the-scenes efforts to bring PGA Tour to San Antonio after PGA of America withdrew its PGA Village proposal. The city’s “business community felt shamed,” he writes, and that’s “when SBC Communications’ Ed Whitacre and Valero’s Bill Greehey swung their golf drivers. They called on the other big men’s professional golfing organization, the PGA Tour based in Ponte Vedra, Fla., to rescue the resort project.”

“The Whitacre-Greehey teams was no accident. The two executives head companies that sponsor San Antonio’s two annual PGA tournaments...”

According to PGA Tour official Vernon Kelly, Hendricks writes, “Whitacre and Greehey felt the failure of the PGA Village was a black eye, an embarrassment to the city. It should be no surprise to you that when they make a phone call, it produces results. We put together a team to evaluate the city and the situation.”

At a dinner presentation organized by the San Antonio Manufacturers Association before more than 60 business owners and executives, PGA Tour’s Kelly “summarized what Bexar County will possess when the Cibolo Canyons [PGA Tour] resort opens in 2008.”

- “Two 18-hole tournament-quality golf courses, both designed by golf stars—one by Greg Norman, the other by Pete Dye.”
- “A 1,000-room hotel operated by J.W. Marriott, Marriott International’s top brand and the first in South Texas.”
- “Luxury housing on spacious lots dotting the 2,847-acre property...”

“After a spring 2006 groundbreaking ceremony, the entire resort will open in the summer or fall of 2008.”

“What Scottsdale is to Arizona, San Antonio will be to Texas, with profound economic development implications. Corporations will be able to entertain clients at Cibolo Canyon at a higher level than before. Executives of companies looking for new headquarters or operations will be attracted to this new high-end resort.”

“Had there been no hotel-golf resort, Lumbermen’s would have built dense housing, both houses and apartments, on the property. The hotel-golf resort actually will result in less pollution and less traffic congestion than the alternative. And maybe coincidentally, public opposition has faded. Perhaps the Toyota plant and a possible Texas A&M University campus on the South Side have convinced San Antonians that balanced growth will occur after all. San Antonio’s identity now is better ensured, and a top-notch hotel-golf resort will make it glitter.”

Oct. 25, 2005 (1B) **“Petition signatories aren’t exactly getting the vote they wanted.”**

In revisiting the story of the development of the PGA golf resort, syndicated columnist Carlos Guerra writes about the changes he observed from the time he first visited the site in 2001.

“When I drove to the site again on Monday, I was stunned by the intense development that has

engulfed the area. Big-box retailers, strip malls and fast-food eateries now line the roads, which also are littered with hundreds of signs advertising the McMansions that now crowd nearby lots.”

He concludes by noting that in November “an election will decide whether the taxing district will become a reality, and issue hundreds of millions of dollars of tax-free bonds for the developer.” But none of the tens of thousands of people who signed the petitions in 2002 will vote. “Only the five people who reside in the district—and who work for the developer—will cast ballots.”

“I don’t think a poll is needed to tell us how the vote will go.”

Dec. 5, 2005 (1B)     **“Not all resort’s plans in play.”**

The “complex business agreements that will make the whole [luxury PGA golf resort] possible” aren’t ready. “The final agreement should be nailed down before the year’s end, officials said. ‘A deal that’s this large takes time,’ said Trish DeBerry, spokeswoman for Lumbermen’s...”

“The taxing district has a recently appointed board that has yet to complete a plan with Lumbermen’s and Marriott’s on exactly how it will pay for the resort’s construction.”

Dec. 10, 2005 (3B)     **“Wolff’s remarks illuminate secret backroom dealing on golf resort”**

Columnist Jaime Castillo writes about County Judge Nelson Wolff ‘s “blunt, straight-shooting style is typically a breath of fresh air in a world of 24-hour spin. But sometimes his honesty brings us too close to the reality that politics involves a whole lot of backroom dealing by a small class of elites.”

“It happened Wednesday in a posh hotel ballroom where Wolff and some of the city’s biggest business interests were doing cartwheels about the official announcement of the PGA Tour’s Cibolo Canyons development. Referring to the delicate tightrope the project’s backers had to endure in the face of fierce public opposition, Wolff cavalierly talked about the behind-the-scenes machinations that were required to revive the hyper-controversial golf resort over the Edwards Aquifer recharge zone.

“Those dealings included secretly courting the PGA Tour after the pullout by the PGA Village, and quietly going to the Legislature to pass a bill that lets the development district levy taxes and issue bonds. ‘We tried our best not to let it get into the newspaper, and it worked for a while,’ Wolff said.

“Given that journalists are neck-and-neck with ambulance-chasing trial lawyers at the bottom of the food chain of public opinion, no one is likely to feel sorry for the newspaper because it was kept in the dark about something. But it’s bigger than that. What Wolff was really saying—and the attendees by extension—is that the project’s backers wanted to keep things like the taxing district a secret because a similar provision in the PGA Village deal emboldened 77,000 people to sign petitions opposing it.

“From an economic development and tourism standpoint, the new PGA Tour resort is still likely to be a major coup for San Antonio. But arrogant comments like Wolff’s won’t make opponents feel any better about it.”

## 2006

Jan. 15, 2006 (1B)    **“Monthlong sewer spill is a sign of what development brings”**  
[column printed below in its entirety]

Syndicated columnist Carlos Guerra writes: “Admittedly, I seldom ventured north of Loop 410, much less Loop 1604, until I stumbled upon the PGA Village story. In fact, I often joked that my visa didn't allow me north of Hildebrand.

“But after discovering the incredible tax giveaway hired-gun lobbyists were planning to get for a subsidiary of Wall Street behemoth Temple Inland, stories started taking me to the area regularly. In those years, as I watched the bulldozers scrape one acre after another barren, I fell in love with this ecologically sensitive patch of marginally productive land, and to appreciate its importance. Over the Hill Country, three weather patterns converge to produce—over the long term—the generous rainfall that literally gushes into the Edwards Aquifer. The massive limestone cistern is believed to be the world's second-largest karst aquifer.

“Last weekend, a tipster sent me a secondhand tip, with photos. A Texas Department of Transportation bulldozer scraping right of way for a planned tollway sheared a San Antonio Water System sewer main, the note said. Since Dec. 14, untreated sewage has been spilling into the aquifer. Most of the note was accurate, except that the "stuff" had been flowing since Dec. 7.

“Friday afternoon, I drove again to the spot northwest of U.S. 281 and Evans Road and found that San Antonio Water System workers were still removing ‘material’ by the truckload.

“As I got out of the car, the sky was a clear, deep aquamarine. The temperature was deliciously brisk and the wind was howling. Evidence of our extended dry spell was obvious in the hardscrabble that a year ago was bright green but today has brownish hues. Walking to the site, the thin topsoil dusted up until I reached the spill, where, strong wind notwithstanding, the odor confirmed its contents.

But the trip to the site also had its lesson. Passenger cars were choking U.S. 281 in both directions, slowed by poorly planned traffic lights. And in the traffic were many trailers hauling construction equipment. Among them were two very large trenchers, each equipped with massive vertical circles of tempered-steel points that grind deep trenches for pipes through the porous limestone that underlies the thin soil.

From a distance, the spill site itself seems unremarkable. But up close, it was not a small spill. And much of the rock uncovered by the bulldozers, before federal officials stopped them, is "vuggy stone," limestone with holes through which the rainfall flows into the aquifer. More disturbing is that raw sewage flowed for a month before it was stanchd but there was little evidence of large puddles, indicating, perhaps, that a lot of what spilled recharged easily into the porous aquifer.

Equally disturbing is that among the photos sent to me, which were taken before SAWS crews arrived, is one of a sign knocked ajar, apparently by a bulldozer. It is still there and still at an angle. 'Sewer main,' it clearly warns. ‘Contact San Antonio Water System before excavating.’ Waiting for the next dump truck to arrive were two SAWS workers.

“‘Everything under control?’ I asked. Smiling, one replied: ‘For the time being.’ I know exactly what he means. This is only the beginning.”

Oct. 13, 2006 (3B)   **“Council approves extension for PGA golf resort”** [in its entirety]

“The City Council on Thursday agreed to extend construction deadlines for the Cibolo Canyons PGA Tour golf resort in northern Bexar County, reviving the sour feelings among environmentalists who have been battling the project for more than four years.

“Although an organized protest did not materialize, opponents of the project spoke against changes in its 29-year non-annexation agreement with the city, including a new provision in which San Antonio Water System would allow developer Forestar Real Estate Group to use Edwards Aquifer water for golf course irrigation.

“The resort's opponents, who tried unsuccessfully to get the project before San Antonio voters, said they are still against this type of development over the Edwards Aquifer recharge zone. ‘Four-and-a-half years ago I knew nothing about the PGA,’ said Graciela Sanchez, executive director of the Esperanza Peace and Justice Center. ‘I did know, however, that endangering our sole source of water was wrong.’

“Proponents said the resort would be yet another distinguishing development in the San Antonio landscape, bringing more jobs and tourism; and the amendments would actually strengthen the environmental and development controls. ‘Go look at the development and you will find no better, higher quality development in San Antonio,” said Forestar Executive Vice President John Pierret. Pierret denied claims that the time extensions were evidence of financial troubles, saying, ‘It's just the opposite, we're moving full steam ahead.’

“The deadline extensions give Forestar, formerly Lumbermen's Investment Corp., six more months to begin construction of the Marriott hotel and anchor golf courses and 18 more months to complete construction. The developer said the extra time is needed because Marriott International wants to expand the hotel from 800 to 1,000 rooms. The changes, approved on an 8-3 vote, also secured a 130-acre linear park for the city, and an agreement that if any of the golf courses are ever abandoned they would remain open space.

“Under the water provision agreement, Forestar will purchase Edwards Aquifer Authority water rights from a third party, of which they will use about half to establish the golf course turf, said SAWS CEO David Chardavoyne. After that, SAWS will have the option of purchasing the remainder of the pumping rights to add to the utility's inventory, Chardavoyne said, adding the developer also would be subject to drought restrictions.

“Council members warned this is the last time they will look favorably upon making changes to the plan. ‘Today is about an extension of time to get things done,’ Councilman Roland Gutierrez said. ‘It's time to get on the road and get this behind us.’ Councilwomen Elena Guajardo, Delicia Herrera and Patti Radle voted against the amendments.”

## 2007

June 2, 2007 (1D)     **“Work begins at PGA site”**

“A month before a deadline to begin construction on the Cibolo Canyons PGA Tour golf resort, Bexar County Judge Nelson Wolff said Friday that work was under way. He made the announcement at the northern Bexar County construction site, with Caterpillar tractors in the background near freshly turned dirt. While ‘it’s been a rocky road,’ he said, ‘today you can see construction being done.’”

“‘This is going to be a top environmental project that you won’t see anywhere in the state of Texas,’ Wolff said at a media conference at the Cibolo Canyons construction site. ‘It’s on schedule, and it’s meeting the requirements for the nonannexation agreement.’

“The project will include a JW Marriott hotel and two championship golf courses. Wolff worked with San Antonio-area legislators to push the deal through. A PGA Tour representative has said the project will generate more than 2,000 permanent jobs, 5,000 construction jobs and more than \$1 billion in tax revenues during the next 25 years.

“The 29-year nonannexation agreement, which allows the operator of the resort to use its own tax proceeds to fund improvements on the property, would have expired next month if construction had not started by July 1. That deadline was approved in October, when the City Council approved a six-month extension of the construction date.

“The agreement also stated that project developers must meet certain construction deadlines, wage guarantees and environmental safeguards. Developers also were given 18 months to complete construction after the July 1 start date.

“Throughout the eight-year fight to build the resort, opponents have expressed concerns that the golf courses would endanger San Antonio’s water source since they’re partly over the Edwards Aquifer recharge zone and would use Edwards water.

“‘On behalf of Save Our Aquifer, it’s a sad day for democracy and the people of San Antonio for generations to come, especially at a time when water is precious around world,’ said Amy Kastely, a pro bono attorney representing Save Our Aquifer. ‘San Antonio will be known as a city willing to pollute one of the world’s largest aquifers merely to have a playground for the rich.’”

“The JW Marriott, Marriott’s high-end brand, will be one of the largest hotels in San Antonio when completed in January 2010. It will feature 138,000 square feet of meeting space, a 40,000-square-foot ballroom and a 26,000-square-foot spa. The grounds of the hotel will mirror the natural Hill Country landscape to provide a habitat for deer, birds and other wildlife.

Along with the hotel, two 18-hole courses also will be completed by 2010 to be a part of the Tournament Players Clubs network that hosts many PGA Tours. Golf industry legends Pete Dye and Greg Norman will design the courses.

In contrast to the hotel, the residential portion of the project has been going full speed ahead with about 500 of the 1,800 lots sold to home developers.

The Cibolo Canyons residential community will have homes ranging from the \$200,000s to the million-dollar mark. An amenity center, currently under construction, will include a lazy river, lap pool, soccer field and community meeting areas.

June 2, 2007 (1C)     **“TPC starts cutting into wait time”** [column printed in its entirety]

Sports columnist Richard Oliver writes of the “grading and blasting” that is “finally” under way at the site of the “Cibolo Canyons PGA Tour project”:

“As Bexar County judge Nelson Wolff spoke at a makeshift podium on Friday morning, flanked by various officials and dignitaries standing where the asphalt ends on the new Cibolo Canyons Parkway, hulking construction equipment and blazing green hills provided a telling background.

“So did the sight of a pair of construction workers, legs crossed under bright yellow safety vests, stretched out leisurely in the heat on the broad hood of an idle Caterpillar grader. There was work to be done on the new JW Marriott resort and TPC [Tournament Players Club] San Antonio courses, but it would have to wait.

“The talking wasn't finished yet. It seemed all too fitting.

“When it comes to the Cibolo Canyons PGA Tour project on the county's far north side, the scenario hasn't wavered much over the past several years.

“Hurry up and wait. But today, as dirt is finally turned in earnest on building the 1,000-room hotel, with construction on a Greg Norman-designed course set to begin by next month, it's fair to trust that the PGA Tour won't be employing the same game plan.

“San Antonio has waited long enough.

“The city's Valero Texas Open is currently idling as part of the tour's lightweight fall schedule, but with vibrant hopes that a slot in the coveted spring portion of the calendar will open up soon. Friday's official announcement that grading and blasting are under way on the location for the exclusive Marriott, with peripheral construction on the golf properties pending, should carry seismic impact all the way to the tour's Florida offices.

“PGA Tour commissioner Tim Finchem and his staff, in public and private, have expressed aspirations that the San Antonio project will be a major jewel in the tour's necklace of luxury complexes strung from coast to coast. Indeed, the Texas Open, contractually guaranteed to occupy the next prime schedule opening, knows its future is strongly linked with a move to the TPC layouts.

“The most obvious destination is the course planned by Norman and player consultant Sergio Garcia. The layout, carved out of the cedar, mesquite and cactus that populate the undulating acreage, is scheduled for completion by next year. With a two-year allowance for maturation into the form needed to host a professional tournament, the Open might be able to move by 2010.

“Pointing to a colorful rendering of the course, which has its 18th green tucked hard against the Marriott plot, Forestar Real Estate [formerly known as “Lumbermen's Investment Corp.”]

executive John Pierret smiled. From low point to high on the spread, he noted, it will be only a hike of 140 feet in elevation for players and fans, a veritable jog compared to La Cantera's withering treks. 'The sun will come in from this direction, and the hotel is right there,' Pierret said. 'It will be great closing hole for television.'

"That's a prospect sure to tickle Finchem's ear in coming months, especially as he considers some of the weaker stops on the celebrated FedEx Cup portion of his calendar, including recent disappointments in Irving, Fort Worth and New Orleans. Soon enough, the tour will notice that its San Antonio tourney, headed to a touted PGA Tour property, riding a longstanding sponsorship agreement with Valero and carrying more than \$7 million in annual charity muscle, will be primed for something more significant. Such as prime-time network exposure, for instance. 'It will be something like the Spurs moving out of the Alamodome to a new arena' said Tony Piazzi, chairman of Golf San Antonio.

"The prospect of it seemed real enough on Friday. Before Wolff at the podium, sprawling homes had sprouted across the landscape all the way to Evans Road. Behind him, stretching beyond yellow graders and bulldozers and resting workers, the eventual extension of Cibolo Canyons Parkway had been sliced out of the brush and rock.

"Only one thing was left to do. Hurry up and wait, for a while longer."

Oct. 19, 2007 (1C)    **"Marriott resort finally breaks ground"**

"San Antonio's most highly anticipated golf resort made a giant leap forward Thursday with the groundbreaking of a JW Marriott hotel, but golf course design legend Pete Dye joked that if the project had taken any longer, he might not have been around to see it.

"'I'm glad to see something happening today,' Dye, 81, said at a who's who groundbreaking event that brought out executives of some of the nation's top companies, including AT&T, Miller Global and Temple-Inland. Marriott International CEO Bill Marriott said the only other hotel project that took this long was its 428-room JW Marriott in Cairo, Egypt. He said that hotel is successful, and he only can assume this one will be just as successful.

"'We have great success here (in San Antonio) with our 19 hotels and 4,000 rooms,' he said. 'We know what a strong market this is. This resort will be one of the largest venues for group business in the state, and San Antonio has one of the best tourism economies in the whole nation.'

The JW Marriott San Antonio Hill Country Resort & Spa in Northeast Bexar County will be a part of a project that combines 36 holes of Tournament Players Club championship golf in two courses designed by golf legends Greg Norman and Dye."

"John Pierret, executive vice president for Forestar Real Estate Group, the developer of the project, said getting to this point has been a long time coming for him. He said the hotel project went from being just 250 rooms to now more than 1,000.

"Bexar County Judge Nelson Wolff added that it took a call from Marriott to Sen. Jeff Wentworth, R-San Antonio, to push through legislation that allows tax proceeds to fund improvements on the property. The agreement states that project developers must meet certain

construction deadlines, wage guarantees and environmental safeguards.

:Throughout the eight-year fight to build the resort, opponents have expressed concerns that the golf courses would endanger San Antonio's water source because they're partly over the Edwards Aquifer recharge zone and would use the aquifer's water."

"Wolff said that although the project was surrounded in political and environmental debates, the tenacity of those involved eventually paid off. 'This is going to take San Antonio to a new level as a major golf destination,' Wolff said. 'This is the most environmentally sound project ever done in Texas. You won't see this anywhere else.'"

## **2008**

Sept. 17, 2008 (9C) **"TPC a vision to behold"**

Sports columnist Richard Oliver writes: "In late September 2005, legendary golf course architect Pete Dye stood on a tree-choked, cactus-littered landscape in far north Bexar County and observed aloud that the acreage would suit his purposes handsomely. 'You have great land for a golf course here,' he said, 'because God made it that way.'

"Three years later, real estate executive John Pierret, who was on site for that visit, recalls Dye's words with a smile. What is now TPC San Antonio has grown into something even greater than expected. It has two courses, currently under construction and scheduled to open by 2010.

"'It's amazing how close it is to Pete's original vision,' said Pierret, an executive vice president for Forestar Real Estate Group, which helped spearhead the PGA Tour development. 'His vision was, 'Let's do it along the hilltops,' and it's incredible how close it is to the actual first drawings. He had a vision, and he stuck with it.'

"Dye's foresight, now being formed as the AT&T Canyons Course, and that of superstar player Greg Norman, designer of the adjacent AT&T Oaks Course, are taking shape by the day. The latter, a 7,500-yard-plus layout that will someday host the Valero Texas Open, was showcased Tuesday to a scattering of media members.

"Roughly half of the Oaks course, which is on pace to open a few months ahead of Dye's tract, has been grassed in above a clay-capped, closed-loop irrigation system designed to catch water and recycle it back onto the course, protecting the valuable Edwards Aquifer water supply.

"While still rough and immature throughout, the Norman design is emerging as a rugged test for players, whether guests at the centerpiece J.W. Marriott Resort, also under construction, or the PGA Tour players scheduled to be on site in May 2010."

## **2009**

Jan. 28, 2009 (2C) **"'Crown jewel' nearing completion"** [printed below in its entirety]

"The end is in sight for completion of the \$600 million JW Marriott San Antonio Hill Country Resort & Spa on the city's far North Side. Officials gathered Tuesday for a ceremonial topping off at the expansive site, which features a 1,002-room hotel and a lengthy list of amenities.

“The event also marks a one-year countdown until the first guests start arriving in January 2010. ‘There are many in this community who thought this day would never come,’ Bexar County Judge Nelson Wolff said. ‘The JW Marriott will be a crown jewel.’”

“Discussions with Marriott began 10 years ago, said John Pierret, executive vice president of Forestar Real Estate Group, which owns Cibolo Canyons, the master-planned community that includes the resort.

“Beyond a massive hotel, the resort also includes a \$13 million water park, seven restaurants and lounge areas, a 26,000-square-foot spa, 140,000 square feet of conference space and, of course, the two PGA Tournament Players Club golf courses. ‘We tried to determine what would truly make this a unique product,’ said Dave Johnstone, executive vice president of Miller Global Properties, the owner of the resort.

“So far, 80 groups have made reservations for meetings and conferences at the resort, which boasts the largest hotel in the JW Marriott chain.

“Arthur Coulombe has been named the general manager of the resort. Coulombe is familiar with San Antonio; he first served as the general manager of the Marriott Riverwalk hotel about 30 years ago. ‘This resort will build that reputation considerably,’ he said of the city’s renown as a golf and vacation destination.”