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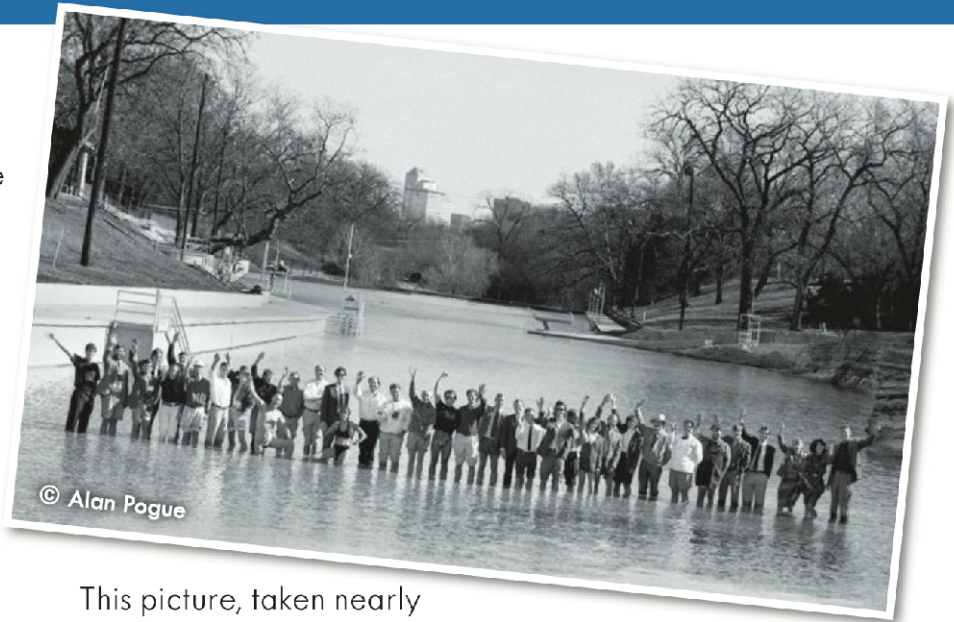
at 20

The Chronicle's Chronicles of the Historic
Battle To Save Barton Springs

PHOTO BY JANA BIRCHUM

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Whole Earth is a proud sponsor of the SOS Alliance's 20th Anniversary, honoring twenty years of diligent service to preserve Austin's natural treasure, Barton Springs. We invite all Austinites to commit to Saving Our Springs for future generations to enjoy.



This picture, taken nearly 20 years ago, shows local business representatives, standing in Barton Springs Pool, in a show of support for SOS. We hope you enjoy this flashback edition and are reminded of the importance of protecting our natural treasures.

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SOS at 20

The *Chronicle's* Chronicles of the Historic Battle To Save Barton Springs

In this special issue, we take a look back at the citizen movement leading to the landmark passage of the Save Our Springs Ordinance on Aug. 8, 1992. The campaign kicked off in force at an all-night City Council meeting in June 1990, when more than 900 people signed up to speak against a massive Barton Creek development. Our e-edition begins with former *Chronicle* writer Daryl Slusher's call to action before the hearing.

– Amy Smith

TABLE OF CONTENTS

JUNE 1, 1990 / VOL. IX, NO. 39

Page Two by Louis Black

Council Watch by Daryl Slusher

Barton Springs: The Dead Pool? by Daryl Slusher

JULY 17, 1992 / VOL. XI, NO. 46

Page Two by Louis Black

Taking the Long View: Twenty Years of Development Along Barton Creek by Daryl Slusher

Ad Archive Austin Business Leaders for the Environment support SOS

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JULY 24, 1992 / VOL. XI, NO. 47

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SOS Ordinance: For: Protecting Our Natural Resource by Bill Bunch

SOS Ordinance: Against: The Debate to Stop Growth in Austin by Barrett Allison, P.E.

Ad Archive Austin Real Estate Professionals are sold on SOS

Bond Election Endorsements For the Aug. 8, 1992 election

JULY 31, 1992 / VOL. XI, NO. 48

Bond Election Endorsements For the Aug. 8, 1992 election

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Save Our Springs: Clear and Simple by Daryl Slusher

AUG. 7, 1992 / VOL. XI, NO. 49

Of Outside Agitators, Polluters & Prevaricators by Robert Bryce

Ad Archive Austin Business Leaders for the Environment ask, “What will we leave to the children?”

AUG. 14, 1992 / VOL. XI, NO. 50

Life After August 8: An Open Letter to the Austin City Council by Daryl Slusher

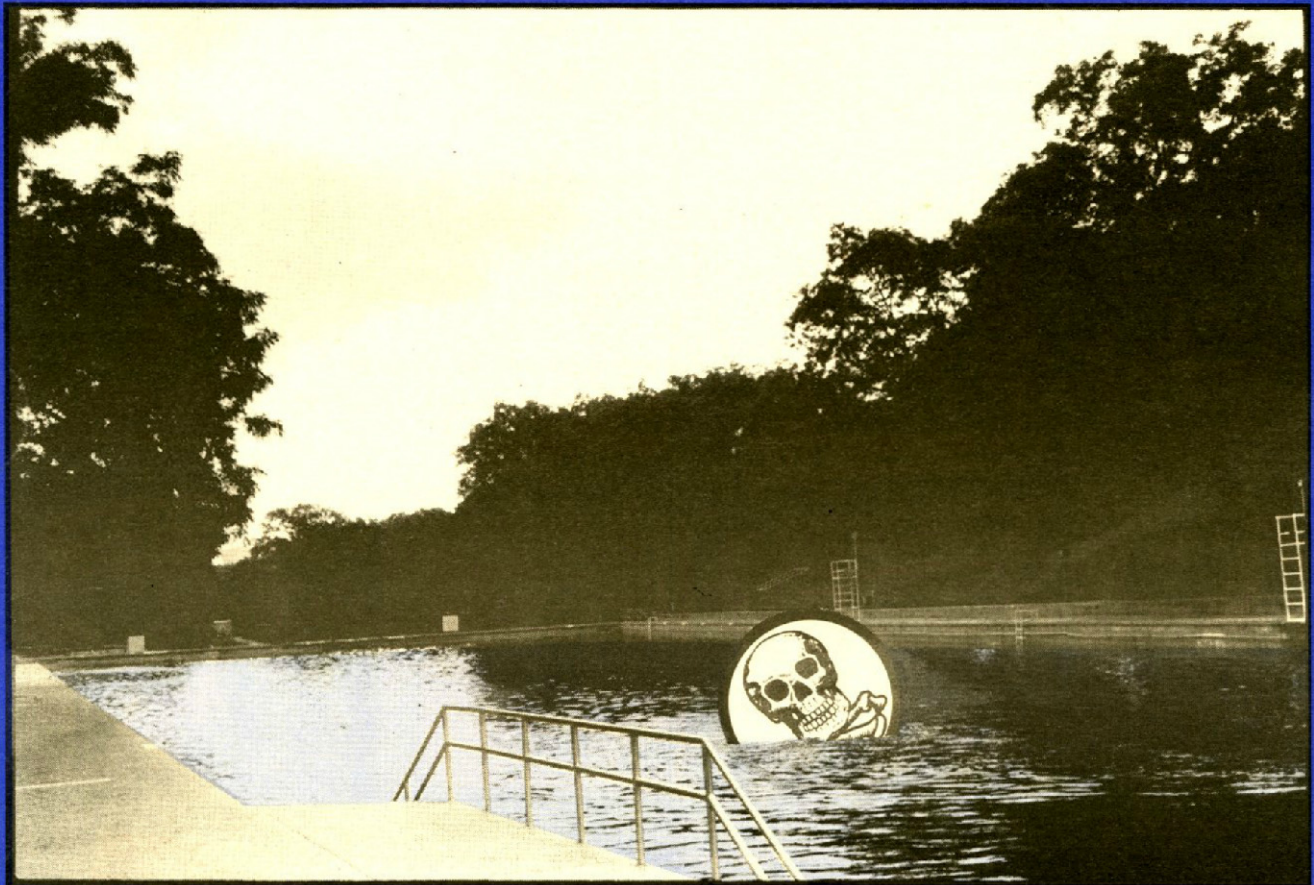
IMPROV AS A WAY OF THEATRE BY ROBERT FAIRES

AIDS CHAMBER MUSIC MARATHON BY STEWART WISE

★ THE AUSTIN ★

CHRONICLE

IF YOU DON'T read this issue



We'll POISON BARTON SPRINGS

SEE PAGE 10

Table of Contents

POLITICS

COUNCIL WATCH
by Daryl Slusher 8

TRUE STORIES
by Al L. Ears 9

FEATURES

ALOHA PETEY & ROSE
by Petaluma Pete 12

BEHIND THE POSTCARDS
by Rob Patterson 14

AIDS CHAMBER MUSIC
MARATHON
by Stewart Wise 16

IMPROV FROM THE INSIDE
by Robert Faires 18

MUSIC NEWS
by Ken Lieck 20

THEY'RE REALLY ROCKIN'
by Dan Forte 21

COVER

BARTON SPRINGS:
THE DEAD POOL?
by Daryl Slusher 10

FREEMAN McMORAN
by Scott Henson and Tom Philpott . . . 11

COLUMNS

QUEEN OF THE UNIVERSE 5

PUBLIC NOTICE 6

MEDIA CLIPS 6

SYLVIA 6

NEWS OF THE WEIRD 7

LISTINGS

FILM 22

FILM TIMES 23

VIDEO 25

MUSIC RECOMMENDED 26

LIVE MUSIC CLUBS 28

DANCE CLUBS 28

THEATRE, COMEDY, DANCE,
CLASSICAL, LITERA, GALLERIES,
KIDS, INSTRUCTION,
MISCELLANEOUS 34

MIND, BODY, SPIRIT — YOU AND
YOUR UNIVERSE 38

ABOUT AIDS 39

BACK OF THE BOOK

CLASSIFIEDS 37

MR. SMARTY PANTS 40

MAXINE! 40

LIFE IN HELL 40

JOEY WALDON 40

BUD 41

PAGE TWO

By Louis Black

Development adversely affecting Barton Springs and Barton Springs Pool is one of the controversial issues facing Austin for the 90s. It is amazing to us that this has attracted as little media attention as it has.

The heart of the heart of Austin is Barton Springs Pool. The community flows from there, is defined by it. But the pool can be destroyed. Try and imagine the city without it: a future Austin with a crumbling near-empty pool, restricted because what water there is too polluted for swimming. While we, on our cover, are joking about this threat, others might not be.

We are told that if our city council doesn't capitulate to the developers' demands, the latter will simply incorporate their own town and build whatever the hell they feel like. Let's stand tall to that threat, or bluff (a new luxury community seems unlikely to be very attractive if it has to develop its own school system and be dependent on the county for fire and police services). The council should vote no on this development. The new state PUD law described in Daryl Slusher's article should be challenged in the courts.

Unfortunately, although this would be an ideal issue on which to watch the new council cut its teeth, it may not come to that. The outgoing council may actually vote on this before mid-June.

On a happier note, we understand that Tower Records is committed to trying to preserve as much of the Varsity building mural as they can.

THE AUSTIN

CHRONICLE

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One of the more interesting developments of the World Cup warm-up campaign has to be the recent game in Israel between Israel and the U.S.S.R. Since the two don't share diplomatic relations, and don't exactly see eye-to-eye on many matters, this was one of very few direct contacts ever between citizens of the two nations. It turned out to be an interesting game, as well. The spirit of *perestroika* has spread even to Tel Aviv: the popular response to the Russian visit was enthusiastic, and made more so because this was to be a homecoming for the country's top four players, back from their stints in Europe. The crowd's mood turned ugly, though, when, some time between the teams' introductions and when they took the field, three of the four decided not to play, apparently due to a dispute over insurance, of all things. The Israeli fans, in an unexpected turn, started by booing their own team and cheering the Russians. By the end, though, the home side won over the fans, and pulled off a shocker of an upset, 3-2, over one of the favorites of the upcoming World Cup, who left town with serious questions about their defense, and without star forward Alexei Mikhailichenko, who suffered a shoulder injury that will sideline him for the WC, which starts next week.

Next week!?!? Yes, the long awaited *Italia '90*, the 1990 World Cup, starts next Friday, June 8. **Turner Network Television** (TNT, cable ch.16) will broadcast 24 games live, including the opener (9am Fri, June 8, Argentina-Cameroon), all three of the U.S. first-round games (June 10, 14, 19), and all the quarterfinals, semifinals, and finals, climaxing in Rome on July 8. (Most of those, and 13 games TNT doesn't have, will also be shown on the Spanish language Univision.) I'll give more details next issue, plus an explanation of how it all works and a preview of each of the teams:

Other World Cup tune-up action from the last week or two: **England** stretched their unbeaten streak to 17 games with a 1-0 win over Denmark. Further up the British Isles, **Scotland** was unceremoniously dumped at home, 3-1, by surprising **Egypt**, while the third British qualifier, **Ireland**, could only manage a 1-1 draw at home against Finland. The two British non-qualifiers fared better against teams who will be in Italy: by identical 1-0 scores, it was Northern Ireland over **Uruguay**, and Wales over **Costa Rica**, who may now be even longer shots than the U.S. The **United Arab Emirates** established themselves as the biggest underdog, though, by losing 2-0 to a decent Stuttgart team, and 4-1 to a mediocre squad from Nimes (France). Meanwhile, **Brazil**, one of the WC favorites, beat a combined team of players from the top two Spanish league squads, 1-0, while the **U.S.S.R.** bounced back from their debacle in Israel to beat two mediocre German league teams, 4-0 and 7-0.

POSTMARKS

Pants, Shirt, Shoes, etc. on Fire

Dear *Chronicle*:
Re the upcoming *Chronicle* Best of Austin issue: How about "Best Liar"? It could be individual, group or institution; it could be for most prolific lying in a given period of time or for single most sublime lie.
Having weathered the recent spate of elections, plus the wealth of perennial institutional liars Austin accommodates, I, for one, would have a difficult time narrowing my field of nominees... But would certainly appreciate the opportunity to try.
Thank you for your time and consideration.
Cordially,
M.M. Murray

The Pearl of North Austin

To the Editor:
Just thought I'd let you know that the Austin music "scene" doesn't end at 45th Street. In three years of hosting nightly live music here on the north-side, it seems impossible to get any press in your paper. We offer many of the same bands seen at Antone's, The Continental, etc., our cover (if any) is always less than other clubs, and we pay the bands as well or better than others.
What has compelled me to write is this week's issue. I sent pictures and information on two road shows for your recommended section. Having done this many times, I was surprised that they failed to make the paper. I was surprised to see that while guys like Mark Farnar and Simon Townsend were omitted, you did have room to mention a record release by "movin' Melvin." I'm sure Farnar could do a nice singing telegram if he were so inclined.
In the words of Andy Griffith, "You beat all I ever seen."
Clay Jackson,
General Manager
Pearl's Oyster Bar

P.S. No offense, Melvin.

World Cup-related events: There'll be a **World Cup Soccer Camp** during WC month, a youth instructional program featuring UT soccer players and benefitting the UT soccer program. There'll be four one-week sessions, Mon-Fri, 8am-noon. The first starts June 4; call **Mr. Soccer**, 343-6198, for info. Mr. Soccer will also be showing the TV World Cup games live in their store, if you feel like watching with some serious fans.

The U.S. pro leagues, meanwhile, are at opposite ends of their seasons. **The Major Indoor Soccer League** playoffs are down to the final round; Baltimore eliminated Kansas City, four games to two, to win the Eastern Division title, while the upstart Dallas Sidekicks were ousted by defending champ San Diego, 4-2 in the West. Still, it was a good year for the Sidekicks. Widely picked for last place in pre-season polls, they instead led the division wire-to-wire, and were up on S.D. two games to one before the Sockers' experience took over. The finals are starting as I write this; games 3 & 4 should be televised on HSE and/or ESPN this weekend. For those of you not familiar with Indoor Soccer, it's a fast-paced hockey-style game which is controversial among purists, but has drawn lots of fans due to the quick action and relatively high goal-scoring pace.
Meanwhile, outdoors, this is the first season for the **American Pro Soccer League**, the first national soccer league since the demise of the NASL. The 22-team APSL was formed by a merger of the Western Soccer League and the American Soccer League in the East. They're currently about eight games into their inaugural season; more later.

On the local front, there are two Austin semi pro squads whose seasons have recently begun: the **Austin Sockadillos** compete in the Southwest Indoor Soccer League, and outdoors, the **Austin Thunder** are defending champions of the newly-expanded Lone Star Soccer Alliance.



WORLD CUP SOUVENIRS & T-SHIRTS

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Really MADD

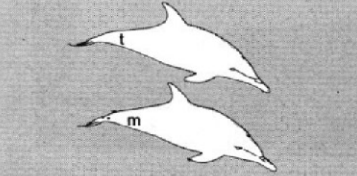
To Roxanne Boguka —
This is a letter concerning your article where you griped about having happy hours banned (5/11/90). You really have a lot of gall. You claim that most drunken drivers who attend happy hour get home safely — so why the hell are so many people being killed? Of course, not everyone is killed during happy hour — my grandfather was killed by a drunk driver at 9 p in the morning. But you have to realize that every step taken, including banning happy hours, can only help matters. Maybe you wouldn't have such a shitty attitude about what MADD is trying to do if someone in your family was killed. My grandfather was one of the greatest men in the world, and he will never see me graduate, marry, or see my children. Don't knock MADD — what they do is wonderful. What's wrong with putting a red ribbon on your car or Dial-A-Ride? It seems to me you think the whole deal is silly, and I don't like your attitude. You say you hope to never cause a death, but yet you obviously are going to continue drinking and driving. That is not being a responsible adult, and as a twenty-year-old college student, I don't mind telling you that. I agree with you that there are people who will abuse the privileges — you are one of them. For as long as you drink and drive, that is abusing your privilege. If they take away happy hour, drinks won't be as cheap, but you will still be able to get them. So stop your whining and grow up some. I didn't like your article or your attitude toward MADD. You can be sure that the next time I catch you griping about anything MADD does that you will hear from me again.

Dena Jones

The Hegemony of Pecan Street

Dear *Chronicle*,
Cinco de Mayo commemorates the date Mexico defeated the imperialist army of France at Puebla in 1862. On this date, troops were able to outmaneuver the French forces, winning one of the most glorious victories in Mexican history.
Here in our lovely city of Austin we celebrate that important moment in history with a festival at Fiesta Gardens. For some unknown reason Pecan Street Festival is held at the same time. This conflict of scheduling cuts down on not only the fun and profits but diminishes the importance of that date. This is the one time of year that all people of Austin can share in the celebration of this truly Mexican tradition.
We hope that the organizers of the Pecan Street Festival will re-examine their schedule so that all Austinites can enjoy both celebrations.

J.L. Tucker
Aleta Fairchild



Bob Larson, military retiree, small businessman, average American, woke up the morning of May 27, 1990 with more friends than he's ever had in his life. Everywhere he goes now people will tell him what a great guy he is and suggest what he can do for them and, of course, for the entire city.

Even as you read this Larson is being besieged by sweet-talking lobbyists who are trying to persuade him that they're really reasonable people after all. Larson, by the way, has promised to serve only one term. He bases this promise on the premise that not seeking reelection will free him to make decisions without taking personal political factors into consideration.

Larson has not claimed to be educated on issues other than those of a fiscal nature. He has promised to consult with key environmentalists before voting on environmental issues. He has promised to consult with neighborhoods on neighborhood issues. He has gone so far as to promise that his position on the Koenig Lane Freeway will be "whatever the neighborhood wants."

On the other hand, Larson has promised to forge peace between the warring factions in Austin's two-decade-long growth war. Larson says he will succeed where others have failed by "asking both sides to give up something." It's a tall order, especially for a rookie.

Last Saturday's other winner, one-term incumbent Max Nofziger, is correct in his analysis that he won because he distinguished himself from fellow incumbents Sally Shipman and George Humphrey. The narrowness of the victory can probably be attributed to the fact that the distinguishing moves came late in his term, after almost three years of playing along. The incumbent won by less than a thousand votes even though he had the endorsement of almost every newspaper and endorsement group in town (including the *Chronicle* and the *American-Statesman*).

The victory itself can be attributed to several factors. The number one move that distanced Nofziger from the council majority was his switch from support for the Manor airport site to support for Bergstrom. At the same time

COUNCIL WATCH

BY DARYL SLUSHER

Nofziger, braving an overwhelming tide of booster logic, announced that he wanted the base closed entirely. Many hope the response to that bold initiative will encourage Nofziger to take more chances during his second term.

Another contributing factor to Nofziger's

victory was his decision to hire campaign veterans Mark Hampton and Jimmie Lou Caples for the runoff. The two put together a turn-out-the-vote effort that made the difference. Hampton was an aide to both former councilmember Roger Duncan and former mayor Frank Cooksey. He also labored in Nofziger's 1987 victory, but has not been active in city politics lately. Caples is also a veteran of Nofziger's 1987 victory and more recently worked on Marcos de Leon's successful challenge to incumbent Precinct 4 County Commissioner Hank Gonzalez. Hampton, Caples and the rest of Nofziger's staff, however, couldn't have pulled off the victory without the volunteers, especially those who turned out on election day. In fact the strong base of election day volunteers is probably what got the central city turnout high enough to provide the margin of victory.

The New Line-up

Larson, the day after his victory, said he



Max tries to shake Bob Larson's hand; Bob avoids it narrowly.

foresaw a council majority of himself, Mayor Lee Cooke and Councilmembers Robert Barnstone and Louise Epstein facing off against Councilmembers Nofziger, Smoot Carl-Mitchell and Charles Urdy. This could be true on some fiscal issues, although Nofziger has voted with Barnstone and Cooke on many matters, including the bloody 1988 budget.

On other issues Larson's envisioned coalition is not such a sure thing. What seems more likely is that the council will be characterized by a trio of pairs, or duos. Larson will team up with Cooke a lot. On the opposite side will be Carl-Mitchell and Urdy, who will have serious disagreements with Larson and Cooke during the upcoming budget process. Another pair will be Robert Barnstone and Epstein who will unite around reform and fiscal issues. Early on the two are expected to push a plan that would forbid lobbyists from serving on city boards and commissions.

Barnstone is likely to ally with Cooke and Larson on many budget and fiscal issues, as are Larson and Cooke likely to support Barnstone's proposals in those areas. Epstein's fiscal approach is less certain, however. She has an extensive background in fiscal management, but that doesn't necessarily mean she will be a budget slasher. She also comes from a liberal political background, and during her campaign she stressed financial management rather than budget cutting. If she and Barnstone's alliance were to move in that direction, they would be able to stop Cooke's more rabidly right wing ideas. Yet Cooke and Larson would have no choice but to vote for the fiscal moves made by Barnstone and Epstein.

If the pairings concept turns out as predicted here, that would leave Nofziger as the lonely guy on the council. He could become a swing vote, exacting a high price for that vote. If he doesn't push a program Nofziger could become a fifth vote on winning causes, or a third vote on losing causes. Nofziger says his program is to make Austin into an environmental showcase, a tourist attraction, and a sports center. These goals will require extensive work and planning, the likes of which we haven't seen from Max thus far.

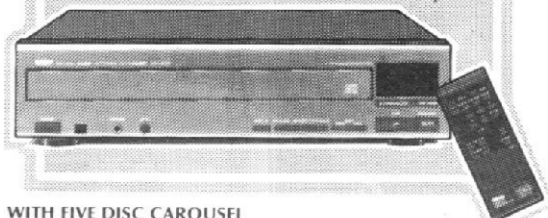
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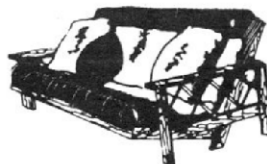
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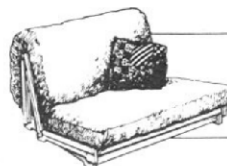
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Within a few years, Barton Springs and Barton Creek could be poisoned beyond repair, all so a few thousand people can live, shop, and play golf upstream.

A team of developers wants to build 2538 houses, 1900 apartment units, 3.3 million square feet of commercial development and three more golf courses (one is built already) on 4000 acres along Barton Creek. The development will also feature parks, but they will be private, off-limits to the general public. The property, called the Estates at Barton Creek, is located several miles upstream from Barton Springs and just upstream from where the creek dips into the Edwards Aquifer. Parts of the property are also habitat of the golden-cheeked warbler. The golf courses would be irrigated with effluent from the rest of the development. The Barton Creek Country Club, including the existing golf course, already sits on the property.

The original owners of the property were John Connally and Ben Barnes. They lost it when they went bankrupt. The current owner is Barton Creek Properties, a group composed of Freeport McMoRan, Inc. and Club Corporation of America, Inc. According to Citizen Action, a Washington based consumer group, Freeport McMoRan is the worst corporate water polluter in the United States and the number six overall U.S. corporate toxic chemicals discharger (see accompanying story). Club Corp. owns and manages golf courses and private clubs across the nation. (Golf courses, because of their extensive use of pesticides and fertilizers, are among the country's worst water polluters.) The chairman and founder of Club Corp. is Robert Dedman, a multi-millionaire who is also chairman of the State Highway Commission.

Living Inside the Law

Most of the property is outside the city limits, but it is still subject to city watershed ordinances. A new state law, however, could change that. Under provisions of this law, sponsored by State Senator Gonzalo Barrientos and State Representative Terral Smith, the developers are applying for approval of the project as a Planned Unit Development (PUD). PUDs allow cities to impose some controls on areas outside their city limits, but, as the law states, only as "agreed by the landowner and municipality." The developers of the Barton Creek PUD want Austin to agree to 19 waivers from city ordinances, including nine "environmental" waivers, and a waiver that would allow private parkland.



Gonzalo Barrientos

The case is not a simple matter of the council approving or denying the development. The new law says that if the developers don't get their way, they can incorporate as a separate town and avoid all of Austin's environmental and water quality restrictions.

If the council says no, or fails to approve the PUD within 180 days (on terms acceptable to the "landowners" or developers) then the city is considered to have given "consent" to "in-

BARTON SPRINGS: THE DEAD POOL?

OKAY, WE'RE NOT REALLY GOING TO POISON BARTON SPRINGS. In fact, nobody is planning to poison the pool. But while one man has been sentenced to prison for poisoning Treaty Oak — a largely ignored Austin historical landmark until it was attacked — a development is being planned above Barton Springs that could destroy the creek and the pool. The developers, who want to develop a huge section of land adjacent to Barton Creek Country Club, are in a build/build situation. If the city council approves their plans, they build the development. If the council says no, thanks to a new state law sponsored by environmental heroes Gonzalo Barrientos and Terral Smith, the developers can simply incorporate their own town and develop at will, free from any Austin environmental restrictions. Either way, Barton Springs, Barton Creek and the people of Austin are the losers. Even with the most stringent environmental controls, there will be run-off and increased pollution in the creek and pool. Given the size of the development, even if the damage is relatively minor, it seems only a matter of time and other developments before we lose the pool. This time let's avoid symbolism and stop the damage before it happens.

By Daryl Slusher

corporation." (The 180-day deadline is June 11, four days before the new council takes office.) The law further ties the city's hands because if the city fails to approve the PUD within the required 180 days, then it "waives all rights to challenge the proposed incorporation in any court."

POLITICS

Richard Hamner of Barrientos' office says the bill was brought to the senator's office by the city of Austin legal department and touted as a compromise measure to prevent further damage from legislators intent on stripping the city's power to regulate development. This legislative phenomenon was also known as "Austin-bashing."

Smith is an avowed basher but fancies himself an expert on water quality; Barrientos co-sponsored much of Smith's legislation, but prefers to style himself as a compromiser, protecting the city from even worse damage.

"I consider Barton Springs as the canary in the coal mine for Austin and Central Texas."

— Shudde Fath, age 74

Democrat Barrientos was reelected to the Senate in 1988. He was first elevated to the Senate in 1984 after 10 years as state representative for southeast Travis County. A key issue in Barrientos' original Senate campaign was protection of the Edwards Aquifer. Republican Smith is leaving the House after this term. Smith was instrumental in weakening an aquifer-protection bill that Barrientos steered to passage in his first term.

Estates at Barton Creek is the first PUD application under the new law, and it's highly likely that the law was written specifically for the development. At the May 24 council meeting, Councilmember Robert Barnstone asked city staff who sponsored the bill (Barnstone, Smoot Carl-Mitchell, and Mayor Lee Cooke comprise the council's legislative subcommittee.). Planning Director Tracy Watson wasn't sure, but offered, "Mr. Armbrust probably could tell you." David Armbrust is a lobbyist for Barton Creek Properties; he declined to confirm the sponsors of the bill and explained his firm's role in the legislative process: "In the case of this project, we were thinking about it at the time and we thought that we would like to come to the city. We want to be part of the city. We want this project to be planned in conjunction with the city. So we supported the bill." Armbrust added, however, that neither his firm nor his clients had any influence over the deadline, saying, "This is not a project that's trying to go through in the middle of the night.

In their application, the developers say they filed under the new law "because the project is located in an environmentally sensitive area that will develop over a 20-30-year time span. Through the PUD the developers hope to maintain the flexibility to continually incorporate the most innovative development techniques for the protection of the natural environment while at the same time creating an exceptional living environment for its future residents." The developers also explain that they are "committed to creating a community which is built around the principles of preserving the natural environment to the greatest extent possible and emphasizing the quality of life for its residents."

Town Without Pity

The incorporation route involves a number of steps, leading up to an election involving residents of the area to be incorporated. The area must first contain 200 people. The incorporators (developers) must then obtain the signatures of 10% of the residents or 50 people, whichever is greater. The petition must be submitted to the county judge for verification. Finally, an election is called.

There may be ways for the developers to get around the 200-residents problem. In cases similar to this, where developers have won approval of MUDs (Municipal Utility Districts) or RUDs (Road Utility Districts), they have been known to temporarily move people into areas for an election to approve the districts and move them out afterward.

Despite the constraints of the new law, environmentalists are urging the council to turn down the PUD and take their chances with incorporation. They point to several factors working against the incorporation scenario, including:

- If the PUD route wasn't favorable to the developers, they wouldn't be pursuing it;
- There is no guarantee the developers could carry the incorporation election, especially since leaders of the only existing neighborhood in the area oppose the development; and
- The law could be challenged as unconstitutional.

The People Speak

"I consider Barton Springs as the canary in the coal mine for Austin and Central Texas." The speaker is 74-year-old Shudde Fath, a lifelong resident of Central Texas, who has been swimming in Barton Springs since her childhood. Fath was referring to how canaries are used as indicators of poisonous gases in coal



Shudde Fath

mines. If the canary dies, it's time for the humans to get out.

Fath spoke during the council's May 24 hearing on the Estates at Barton Creek. She urged the council to deny the PUD despite the constraints of the state law and despite the threats of incorporation. Fath said she believes the prospect of incorporating a new town is an "empty threat." She said the developers wouldn't be pursuing a PUD if it weren't to their advantage, and that there's no guarantee the developers could control a majority in a vote on incorporation.

The first speaker at the hearing was Armbrust, attorney for the developers and a top fundraiser for every single councilmember. Armbrust explained, "The project as it comes to you is a low density project ... Variances are few for such a large project." The lobbyist added, "We are very fortunate that this land is owned by a Fortune 500 company," an assertion that drew biting laughter from the crowd. Armbrust denied any influence on the June 11 deadline, but when Councilmember Max Nofziger asked if he would be willing to delay approval, Armbrust replied, "We would like to stay within the 180 days. We would like to stay within the process."

Armbrust was followed by a parade of speakers from the public, almost all of whom

The law states that the incorporation drive must be initiated "within six months after the date of the consent [forced or approved] and must be finally completed within 18 months after the date of the consent."

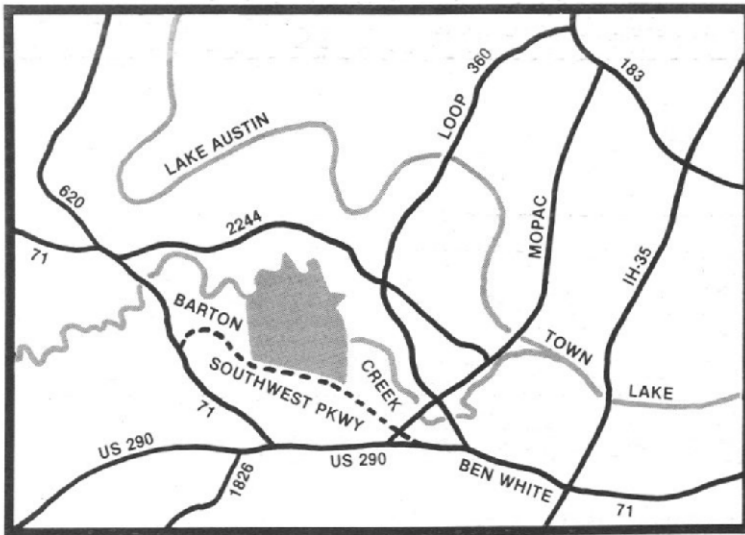
The incorporators are responsible for drawing the boundaries of any proposed new town. City officials say the Barton Creek developers must include the adjacent Lost Creek water district in order to have 200 people in the district. Leaders of that neighborhood have opposed the project; they don't want such a huge development for a neighbor, they don't want to live inside a municipality, and they don't want to have to shoulder the brunt of the cost if the project fails financially. (On May 24 Barnstone raised the possibility that the city might be financially responsible if the PUD is approved. Staff members are supposed to address that possibility at the June 7 meeting.)

The Barton Creek PUD will pass unless there is a massive outpouring of public opposition. The council is scheduled to vote on the PUD after a public hearing on June 7; the hearing is scheduled to begin sometime after 4 p.m. Speakers at the council are given three minutes. If there are enough speakers the hearing could turn into a filibuster against the PUD. If you're too shy to speak, you could still show up and help pack the chamber with concerned citizens.

Another way to influence the council is to call their offices.

Lee Cooke — 499-2250
Max Nofziger — 499-2260
Smoot Carl-Mitchell — 499-2256
Sally Shipman — 499-2255
George Humphrey — 499-2258
Robert Barnstone — 499-2264
Charles Urdy — 499-2266
Also:
Gonzalo Barrientos — 463-0114
Terral Smith — 463-0700

Tie up those phone lines. Come to the public hearing. Make them deal with this.



opposed the development. Bill Koons, a chemist, warned, "You will be known as the council that killed Barton Springs." Seventy-six-year-old Marjorie Adams talked of her earliest memories of Austin. She said Shoal Creek was once known as a place where children swam, but now it has become a "drainage ditch." Jack Goodman of the Save Barton Creek Association said approval of the PUD would bring the total of approved "impervious cover" in the Barton Creek watershed to 11 million square feet, the "equivalent" of "11 Barton Creek Malls." Roger Baker offered councilmembers glasses of water drawn near the current golf course. No one took a swig.

Christi Stevens of Earth First! read from *The Letters of Roy Bedichek*. In a December 6, 1951 letter to W. W. Cochran, the renowned Texas naturalist and writer wrote, "Personally, if I have to fight for this country, I will not

fight for the flag, or democracy, or private enterprise, or the American 'way of life,' or for any other abstractions, which seem cold as kraut to me. But I will fight to the last ditch for Barton Creek, Boggy Creek, cedar covered limestone hills, blazing star and blue bonnets, golden-cheeked warblers and black-capped vireos, and so on through a catalogue of the natural environment of Austin, Texas."

Environmental activist and lawyer Bill Bunch gave one of the most detailed and impassioned presentations. Two other citizens donated their speaking time to him so he could go beyond the council's three minute limit. He reiterated that Freeport McMoran is "the largest discharger of pollutants into the water of the United States." He then quoted a Texas Water Commission study that says the Edwards Aquifer is the "most vulnerable to pollution" in the state. Bunch asked if any of

the council or staff had read the report. No one had. He then explained how just downstream from the proposed PUD, Barton Creek crosses the Mt. Bonnell fault along with other "faults and fractures," where the water goes down into the aquifer, then comes up at Barton Springs.

Bunch then quoted from a Hill Country Foundation report on the Colorado River which said that Austin's Comprehensive Watershed Ordinance is inadequate to protect the river, or Barton Creek. Pointing out that the developers are seeking waivers from the CWO, Bunch charged that "they're not even proposing to comply with an inadequate ordinance."

Bunch continued with a discussion of the developer's plans to irrigate the golf course with the development's sewage effluent. He criticized city staff for quoting a report that said effluent irrigation has worked at some golf courses. Bunch said those golf courses weren't built on top of limestone. "I don't see how it can do anything but ruin Barton Springs and Barton Creek," he summarized.

Bunch then quoted the late John Henry Faulk, who, when discussing the importance of Barton Springs with *Statesman* columnist Billy Porterfield, said the springs are a "potent water symbol for this community."

Bunch asked, "Is that going to be a symbol of life or death?" Bunch's speech received perhaps the longest and loudest ovation of the evening, inspiring Mayor Lee Cooke to request that the crowd not applaud anymore.

The Vote Count

At the developers' request, the matter was postponed until a full council is present, June 7. Speculation is that Armbrust has at least four votes for approval of his PUD. Robert Barnstone has said he opposes the PUD, as has Max Nofziger. Mayor Cooke and Councilmember Charles Urdy are almost certain votes in favor. Carl-Mitchell is usually a sure Armbrust vote, but since he comes up for election next year, he may be looking to vote no.

That means it will be a dramatic last meeting for outgoing councilmembers George Humphrey

and Sally Shipman, who appear to be the swing votes. The two were defeated on May 5, in no small part because of the perception that they had not lived up to their environmental rhetoric. Both were also heavily criticized for being too partial to lobbyists. Now comes a true test, with the future of Austin's most precious natural resource at stake.

Critics say Humphrey and Shipman are likely to vote with Armbrust because the two need his help to pay off their campaign debts. In this scenario the two would use the excuse that the state law forces them to vote yes.

But Humphrey and Shipman could just as easily go the other way, denying the PUD and leaving the next council to deal with the ensuing battles. This would allow them to leave the council in the spirit in which they first came to power.

If Humphrey, Shipman, or any members of the council choose the latter route, they will have plenty of grounds on which to challenge the PUD and the PUD law. One option is to challenge the constitutionality of the law. There seem to be several grounds here. For one, the law takes away the city's right to have its case heard in court. It could also be argued that the law infringes on the city's right to protect its water supply, and interferes with our right to self government.

The city could also challenge, to the federal government, Freeport's endangered species study, a report many believe greatly underestimated the amount of warbler habitat on the property. And, if all else fails, city residents could work with residents of the PUD area to defeat the developers in an incorporation election.

If past history is any indication, a majority of the council will vote to approve the PUD, and explain that they had to do it because of state law. Questions asked on May 24 seemed to indicate that the case was moving in this direction. Politicians, however, can be moved by mass outpourings of public sentiment. That seems to be the only thing that can stop the Barton Creek PUD from being approved on June 7.

They're the number one corporate water polluter in the United States. They're the number six corporate polluter in the U.S. overall, behind Du Pont, Monsanto, American Cyanamid, Shell, and BP Chemicals. Freeport McMoran, Inc. is a multinational conglomerate with interests in chemicals, real estate, oil and gas, and mining. Now Freeport and its partner/manager Club Corp. want to build on Barton Creek.

The UT Connection: A Dirty One

Austin environmentalists have long complained about the city council's deference to developers. Often overlooked in this political axis, however is the role of the University of Texas. In this case, for instance, UT-Austin president William Cunningham (according to his financial statements) sits both on the board of Freeport McMoran and on the policy committee of the Club Corp.-owned Barton Creek Country Club (BCCC), the already developed part of the Estates of Barton Creek. Cunningham annually receives more than \$5,000 in fees for attendance at Freeport directors' meetings, according to his financial statement (for his BCCC services, Cunningham is paid an annual retainer fee of between one and five thousand dollars.) Cunningham also owns stock in Freeport McMoran Inc. and in three of its subsidiaries. One of the two gifts (valued over \$250) Cunningham listed on his 1990 financial statement was a "Boehm Nativity figure" given the Cunningham family by James R. Moffett, chairman of the board and CEO of Freeport.

The UT connection gets ugly when Freeport goes abroad to "develop" other countries. Freeport Indonesia Inc., a Freeport subsidiary, owns copper, silver, and gold mines in Indonesia. According to the October 1989 issue of the London-based magazine *Down to Earth*, by August 1989, UT-Austin, along with the

FREEPORT McMORAN: NUMBER ONE WITH A TOXIC BULLET

By Scott Henson & Tom Philpott

When the Indonesian government, under pressure from international environmental groups, agreed to conduct a study on the impact of Freeport's river dumping, it allowed Freeport to hire the scientists and conduct the study using Freeport facilities.

Bandung Institute of Technology, had begun a 10-year exploration of mineral resources in the Western New Guinea section of Indonesia. (Note that President Cunningham must personally approve every research contract accepted by the University.) In December, the same journal reported that in October '89, just months after UT had begun its study, the Indonesian government granted Freeport Indonesia exclusive one-year exploration rights in a 25,000-square-km section of Western New Guinea — the same area covered by the UT-Bandung study.

Much of the Western New Guinea land given for a year to Freeport lies in the Central Highlands mountains area. To fully exploit that land, Freeport would have to clear out the indigenous tribes that live there. An earthquake in August of 1989, which devastated the living

area of the Hupla tribe, provided the company and the government the excuse they needed. According to the London-based human-rights group Tapol, the Indonesian government used emergency relief aid as a tool to uproot tribespeople from more than eight villages in the mountain area: people who left the area received disaster aid, people who stayed were denied it.

Freeport's Environmental Record

The environmental journal *World Rivers Review* reports in its Jan./Feb. 1989 issue that Freeport Copper, another Freeport subsidiary operating in Indonesia, has "dumped mine tailings from its open-pit copper mine on the Aghawagong-Otomona-Aijkway river system in the Jawawijang mountains continuously for sixteen years."

Freeport's cozy relationship with the Indonesian government allows it to continue that

disgraceful practice. According to the July/August 1989 issue of the Indonesian magazine *Setiakwan*, the U.S. government in 1967 demanded concessions from Indonesia that would allow Freeport to mine copper, gold and silver with no environmental restrictions in exchange for foreign aid and loans. The U.S. government even threatened to deny scholarships to Indonesian students who wanted to study in the U.S. if the Indonesian government refused to comply. Under the deal, the Indonesian government allows Freeport to mine while paying Indonesia nothing for the gold and silver it extracts. This lucrative arrangement made Freeport Indonesia the most profitable of all Freeport's subsidiaries.

The above-cited issue of the *World Rivers Review* also reports that when the Indonesian government, under pressure from international environmental groups, agreed to conduct a study on the impact of Freeport's river dumping, it allowed Freeport to hire the scientists and conduct the study using Freeport facilities. Not surprisingly, the study uncovered no harmful effects of dumping raw copper-mining wastes into water supplies.

The journal goes on to report that soon after that study, an Indonesian doctor working at a public health clinic downstream from the Freeport plant began noticing a growing frequency of gum discoloration in his patients. "Unfortunately," the magazine states, "just as he was about to investigate, he was transferred to the provincial capital and prohibited by his superiors from pursuing the study."

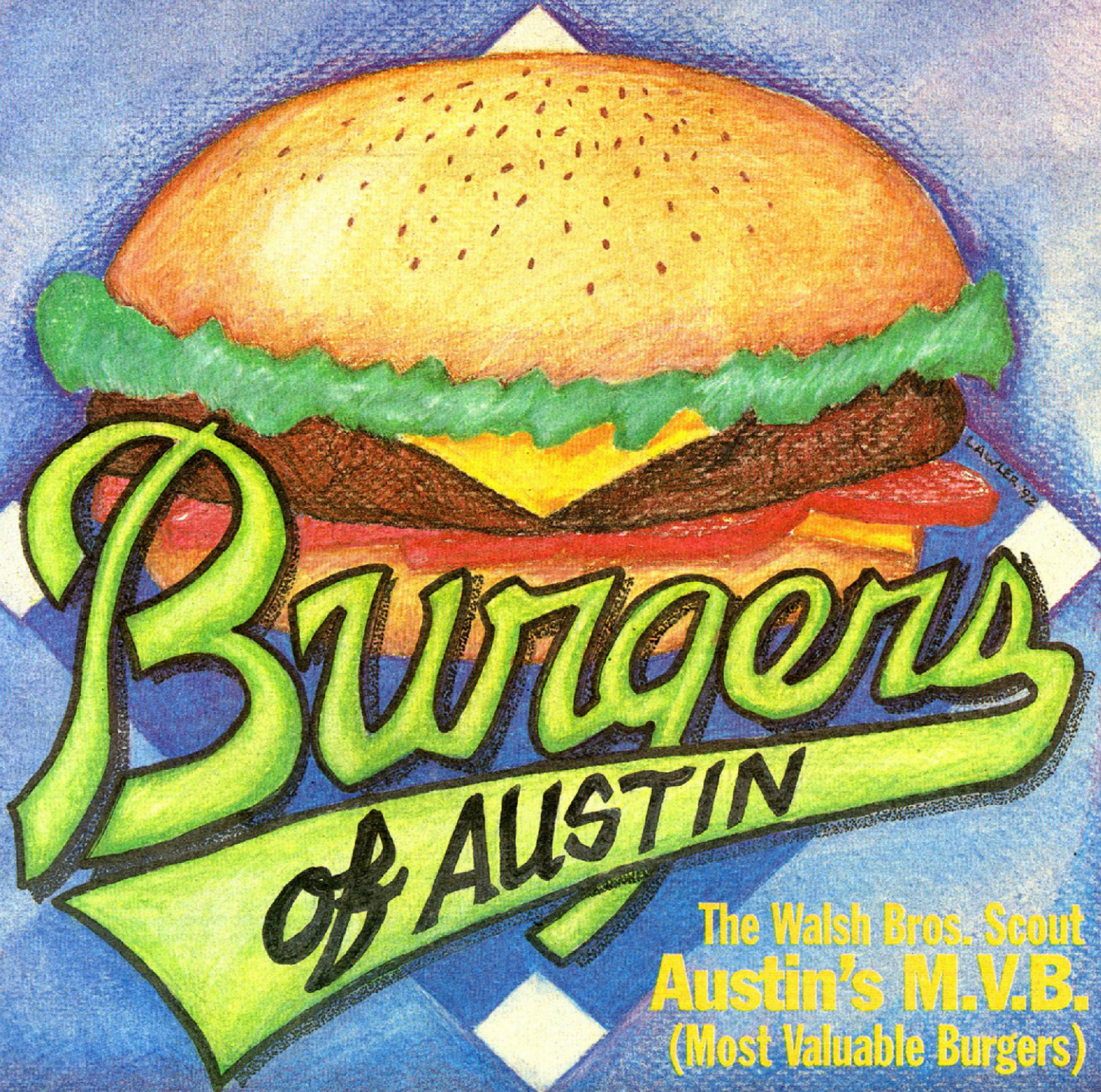
And Now Austin?

Perhaps Freeport's decision makers will show more respect for the health and livelihoods of the people of Austin than they have for the people of Indonesia. But should we trust this company, the nation's leading water polluter, with Barton Creek? With its shameful environmental record and powerful boosters such as William Cunningham, the company appears poised to exploit one of Austin's treasures without concern for the community. It's up to the Austin community to stop it.

Daryl Slusher on 20 Years of Citizen Struggles to Protect BARTON SPRINGS

★ THE AUSTIN ★

CHRONICLE



The Walsh Bros. Scout
Austin's M.V.B.
(Most Valuable Burgers)

on the cover Austin's Most Valuable Burgers

by Robb and Dave Walsh 34



ILLUSTRATION BY A.J. GARCES

politics

Council Watch

by Alice Wightman 10

True Stories

by Al L. Ears 11

Barton Creek History

by Daryl Slusher 12

Eternal Life for Barton's?

by Michael Eakin 20

columns

The Straight Dope 6

Public Notice 8

Media Clips 8

Sylvia 8

News of the Weird 9

Live Shots 32

Dancing About Architecture 33

Awake in the Dark 40

Day Trips 52

Car Talk 58

Coach's Corner 67

listings

Film 38

Film Times 39

Video 42

Music Recommended 44

Dance Clubs 46

Live Music Clubs 46

Theatre, Comedy, Dance,

Classical, Litera, Galleries,

Kids, Instruction, Misc. 51

back of the book

Classifieds 57

Maxine! 61

The Far Side 61

Life in Hell 61

Mr. Smarty Pants 65

About AIDS 65

Bud 65

features

books: Richard Price

by Jason Cohen 22

dance: Jose Greco

by Michael López-Sáenz
and Julie Weaver 24

music

Guitar Makers

by Rob Patterson 27

Page TWO

by
**Louis
Black**

We knew it wasn't going to be an easy season; already the partisan fighting has started. "What about Hyde Park Bar and Grill!" one staff member screams. "You left out the Chili Parlor," another offers. The great hamburger wars have begun. Food Editor Robb Walsh sent his brother Dave out to rate local burgers. Dave takes his burgers seriously, and he devoted himself to this survey with what some might say was a religious fervor. His instincts, in food and children, we trust as much as any person's. Still, he has undoubtedly missed hamburgers and hamburger joints worth mentioning. The first hamburger survey I remember the *Chronicle* doing was conducted by Scott Bowles, hamburger purist, who believed in a bun and meat, nothing more. Surprisingly, it proved controversial. We humbly offer up Brother Dave's observa-

tions and wait for your letters.

This issue begins our S.O.S. ordinance and upcoming bond elections coverage. Daryl Slusher offers a detailed history of the controversy. Perhaps the most eloquent testimony over the next few issues is Michael Eakin's piece. Call up a friend, pick any paragraph, read it to them over the phone, and ask them when it was written and where it appeared. They may well guess the *Chronicle* in 1992. It sounds like what we've been writing about Barton Springs for the last decade. But it appeared in the *Austin Sun* in 1974, 18 years ago. And what Eakin predicts will happen, happens.

Next week we will offer a pro and con on the ordinance: Bill Bunch in favor and Barry Allison opposed. The issue will feature readers' letters as well, though they are disappointingly but not surprisingly one-sided. Finally, Daryl Slusher will offer a technical analysis of the ordinance and the *Chronicle* endorsement. That's in the issue dated July 31, 1992. The following Saturday, August 8, 1992, we shut up and they shut up and everyone shuts up all around and it's your turn. You vote. ■

POSTMARKS

You Lose Some...

To the Editor:

Just a note to let you know why you, in my opinion, will never be a real alternative to the *Statesman*. First, when I ran for mayor, I spent money in your newspaper to reach those who I thought really wanted change through their vote. It didn't happen. Then I pick up a current edition of the publication with Marion Winik's article about her kids... how insightful. I know Marion and she is a great writer... my wife went to barber school with her husband in the early Eighties.

To make a long story short, my book on Sam Walton is on every major bookshelf in the country at this writing, no brag, just facts. But I can't see for the life of me where a story about someone's kids will get the *Austin Chronicle* anywhere in the mainstream of advertising and financial acceptance that it must achieve if it thinks it is Austin's second newspaper. We all know and realize that Austin needs a second newspaper, but now I know that, even though I like it, in reality, the *Austin Chronicle* is not it. Then, maybe it prefers it that way, I don't know.

Sincerely,
Austin Teutsch

last paragraph first, first paragraph last - it will be worth it.

Sincerely,
Carl T. Wibbenmeyer

Cheap Shot at Live Shot

Dear *Chronicle*,

I appreciated Hugh Forrest's not-so-subtle reminder that Austinites do indeed take their music seriously. He's correct in saying they deserve more than just a "passing mention" of their favorite bands when they turn on the 10 o'clock news to see what's happening at Freedom Fest.

In all fairness though, Hugh must have watched only the first 15 seconds of my report before his itchy remote control finger flipped his critical eye over to the other two local newscasts.

In both of Channel 36's July 4th shows my taped reports featured Austin's Two Hoots and a Holler and Arc Angels, including performance video and interviews with band members. I might remind Hugh that in TV live-shots, we often give "passing mention" to a lot of things, in order to what the viewer's appetite for the more in-depth report that follows.

continued on p. 4

Barton Springs Pool, which has been closed for repairs following flood damage, will reopen this Sunday, July 19. A Parks and Recreation Department press release of July 15 says the pool will maintain its "traditional" hours, but an *Austin American-Statesman* article the same day said city risk-management officials advised against opening the pool to the public when lifeguards aren't on duty due to potential liability problems. However, the PARD release gives its current hours (to August 31) as: 5am-8am, for 18 years and older with no admission, no lifeguard, at your own risk; 8am-10pm, with fee and lifeguard (except Monday and Thursday after 7:30 pm due to cleaning). The release also lists early morning, no fee, no lifeguard hours through the winter.

You Win Some

Dear *Austin Chronicle* Readers:

Regarding "My Sibilant Darling" published in the July 10, 1992 issue:

I have never seen 26 paragraphs that combine to create more significance to a broader range of people than these. If you are between the ages of 12 and 50, I suspect that something in the article will be of value to you.

If you didn't read it, please do.

If you did read it, and it didn't have an impact on you which you might describe as "profound" (or a lesser gradient thereof), please read it backwards,

Sincerely,
Austin Teutsch

Early Voting Polling Places for August 8, 1992 Election

- One American Center, 600 Congress Ave.
- Austin Recreation Center, 1301 Shoal Creek Blvd.
- Northcross Mall, 2525 W. Anderson (former site of Guaranty Savings)
- South Austin Recreation Center, 1100 Cumberland Road
- Pan American Recreation Center, 2100 E. 3rd
- Givens Recreation Center, 3811 E. 12th
- Manchaca Branch Library, 5500 Manchaca Road
- University Hills Branch Library, 4721 Loyola Lane
- Spicewood Springs Branch Library, 8637 Spicewood Springs Rd.
- University of Texas, Flawn Academic Center Lobby (west end)
- Pinnacle Campus, ACC, 7748 Hwy 290 W. (third floor)

Early voting will be held July 20-Aug. 4; 7:45am-4:45pm Mon-Fri, and 10am-4pm Saturday. You may also vote by mail if you are going to be out of town during this period and on election day, or in certain other circumstances. Applications for mail ballots may be obtained by calling the City Clerk at 499-2210; the completed application must be received by the City Clerk's Office by July 31.

contents
Vol. XI,
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CHRONICLE
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Taking the Long View

by Daryl Slusher

Some local politicians explain their lackluster records on protecting Barton Springs by saying that citizens didn't demand that protection until the June 1990 uprising against the Barton Creek PUD. That sentiment is as untrue as developer claims that the water in Barton Creek and Barton Springs is as clean as it was 20 years ago. For over two decades, the Barton Springs Watershed has been the focus of the city's environmental movement. If not for the many citizens who fought to preserve the creek and springs, both would have been ruined long ago. Much has been lost, but there's still a lot left to save.

The sensitive watershed has been invaded and parts of it destroyed in the name of profits and

private property rights. In reality, however, the destruction has been fueled by hundreds of millions of dollars in public subsidies to private development interests: roads, sewer lines, schools, consultant studies, and Municipal Utility Districts.

The roads were the first and most important; everything else followed them. Loop 360 was cut through in 1969, a highway with little if any purpose other than to serve the interests of real estate speculators and highway contractors. Next, MoPac was laid through Zilker Park to connect with 360. A giant regional mall rose at the intersection atop one of the most magnificent hills in central Texas. Soon, MoPac was extended across Barton Creek over the recharge zone to U.S. 290. Then it was extended to suburban developments off Slaughter Lane, and now it's on the way to connect with the

proposed Outer Loop. Bee Caves Road was widened to accommodate developers, and the Southwest Parkway was plowed across the Barton Creek Watershed to serve the properties of Ben Barnes, John Connally and others. William Cannon Drive, begun in 1975, now runs across far south Austin from east of IH-35 to the Southwest Parkway.

Through it all, citizen groups have fought to preserve Barton Springs and the Edwards Aquifer. But almost every time, they've been failed by elected political leaders: the city council, the state legislature, the county commissioners court. The SOS ordinance, right or wrong, represents an attempt by citizens to do for themselves what politicians have failed to do.

Here are some of the stories from the last 20 years of development in the Barton Springs watershed.



Aerial photos of Barton Creek as it winds past the current intersection of 360 and MoPac. (L-R): 1966: Power Line Easements and a small subdivision off U.S. 290 are the only visible signs of development. 1972: Loop 360 has been cut through the hills. 1990: MoPac has been extended over the creek and on across the recharge zone. Barton Creek Square Mall has risen at Loop 360 and MoPac, the Travis County subdivision is visible to the left.

PHOTOS COURTESY OF MILLER BLUEPRINT

The Opening Chapter

A movement to establish a Barton Creek Park falls short at Lost Creek.

During the late 1960s and early 1970s, a group called the Austin Environmental Council (AEC) launched efforts to preserve all the city's creeks. There was particular emphasis given to six southwestern Travis County creeks that contribute water to Barton Springs: Williamson, Slaughter, Bear, Little Bear, Onion and Barton. Barton, of course, flows into Barton Springs; water from it and the others seeps into the Edwards Aquifer/Barton Springs Recharge Zone and comes up at Barton Springs where the water temperature is a constant 68 degrees.

The group's membership consisted largely of senior citizens, and featured some of the city's most prominent citizens. Headlines from 1970 list defenders like Russell Fish, Mrs. Fagan Dickson, W.M. Percy, Mrs. J. Frank Dobie, Mr. and Mrs. Paul Bolton, Mrs. Cecil Cabaniss, and Mike Butler. They took on an earlier generation of developers — Jack Andrewartha, Tom Bradfield, Don Cummins and others — who were starting to build apartments, office buildings and subdivisions on Barton Creek behind Zilker Park.

AEC president Fish told the *Austin American* in 1970, "Saving the land is a continuous battle. A developer can come to a naturally beautiful area with bulldozers and tear it apart without any consideration of maintaining, where possible, the area's natural beauty." Fish added, "We're not doing anything new. We're just trying to get the 1928 Coch-Fowler plan for the city to be put into use. The plan was adopted but the city hasn't followed through on that plan of orderly development."

Mrs. Dickson, director of the AEC, said pollution of many city creeks was already getting bad: "The fish are dying, there are suds on the banks, our city's natural beauty is being destroyed and its health threatened," said Dickson. She said ordinances intended to protect the creeks were on the books, but not enforced by the city.

A full page ad in the April 12, 1970 *Austin American*, signed by more than 400 people, reflected the spirit of the times: "There are not — there cannot be — very many cities of the size of Austin around the world that are blessed with such an extraordinary enclave of wilderness so close to the heart of downtown. A free-flowing stream with rapids, with pools that reflect precipitous bluffs, a marvel of variety in colors, textures and shapes, a place to see flowers rarely seen in a city, to hear bird songs rarely heard by city dwellers — these are assets of inestimable value to the residents of Austin." The signers called for the city council to pass protection ordinances for all Austin creeks and streams, ensure low density zoning in the

Watershed, and "undertake to purchase land along Barton Creek for the creation of an integral BARTON CREEK PARK, to extend from Zilker Park to Highway 71."

The 400 eventually got part of their dream for a park, but it ended at Lost Creek, where a golf course, country club, and sprawling subdivision now stand. Yet it could have been different. W. H. Bullard, who owned most of the land there, offered to sell the city his 2,500 acres for \$300 an acre during the Sixties, but city officials said he was asking too much. After his wife died in the early Seventies, Bullard sold the land to pay off taxes. Its development won approval soon after, but the land didn't start filling up with houses until about 1977. The Lost Creek subdivision's sewage was routed to a package treatment plant and irrigated onto its golf course.

The city also failed to obtain the acreage just upstream from the Bullard homestead, which was acquired in 1974 by a partnership that included former Texas lieutenant governor Ben Barnes. Today, it's the site of the Barton Creek Country Club (BCCC) and the Estates of Barton Creek, which, like Lost Creek, irrigate their golf courses with treated sewage from their developments.

Today, the water quality is dramatically better above the golf courses than it is below them. There have also been at least two sewage spills from the Lost Creek treatment plant into Barton Creek — during the Memorial Day floods of 1981, and in 1986, when an accident at the treatment plant sent 30,000 gallons of sewage sludge into the creek. The

acreage above BCCC, most of it the Uplands, is still wild, and the city is currently considering purchasing it as part of the Balcones Canyonland Habit Conservation Plan.

The Butler Years

Apartment construction along the creek leads to a controversial floodwater bypass.

It's difficult to pinpoint an exact turning point for the decline of Barton Creek. But a good place to start would be April 3, 1971, when car dealer Roy Butler was elected mayor along with a whole new city council. Butler headed a slate of new guard business people and progressive UT students. Support for the slate was organized in large part by fledgling consultant Peck Young. The slate featured the first black city councilmember, Berl Handcox, old guard liberal Dick Nichols, and, anchoring the progressive ticket, former UT student body president and anti-war activist Jeff Friedman. All four won, and Austin may never recover from the progress they made.

One of the council's biggest problems was that they couldn't say no to developer Sid Jagger. They approved a series of apartment complexes behind Zilker Park for Jagger (who also built a palatial home there) and other developers, okayed a

sewage pipe along and under Barton Creek to serve the new developments, and approved construction of a "floodwater bypass" to divert polluted Barton Creek water from Barton Springs. The council also approved Jagger's plan for a mall, Barton Creek Square Mall.

The only councilmember who offered any resistance of note was Bob Binder, another former student leader, who was elected in 1973. He warned that apartment approvals along Barton Creek were setting a "precedent" which would lead to serious damage to Barton Springs and the creek.

The construction and new developments brought silt and mud into Barton Springs, and the pool was closed several times because of it. The city closed Barton Springs in December 1974 to begin construction of a floodwater bypass to route creek water under the pool and pour out beyond it.

The bypass was an official acknowledgment that creek water was degrading the springs, as well as a clear signal that the city planned to approve much more development in the Watershed. The bypass, however, didn't deal with the water that comes up from the recharge zone into the springs. City officials estimated 60 days for the construction, but it took 16 months. Barton Springs pool was closed throughout 1975, reopening on March 20, 1976. By that time, Jeff Friedman was mayor.

The 1975 Bond Election

A citizens' mandate for preservation gets lost in the city's failure to execute.

Jeff Friedman was elected mayor in the spring of 1975, in what was heralded as a progressive breakthrough. Elected along with Friedman were John Trevino, the council's first Mexican-American; Jimmy Snell, who replaced Handcox; environmentally-oriented Emma Lou Linn and Margret Hoffman; more business-oriented Betty Himmelblau; and incumbent Lowell Lebermann. Bob Binder had resigned before his term was through and gone to California.

On December 6, 1975, the Friedman council held a bond election to provide \$1.6 million for extending the Barton Creek Greenbelt from Loop 360 to the Lost Creek subdivision, a measure pushed by Linn. Developers, led by Sid Jagger, promoted another item—a sewage line for new developments. The funds for the greenbelt passed by 58 percent to 42 percent, while the score on the sewer pipe was 41 percent for, 59 percent against. The message seemed clear enough—the citizens of Austin wanted the Barton Creek area to remain wild, and they were willing to pay for it.

But by 1979, the city had only bought 8.4 acres, spending a mere \$75,000 of the bond money. Meanwhile, land prices had soared. Voters approved more funding in 1979, and the purchase was finally completed in 1981.

And what of the sewer line turned down back in December 1975? Jagger proposed building a "Zilker Park Lift Station," as a "temporary measure," to which sewage would be routed from his planned developments and others. It would be located under the Barton Springs parking lot, and developers would pay the construction cost. The council approved the plan in March 1976. The lift station was built.

A council approved agreement, authored by Water/Wastewater department director Curtis Johnson, said that hook-ups to the lift station would be limited to "2,027 lot equivalents." Only already approved developments signing on to the agreement would be served by the lift

station. The agreement specified: 1,048 for Barton Creek Mall; 417 for other Jagger developments; and smaller quantities for Horseshoe Bend, Barton Hills, Barton Terrace, Zilker Heights, Timberline and Glenduff, all built or approved.

The department proceeded to build the line at twice its agreed capacity and hook up almost double the number of lot equivalents, including to developments not included in the original agreement. When news of this leaked out in 1979, City Manager Dan Davidson, who had outlasted his one time nemesis Friedman, expressed surprise, and councilmembers mildly protested that the line should not have been enlarged without their permission.

City Attorney Jerry Harris settled things by ruling that, "Ultimately, in the law it probably doesn't make much difference" whether the staff or council approved the extra sewer connection. That was that. Harris and Davidson later went on to financially successful work representing developers.

In April 1982, the U.S. Geological Service reported the highest fecal coliform levels yet at Barton Springs, 22 times the safe level as set by the EPA. A few weeks later, the culprit was discovered—a leaking sewer pipe leading to the Zilker Park Lift Station.

Barton Creek Mall

The cornerstone of creekside development goes up with the city's blessing.

While the springs were closed in 1975, Sid Jagger brought forth his most ambitious proposal yet. He had acquired some 400 acres west-southwest of his apartments. Most of the tract was a huge, magnificent hill, with hills and valleys atop it. Rain flowing from the property feeds four Barton Creek tributaries, and most of the tract is over the recharge zone. It was also on the northwest corner of the point chosen for the intersection of Loop 360 and the planned extension of MoPac.

In November 1974, Jagger began a quest for a series of approvals—annexation into the city to guarantee utilities, zoning approval, and then wastewater service. Jagger offered to accept deed restrictions guaranteeing that his development "would not increase the downstream flooding in Barton Creek," and also told the Zoning Commission that his mall would not "detract from the quality of the water."

Jagger submitted suggested language to cover his promises. Guarantees against degrading the water weren't included, nor specifics on exactly how increases in downstream flooding were to be prevented. Jagger's proposal did call for him or his successors to "take such measures as may reasonably be required by the Director of Engineering of the City of Austin to prevent any increase in flooding downstream" beyond what would come from the property "in its undeveloped state."

The Jagger zoning agreement made it to the council on February 6. According to official minutes, Councilmember Friedman kicked things off by saying he felt that the mall case set a precedent that was "extremely worthwhile" and should be "followed through on all sorts of development." Planning Director Dick Lillie heaped praise on Jagger for the many hours he spent working with city staff to ensure that the project was "compatible with the character of the environment."

The only sore point came when Jim Bannerot, president of the Barton Creek Citizens Association, suggested that the word "reasonably" be removed from the covenant and that a standard of compliance be set. He suggested prefacing the water quality sec-



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tion of the agreement with, "In order not to degrade the present quality of the water in Barton Creek as evidenced by laboratory analysis of said water by the Texas Water Quality Board or other governmental agencies or authorities."

Jagger said he would rather not. Council member Friedman called Bannerot's suggestion "superfluous."

Mayor Roy Butler added, "Yeah, I don't think it's necessary."

The mall zoning passed unanimously.

After winning all his city approvals, Jagger sold the property to the Melvin Simon Cor-

poration, a shopping mall giant. Construction didn't begin for several years as Melvin Simon waited for the extension of MoPac and worked out details of its building permit with city staff. By 1978, the developers were worrying about whether or not MoPac was actually going to be extended. City leaders were able to assure the company that the road was on the way, and Melvin Simon soon leveled the hilltop and cleared the entire property of virtually all living things.

the terms of the Jagger covenant. The ponds weren't finished in time for the mall's grand opening on August 19, 1981. The *Zilker Park Posse Express* described how "The network of pipes to drain the ponds had not been laid, and the sand and gravel filters had not been installed. The embankments around the ponds were simply slopes of dirt and rocks with nothing to keep the dirt from washing into the ponds." The Posse and other groups asked that a certificate of occupancy not be awarded until the ponds were complete. The city council, however, granted a 60-day temporary certificate. On the day of the mall's grand opening, Barton Springs Pool was closed due to turbidity.

Since then, the mall's owners and citizen groups had been debating whether it pollutes the creek. Swimmers at Barton Springs, however, knew which side they believed. In November 1984, the results finally came in from a city study of the runoff ponds. It concluded they were holding back tons of potential pollutants, but that chemicals were nonetheless flowing into the creek from the giant mall.

was to receive more than \$100,000 in contributions from Bradley over the years, and invest in a land purchase with him, which turned out to be at the proposed intersection of MoPac and the Outer Loop.

The council approved Rob Roy in the spring of 1979. The two developers, however, had trouble selling the lots. Bradley and Wooley went off to spend the Christmas holidays in Hawaii. While they were gone, as *Texas Monthly* described it in May 1984, "Rumors swept Austin that busing was imminent... The only escape was the West Lake Hills school district, and Rob Roy was far and away the largest available development in it."

"We had the only game in town," Wooley explained to the *Monthly*. "It was like we had just opened a new Baskin Robbins across from the playground." The two ended up making a profit of almost \$15 million. Though the partnership later soured, both men went on to other developments over the Barton Springs Recharge Zone.

The 1980 Barton Creek Ordinance

The council passes a moratorium on development in the Barton Creek Watershed, and an ordinance regulating residential development.

As the white flighters fled to Rob Roy, and the bulldozers rolled at the Barton Creek mall, citizen groups started another round in the fight for strong city ordinances. In 1977 the council passed a Lake Austin ordinance. A year later citizen groups demanded that the controls be extended to Barton Creek.

Public hearings were scheduled. City staff said more study was needed and hired development engineers Espey-Huston to do one. A task force was appointed. Developers rushed to get their projects approved by the council under the older, weaker regulations. The council complied. A classic Austin political struggle was under way.

As more apartment roofs and office buildings began poking above the cedar trees in the hills behind Zilker, the battle for the

ordinance was led by the Zilker Park Posse, the latest citizen groups formed to fight for Barton Springs and the Edwards Aquifer, and the Save Barton Creek Association, headed by Seth Searcy. The Posse's leaders included Joe Riddell, Betty Brown, Connie Moore, Jeanette Granger, Wayne Gronquist, Shudde and Conrad Fath and many more. In June 1979, the Posse called for a moratorium on apartment zoning approvals.

When the council granted the moratorium in July, there was only one problem. Planning Director Dick Lillie announced that the moratorium would not affect any development or zoning requests, and added that developers with prior zoning approval could proceed with construction. The moratorium was eventually extended several times, as the council tried to forge a compromise plan.

Finally the council passed an ordinance on April 17, 1980. It was a victory, although the ordinance was a compromise with some serious flaws. For example, it continued to allow construction on the bluffs above the creek, and applied only to subdivisions.

Then it was summer again, but rather than a season to savor victory, it was the summer of the construction of the Barton Creek mall. And, overwhelming forces were gathering to begin the second decade of assault on Austin's beloved southwestern hills.

The Boom

Easy credit and a new pro-development council coalition fuel a massive round of project approvals.

With Ronald Reagan's 1980 election came several real estate speculation tax incentives, plus deregulated S&Ls. The boom was on. By the end of the decade, the federal Resolution Trust Corporation would own eight per cent of the city.

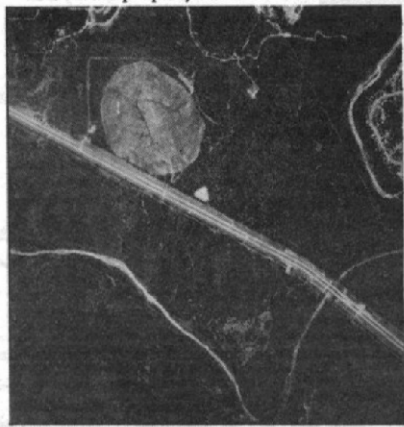
For the Eighties, Austin developers coined a new name for the area between Bee Caves Road, Loop 360 and Texas 71. They called it "the Barton Creek Diamond." The 1980 census counted 2,200 homes there. By 1982 city planners were predicting that 17,400 more houses, apartments and condos would be built in the area in the not so distant

Rob Roy

Gary Bradley and John Wooley build out West Lake Hills' biggest development.

In 1977, Jeff Friedman chose not to seek a second term. Carole McClellan (now Rylander) was elected to take his place. Emma Lou Linn was defeated by insurance salesman Ron Mullen, Hoffman lost to booster Lee Cooke, and middle-of-the-roader Richard Goodman was elected to an open seat.

This council was the first one to get to know Gary Bradley, who, with partner John Wooley, had purchased the Rob Roy Ranch, near Barton Creek just past Loop 360 off Bee Caves Road. The two partners acquired an option to the whole ranch for \$100, then headed for City Hall, proposing to build more than 200 luxury homes. Bradley brought each councilmember on a tour of the property. Among those helping the young investors win city approval was County Commissioner Ann Richards, who



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future. The bulldozers were ready to roll.

An election was scheduled for April 4, 1981. Mayor Carole McClellan was challenged by Bob Binder, who had returned from California, in an election dominated by environmental issues. Binder forced McClellan into a runoff. Incumbents Ron Mullen, Richard Goodman and John Trevino won reelection; also victorious was liberal political consultant Roger Duncan. Larry Deuser and Charles Urdy, both campaigning on anti-nuclear/pro-environment platforms, won places in a runoff. But while the runoff campaign raged, the lame duck council got busy.

On April 9, they considered the 160-acre Brodie tract at S. Lamar and Loop 360, over the recharge zone. The owners offered to donate about 80 acres, roughly half the tract, for an addition to the greenbelt. In exchange, they wanted zoning approval for retail development on a scale to rival the Barton Creek mall, plus an office building near the creek on Loop 360.

Members of the Posse and the Save Barton Creek Association opposed the zoning change, but to no avail. Goodman, who had just won reelection against weak opposition, moved approval of the zoning. Mullen, who had also won handily on April 4 against Marcos de Leon, seconded. McClellan, facing a strong challenge from Binder, was the only no vote. The developers understood, especially since they won anyway. (Lame duck Cooke was out of the room.)

Today, the office building sits next to the Loop 360 access point to the Greenbelt, and on top of the hill is the Brodie Oaks Shopping Center - where many environmentally conscious Austinites shop for health food, outdoor gear, and Native American spiritual herbs.

On May 2, Deuser and Urdy won resounding victories, each pulling over 60 percent of the vote. McClellan turned back Binder with 54 percent. Before the new council could take office, however, the lame ducks took up a controversial proposal from semi-conductor and toxic chemical user Motorola to locate a plant in Oak Hill, just above the Recharge Zone in the Williamson Creek Watershed. Motorola's attorney was David Ambrust. The project passed with Goodman and Trevino voting no. Upon taking office, Duncan and Deuser brought the Motorola issue up for reconsideration, but it didn't do any good. Veteran Goodman voted with them, but Urdy voted in favor of Motorola. Urdy explained that, after lengthy deliberation, he had decided that Motorola could provide jobs for the poor of East Austin, even if their plant was located in Oak Hill. Trevino then switched and cast the deciding vote for Motorola.

It was a major turning point. Trevino, previously an environmental vote, had switched to voting with the developers as soon as a chance existed for a four-vote environmental majority. Trevino and Urdy remained a solid pro-developer bloc until Trevino's retirement in 1988.

MoPac South

Once the highway pushed past Barton Creek Mall, could an Outer Loop be far behind?

In late 1981, the council engaged in a deadly serious battle over the future of MoPac. At the time, it ended at the river on the south. There was a bridge, but motorists had to exit at Lake Austin Boulevard, and line up at a traffic light to cross the river. Once over, they had to exit, make a U-turn at Bee Caves Road, and drive around Zilker Park to Lamar Boulevard. It was a very annoying situation for motorists.

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The southern extension of MoPaco Loop 360 changed that when it opened in November 1981, only a few months after the grand opening of Barton Creek Square Mall. Even as this first extension opened, however, the development lobby was already pushing to connect the road with U.S. 290 in Oak Hill.

A majority of the council opposed the extension, but proponent Mullen held the swing vote on the Austin Transportation Study, the official transportation planning body for the area. Anti-extension forces on the council voted to remove Mullen from ATS and replace him with Urdu.

Mullen protested, and the controversy spilled over into 1982. The council decided to hold a MoPac election, and set it for April 2, 1982. Anti-forces faced almost an impossible task, like holding the cars back at the light at Lake Austin Boulevard. The further southern extension to U.S. 290 pulled 60 percent of the vote. The ATS approved the extension five days later.

In January 1984 highway crews working on the MoPac extension discovered ruins of an ancient Indian encampment just north of where MoPac was to cross the creek. The State Historical Commission determined that the ruins were from 2,000 to 60,000 years old. The artifacts were removed from the path of the road and replaced by three bridge abutments.

In late 1985, the newly-elected Frank Cooksey council was called on to approve another extension of MoPac, this time past U.S. 290 to an intersection with the proposed Outer Loop. Cooksey argued passionately that further extension would damage the aquifer. He left the dais to make his argument with a huge map of the area. Councilmember Mark Rose, who is now director of the Lower Colorado River Au-

thority, countered with a map of his own. The rest of the council left Cooksey hanging. The extension passed 6-1. It is currently under construction.

MUDs

A new state-sanctioned financing tool changed the ground rules forever.

In 1983, newly-elected Mayor Ron Mullen warned the weenies to get out of the way, because development was coming. He wasn't kidding. The council had taken a distinct turn toward developer support in the 1983 election. Goodman didn't run again because of an unfortunate incident in which he mistook a garden hose in his yard for a snake and fired several shots at it, and was replaced by maverick real estate magnate Mark Spaeth. Deuser was defeated by developer-backed Mark Rose.

Developers had found a way to overcome a decade of voter refusal to grant bonds for utility service in the Barton Springs zone. The new vehicle was called MUDs (Municipal Utility Districts). Development forces, led by Ed Wendler Sr., had pushed changes in MUD law through the state legislature.

The laws allowed developers to set boundaries for a proposed MUD, usually consisting of their own property. Then an election was held on whether or not to create a MUD, with bonding authority to build utility infrastructure. The bonds would then be repaid by future home buyers and business people in the area. Usually the elector-

ate consisted of developer employees moved on to the property for the election.

MUD bonds were almost as good as S&L loans. The money was quick, and went not only to developers, but to a covey of well-connected contractors who could be counted on to contribute back to council campaign accounts, as well as to show up and protest any time an attempt was made to tighten environmental regulations.

The council, facing threats that the developers would go to the state for MUD approval, rapidly approved a series of MUDs circling the city. Wendler worked simultaneously to win approval of three adjoining MUDs over the recharge zone, near Oak Hill. The developers were Bill Milburn, Nash Phillips/Copus, and Gary Bradley, who had just bought the Circle C Ranch southwest of the city. The area was dubbed Wenderville.

Wendler, however, abandoned Bradley just before the council vote, saying he was asking for more than the developers and endangering the entire deal. Bradley felt that Wendler had backstabbed him to eliminate him from competition with Milburn and NPC. A bitter feud ensued, and the ill will continues today.

Nonetheless, all the MUDs sailed to approval in December 1983, with density of up to five units an acre. The city agreed to guarantee the MUD bonds, and that city ratepayers would pick up between 80 to 95 percent of the payments.

Soon after, Councilmember Roger Duncan proposed an ordinance to restrict residential density over the recharge zone to one unit per three acres. The new restrictions would apply to the MUDs. Duncan's plan was beaten back in a fierce assault from Bradley, with help from Mullen. No plans for stricter water quality regulations were heard for several years.

The Southwest Parkway

Armed with another new method of public finance, Barnes and Connally blaze the road to the PCID.

By 1983, Ben Barnes and John Connally had moved in on the Barton Creek Watershed armed with hundreds of millions in easy S&L loans. They began to develop the former's old holding along Barton Creek, putting in a golf course, corporate conference center and luxury homes. In April 1984, the two purchased the neighboring 3,280 acre Uplands, upstream from their country club. The sale was financed by Charles Keating's Lincoln Savings. (Keating had been Connally's campaign manager in his ill-fated 1980 quest for the presidency.)

Barnes said the new acquisition, which he called "the largest development project in Travis County, would become a "state-of-the-art, mixed-use community that will include residential, commercial, retail, research and development areas." He said the company would "go to great extremes to protect the environment," and that the key to the success of development in the area would be the expansion of roads in the area and construction of new ones. He soon set about getting his roads.

According to *Texas Monthly*, Barnes, a former lieutenant governor, drafted a bill allowing developers to create special road districts, which could issue bonds to pay for roads - the road equivalent of MUDs. Governor Mark White added Barnes' bill to the agenda of a 1984 legislative special

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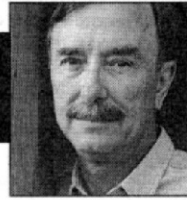
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session on education reform. It passed. The first road district under the bill was presented to the Travis County Commissioners Court on March 1, 1984 (by law, the commissioners court is the board of directors for all road districts in their county). Under the Barnes' plan, two-lane Boston Lane would become a six-lane expressway, connecting the not yet complete intersection of MoPac and U.S. 290 with Highway 71 near Bee Caves Road. County Commissioner John Milloy, who had recently replaced Ann Richards, gushed, "I think it's an exciting concept. It looks like a way of making growth pay for itself." The commissioners soon approved the road district.

Barnes also needed access to the Estates and the country club from Bee Caves Road. That problem was solved quietly by the Travis County Commissioners Court on November 19, 1984. The court, without discussion, unanimously passed an item sponsored by Commissioner Milloy. It committed the county to paying up to \$800,000 for a bridge connecting Barnes/Connally property to Bee Caves Road, with Barnes/Connally picking up the rest of the \$2.9 million tab. The bridge went up quickly. The Parkway took much longer.

The Southwest Parkway finally opened in March 1991, but not before the county bailed out the road district with a \$3.5 million loan and a bond refinancing package that added \$160 million in extra interest to the \$20 million debt. Commissioner Pam Reed cut the ribbon, as demonstrators sang the chorus, "Highway to Hell, Highway to Hell."

The Cooksey Revolution

A "pro-environment" council approves more development than all previous councils; they also draft the first CWO, but fail to enforce it.

In 1985, at the height of the fabled boom, another council and mayor took office. Mayor Ron Mullen—plagued by revelations that he had investments near proposed roadways where property values were likely to increase—was whipped by Frank Cooksey, a former president of the Save Barton Creek Association. Trevino, Urdy, Rose and Sally Shipman—first elected in 1983—won reelection. Anti-nuclear activist George Humphrey, who had lost to Spaeth two years earlier, defeated developer-backed Gilbert Martinez. Roger Duncan didn't run again, and was replaced by neighborhood activist Smoot Carl-Mitchell.

It looked like the revolution had come. Cooksey and his crew now formed what Roger Duncan and Larry Deuser, or Bob Binder even earlier, had never had: a pro-environment majority. Ironically, the Cooksey council proceeded to approve more square feet of development than all previous councils combined.

In 1986, the council, led by Shipman, did stop a massive office development at Barton Bend just above 360. And later that year they passed the first Comprehensive Watersheds Ordinance (CWO) covering all the streams west of town. Like the Barton Creek Ordinance, it took a long time, and this one featured a developer dominated task force.

Many charged that the council majority had caved into the developer backed minority—Rose, Urdy and Trevino (the RUT). The majority, however, said that the ordinance, while imperfect, was strong. No one ever got a chance to find out, though, as the council immediately began handing out CWO waivers, including those for several large projects in the Barton Springs Zone. The votes were almost always six to Cooksey. A memo released by Environmental Department Director Austan Librach in October 1991, reported that during the first five years of the CWO, there had been 603 applications for exemptions in the Barton Creek Watershed. Of those, 524, or 87 percent, were granted.

One project that was said to comply with the 1986 CWO was the Uplands, which had been repossessed from Barnes and Connally by Keating. "It just went too slow," Keating told *Texas Monthly*. By this time, a St. Louis lender had also repossessed the two Super Texans' Estates of Barton Creek and their Barton Creek Country Club.

The Cooksey Council, faced with the Uplands proposal, basically told the developers to work out a compromise with the Save Barton Creek Association, and then return to request approval. After months of negotiating, the developers returned with a "compromise." They would "cluster" homes and leave 55 percent of the tract undeveloped. The agreement covered 3,200 acres. On that would be 2,429 single family homes, 1,711 duplexes and more than 2,000 apartments and condos. There would also be 800,000 square feet of offices, half a million square feet of retail and 1.4 million square feet of industrial use.

Uplands representatives said the development complied with the Comprehensive Watersheds ordinance, while a city staff report concluded that "the proposed development can be achieved without major variances to the CWO." The Save Barton Creek Association supported the compromise. The group's vice-president, Bert Cromack, told the Planning Commission, according to minutes, that the Uplands had

been "the most pleasant experience of negotiations" he had ever had.

Amid much praise and back patting, the city council unanimously approved the Uplands agreement. The project was bigger than the Barton Creek PUD, which would set off a city-wide rebellion five years later.

The Uplands property was saved from the bulldozers by Keating's financial and legal problems, and soon ended up in the hands of the federal Resolution Trust Corporation, which still possesses it today. *Nation* magazine reported that the Uplands deal cost American taxpayers \$70 million.

Financial collapse of other developers helped preserve more parts of the Barton Springs Watershed, as well as other surrounding countryside. As well, the discovery of endangered species in the Austin area forestalled much development. Somehow birds and bugs proved much more adept at stopping developers than politicians.

Despite the financial downturn, developments continued to show up on the council agenda. On September 1, 1988 a new council unanimously approved the Parkstone PUD, with more than 1,000 apartments and 1.5 million square feet to be located on 149 acres adjacent to the Twin Falls and Sculpture Falls areas of the creek. The council that approved this proposal included Max Nofziger, who had joined the group in 1987; Lee Cooke, who defeated Cooksey to become mayor in 1988; and also Robert Barnstone, a central city developer who had been elected in 1988 to replace the retiring Trevino. Shipman, Humphrey, Carl-Mitchell and Urdy were all still in place.

Then came the Bohls Ranch, located along both Barton Creek and its Little Barton Creek tributary at Highway 71 and Barton Creek, just upstream from the Uplands. Its owners, the principals in the advertising firm GSD&M, hired legendary development lobbyist Ed Wendler Sr. to represent them.

Wendler asked that the city disannex the property, so it would be in the jurisdiction of the Village of Bee Cave, and thus exempted from city controls. Meanwhile, State Senator Gonzalo Barrientos was sponsoring a bill in the legislature designed to achieve the same purpose.

The council first refused to disannex on a 4-3 vote, with rookie Robert Barnstone and George Humphrey leading the fight against disannexation. Carl-Mitchell and Max Nofziger voted with them. Urdy, Shipman and Mayor Cooke voted for disannexation.

Wendler and Barrientos then went to work on Nofziger, who announced two weeks later that he had changed his mind. Barnstone and Humphrey protested vehemently, but to no avail. The Bohls Ranch, like the Uplands, ran into financial problems and has not been developed. But a new development group now has plans to proceed.

Up To The Present

Then Jim Bob Moffett came to town. In September 1988, Moffett—CEO of Freeport-McMoran—bought the 2,000 acre Barton Creek Country Club and corporate conference center, as well as some 2,000 surrounding acres. His Freeport subsidiary, Barton Creek Properties (BCP), purchased it from the St. Louis S&L who had repossessed it from Barnes/Connally. In December of that year, the country club and conference center were sold to ClubCorp International, the world's leading owner and manager of exclusive country clubs (BCP retained the undeveloped land). ClubCorp is run by Robert Dedman, who served on the State Highway Commission from 1981 to 1985, and was its chairman from 1987 to 1991. He is also CEO of Franklin Federal, a federally subsidized bank comprised from three failed S&Ls.

Moffett and Dedman proposed to build roughly 5,000 homes and apartments, plus several million square feet of commercial and industrial development on their properties. When the word got out about the development, citizens rose up in a week of rebellion. Thousands of calls poured into City Hall. On Thursday June 7, 1990, 900 people signed up to speak at a public hearing on the PUD proposal. Hundreds more gathered outside. The hearing went on for 13 hours, until six o'clock the next morning.

The council, led by Barnstone, Humphrey and Nofziger, turned back an early morning attempt by Shipman to grant variances while denying the development. (Shipman and Humphrey were appearing at their last meeting.) They then voted unanimously to deny the developers' plans for a PUD (Planned Unit Development).

After the victory, a "no degradation" ordinance was developed for the Barton Springs Watershed. The council passed it unanimously in February 1991, but only on a six month "interim" basis. The next council then gutted that ordinance later in 1991, and passed a much weaker "composite ordinance," worked out by newly-elected Mayor Bruce Todd. The Save Our Springs (SOS) coalition was formed, and launched a petition drive to force an election on a stronger CWO. SOS got the petitions in on time for a June 2 election, but four members of the council—Ronney Reynolds, Charles Urdy, Bob Larson and Louise Epstein (RULE)—defied city charter mandates that an election be set within 90 days of certification. The election was then set for August 8. ■

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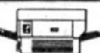
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VOTE

Intelligently.

The SOS Election is almost upon us and Austinites are beginning to voraciously read everything they can find.

The *Austin Chronicle* will be presenting a series of articles leading up to the August 8 election.

July 24 we will cover the pros and cons of the SOS ordinance with Bill Bunch, SOS attorney, and Barry Allison, of Barton Creek Properties.

July 31 we'll feature a technical analysis of the ordinance and focus on Raleigh/Durham, North Carolina where the strictest water quality ordinance in the country is currently in effect, along with clear, concise, easy-to-understand facts so that you can decide how best to vote.

So cast your vote intelligently.

Or we may all cast our collective fates to the winds.

★ THE AUSTIN ★

CHRONICLE

by Coach

"Money can't buy everything it's true,
but what it can't buy I can't use.
So, give me money... that's what I want."

If you are having a hard time trying to understand the wild accusations being thrown around after last week's decision by Baseball Commissioner Fay Vincent to force the Cubs and the Cardinals to move to the Western Division of the National League, just hum along with the Beatles. It will calm your mind and get you quickly to the heart of the matter.

The once lovable Cubbies - who are owned by Superstation WGN, who are owned by The Chicago Tribune Corp. - are making George Steinbrenner look like kindly old Grandpappy Amos McCoy. The Cubs' (aka WGN/Trib) pathetic bleating about how this move is "bad for the game" and "unfair to our fans" is a blatant and hypocritical smoke-screen.

Nowhere do the Cubs mention what is really behind all this self-serving slobber. It's about a subject that's close to the hearts of sports fans everywhere. Just say... advertising revenues. Realignment has been a high priority baseball issue for a number of years. It makes obvious sense, both geographically and economically, to have teams from the same general areas play in the same division. The Cubs were the only team out of 12 to vote against this proposal last spring. They feel they will lose big bucks due to the later starting time for West Coast games, which means fewer viewers, ergo less advertising revenue. This, of course, has zippo to do with the "good of the game," which is exactly my point! Yes, it's confusing and the Cubs intend to make it more so. "If you have a sorry case, then confuse the issue." I think Clarence Darrow said that. Here is the way I see it:

1) Baseball is in trouble. Attendance is down and would look a lot worse if it were not for the large increases in Baltimore, Toronto and Chicago, which have shiny new ballparks that are tourist destinations. A number of teams are on the verge of bankruptcy. The difference between the haves (big market teams with superstation coverage) and the have-nots (K.C., St. Louis, etc.) is getting bigger and more spiteful each year. It's a situation not unlike the 1840-1860 period before the Civil War. The shit is going to hit the fan unless baseball does something dramatic and does it soon. Like for instance...

2) Eliminate the American and National Leagues completely. Realign all the teams into smaller, more sensible divisions. The Astros and Rangers could play in the same division. Same for the Cubs and the White Sox. New natural rivalries would be created. Old ones could be maintained. It would be fun. It would create renewed interest. Of course, this is so sensible that you can count on it not happening until the grim reaper is at the door. As Harry Carey said, "It seems so sensible, but then again, baseball never does anything sensibly."

3) Baseball has always been run by a bunch of

fellas who would make Barry Goldwater seem like an SOS bumper sticker owner. These codgers think tradition is everything, no matter how outdated and stupid. The Cubs, for example, cite "tradition" as a reason not to move them out of the Eastern Division. Never mind that the tradition dates all the way back to the old days of 1969. Baseball is the only major sport that does not have inter-division play. Hey fellas, the 21st century beckons!

4) It's time to consider some kind of revenue sharing, like the NFL. If baseball owners ever realize that what is good for one is good for all, this will occur. Otherwise, the Golden Goose is gonna die.

5) Adopt an NBA-style salary cap. The out-of-control salaries are ruining the game's financial structure and turning the fans off.

6) Make the Coach Commissioner for life, and I promise to make all these things come to pass AND give each of you box seats to any game of your choice.

Chump of the Week Award... goes to National League president Bill White. He viciously attacked Fay Vincent for bravely doing what he had failed to do, i.e.

moving the Cubs. He cited the "violation of the NL constitution" as the basis of his case. From a legal point of view, the NL constitution probably has as much validity as the Tri Delt by-laws!

Barcelona Dreamin'

I'm having second thoughts on this dream team stuff. Stockton, Ewing and Bird have already suffered serious injuries. Every guy on this team is a franchise player. How will Don Nelson feel if Chris Mullin is aimed out of some backwater town with a career ending injury? The NBA season puts a tremendous physical strain on all its players. Most of the Dream Teamers have played deep into the playoffs and have had the additional burden of carrying their teams. Next time, pick pros from teams that don't reach the playoffs. The results would be the same. The players would want to play instead of being all but forced to participate by the media. These games scare me.

Parting Shots

Sweet baby Jesus, will it never end? Guess who else is making a boxing "comeback?" How about Leon "I'm sorry officer... uh, I guess I forgot to get a license" Spinks. Pretty soon, you're going to see the old Leon... "I'm kinda like a black Rocky." Barf, barf.

"Honey, not now,

I'm trying to think..."

Last week's question was: "Who hit the most HR by the age of 30?" The answer is Jimmy Foxx, with 379. Guess this week's question and win a free *Chronicle*-shirt: "Before grunting bothered her, Martina Navratilova won 9 Wimbledon titles. Who is in second place?" Send your answers to Coach's Corner, *The Austin Chronicle*, PO Box 49066, Austin, TX 78765

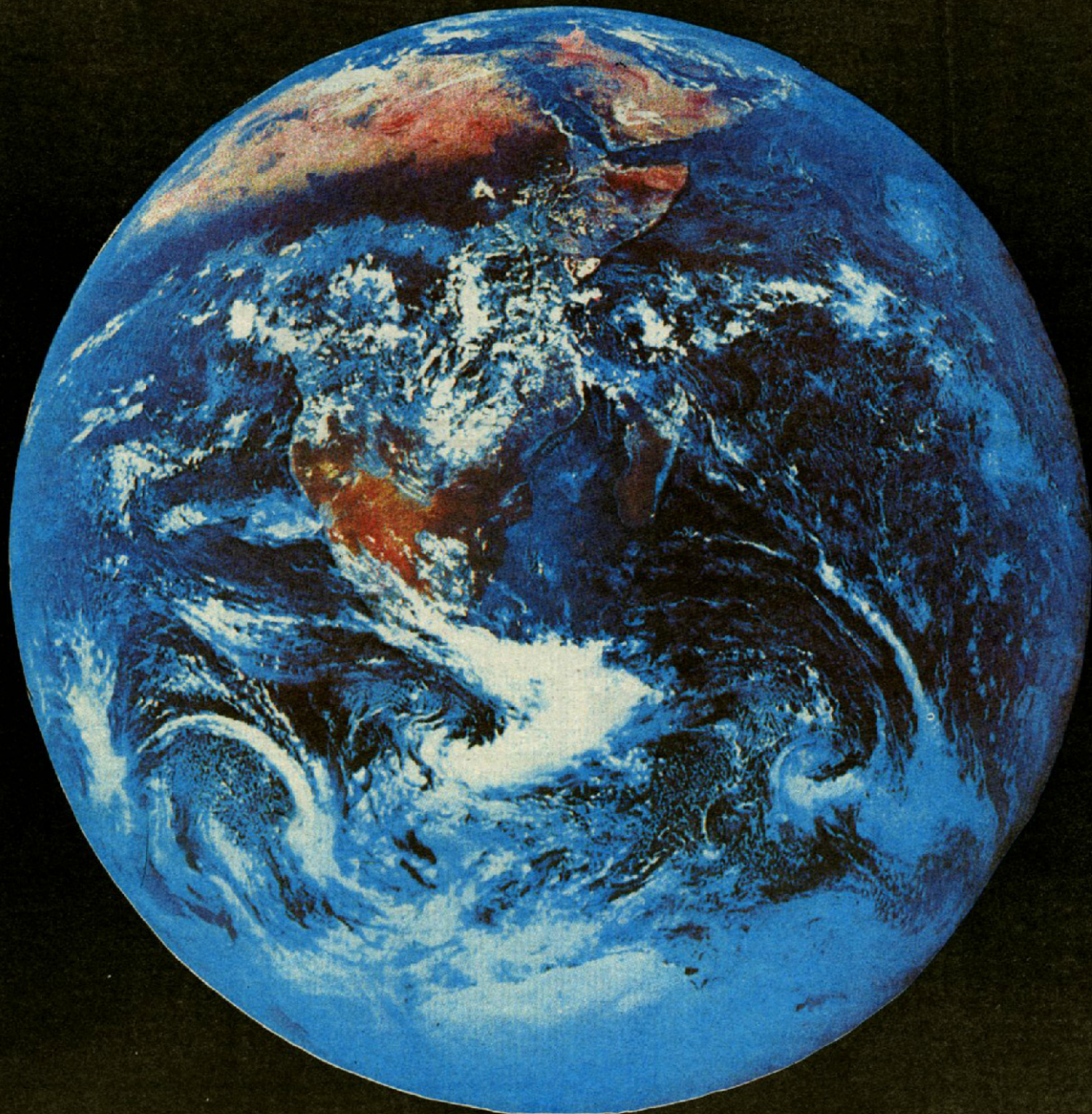


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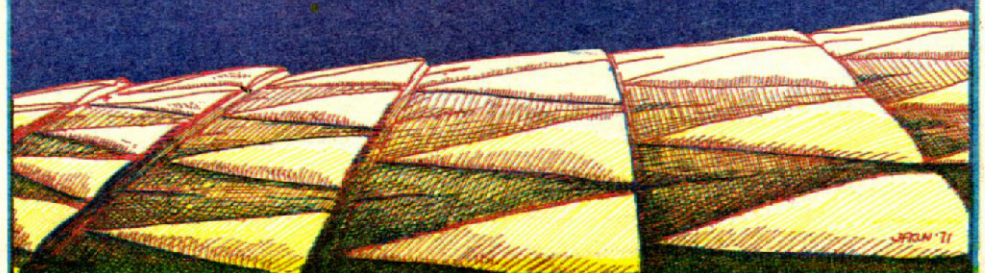
SOS Pro and Con: Barry Allison vs. Bill Bunch

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The sound and the fury have really been impressive this time, with the noise almost overwhelming the importance of the issue. Almost, but not quite, because the SOS vote is a referendum on our city and its future. Let's not be cute here - the Chronicle's leanings have been obvious. So this week we quietly stepped aside and invited one proponent of the ordinance, Bill Bunch, and one opponent, Barrett (Barry) Allison, to give their reasonings for their positions.



POTTER

ILLUSTRATION BY DOUG POTTER

by Bill Bunch

SOS: In Favor

Protecting Our Natural Resource

Most people understand that when large sums of money are at stake, the truth is the first casualty. So it is with the debate over the Save Our Springs (SOS) citizens' initiative. The developers and their anti-SOS mouthpieces - Citizens for Responsible Planning (CRP), Save Our Neighborhoods (SON) and the Greater Austin Chamber of Commerce (GACC) - will tell you they agree that Barton Springs should be preserved, but they want to talk about "facts, not emotions." The reality is that their "facts" are fabrications, and their campaign rests on instilling confusion and fear in the electorate.

It is impossible to answer all of the misinformation and fear-mongering here, but hopefully a few points will show that the SOS citizens' initiative makes sense and that anti-SOS confusion and intimidation tactics should be ignored.

The issue is actually quite simple: Protecting Barton Creek and Barton Springs requires strictly limiting the amount of urban development upstream. Austinites have known this since the 1970s, and have repeatedly expressed their will to steer development towards other areas. Yet over and over, politicians get elected promising to protect the environment, and then break these promises under pressure from large developer campaign contributions.

As a result, current ordinances to protect Barton Creek and Barton Springs are 99

percent loophole and 1 percent law; water quality in the Creek and Springs has deteriorated, and massive new development projects have been and continue to be built in the Barton Springs watershed.

Following these many years of betrayal by elected officials, Austin citizens have drafted their own ordinance to protect the Creek, Springs, and Aquifer. If it passes, it is binding on council. By separating the insider money politics from water quality, SOS will preserve our most treasured natural resource for all citizens. If it fails, the Creek, Springs, and Aquifer will continue to decline as shopping malls, office buildings, roads, parking lots and tens of thousands of apartments and homes pave over the most vulnerable groundwater system in Texas.

People understand that large-scale development upstream of Barton Springs is not desirable. They also understand that politicians have consistently sold out to developers and their lobbyists. But when bombarded with "expert" opinions and "facts," it is easy to forget these simple truths.

Jim Bob Moffett's threat to "bankrupt the city" with lawsuits claiming an unconstitutional "taking" of property is perhaps the best example of developer attempts to intimidate voters. People care about property rights, and nobody wants more litigation. But a few moments of thought will answer the charge.

The law and common sense have long recognized that no person has the right to use their property in a way that harms others. Laws prohibit excessive noise or air

pollution, or operation of certain businesses, such as gambling halls. Traffic laws assure that each of us use our private automobiles in a safe manner.

Similarly, the people, acting through their government, have the authority to restrict land use to protect water quality. The constitution protects ownership of property; it does not entitle the owner to any particular use. The people have no obligation to pay Mr. Moffett or any one else to refrain from polluting Barton Creek. The constitution and the courts have clearly provided that regulations on land use to protect public health, safety and welfare are not "takings" but legitimate exercises of governmental police powers.

Mr. Moffett is certainly free to threaten a "takings" claim, just as he threatened to incorporate his own city if the council denied his PUD. But his takings charge, like his threat to incorporate, is wholly without merit.

The proper question is who is really "taking" what without compensation? In their rush to develop regardless of the water quality effects, some developers seek to "take" long standing public rights to enjoy Barton Springs. Just as Clayton Williams family pumped Ft. Stockton's Comanche Springs dry, Claytie, Jim Bob and other Barton Creek developers would deprive the public of their long standing rights to use and enjoy Barton Springs. Barton Springs was donated to the city as a park in 1917. No landowner has the right to take that resource away from the pub-

lic, either directly or by pollution runoff from upstream development.

Anti-SOS charges of taxpayer doom and gloom is another particularly rank example of fear-mongering. SOS will save, not cost, taxpayers tens of millions of dollars. City staff have estimated it will cost more than \$130 million to clean-up after existing development in the Barton Springs Zone. This excludes the cost to "retrofit" thousands of acres of development approved

Requiring those who would profit to invest in an ounce of prevention, as SOS does, will assure that taxpayers do not get stuck paying the pound of questionable cure.

but not yet built under exemptions and variances from the current ordinance. Requiring those who would profit to invest in an ounce of prevention, as SOS does, will assure that taxpayers do not get stuck paying the pound of questionable cure.

Besides forcing taxpayers to clean up after them, Barton Springs watershed developers have raided the public treasury for enormous subsidies. For example, devel-

continued on p.14

Politics

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The Debate to Stop Growth in Austin

first came to Austin in 1965, and have lived here for 18 years since that time. I have used my training as a registered environmental engineer and my leanings as an environmentalist to work to improve the quality of life of many individuals in Austin, and other states and communities. In 1965, there was loud, shrill screaming to "save Austin" from growth. Still, now, in 1992, new loud, shrill voices (most of them paid professional campaign workers living in Austin just a few years) shout to "save" Austin from growth. This is the Austin built by the community leaders who the no-growth advocates of the Sixties and Seventies said would ruin Austin forever. It seems our leaders from those times did an excellent job, since so many newcomers howl it must be "saved."

Much to the chagrin of Save Our Springs minions, the city environmental staff and water supply engineers have now dismissed their claim that SOS is about drinking water. It is not. Barton Creek and Springs contribute almost nothing to our drinking water, its source being the Colorado River almost entirely upstream of Barton Creek. If this were about a threat to our drinking water, it would not be wise to purposely pollute it by swimming in the springwater, adding bacteria, viruses, various oils, greases, chemicals, and such that people use, many of which include known carcinogens.

SOS minions tell us regulations exist all over the country which are stricter than the CWO. They differ in critical ways from SOS. First, they may limit impervious cover severely, but without exception, do so for small areas, not 112 square miles. When they do, they do not require the landowner to give up huge areas of his land first, which he cannot use at all, then require enormous expenditures for water quality control structures, and then limit building further on the little which is left. This is unique to Austin. Others limit impervious cover in the areas nearest to the reservoirs, estuaries, etc. Little or nothing else. Recently, in the *Austin American-Statesman*, John Scanlan showed that they all apply to areas around drinking water reservoirs only. Mr. Scanlan demonstrates rather well that comparing the SOS to reservoir rules is invalid, and is intended to mislead the voters. Scanlan cites the generally accepted position that above 15 to 20 percent impervious cover, some controls may be needed to maintain water quality, while areas in which the cover is less than

20 percent do not threaten water quality, even without controls. The way the 1991 CWO works, on any master planned community, it limits impervious cover to less than 20 percent, and requires stringent controls as well, as an extra safeguard for water quality. Mr. Scanlan is a lawyer and not a water quality expert, but he has done a good job of showing a fundamental weakness of SOS.

SOS requires absolutely no increase in the annual amounts of constituents of rain water running off of your land during your use of it, for a home, for example. City of Austin Environmental & Conservation Services Department head Austan Librach stated to City Council that: "Development intensity would have to be reduced effectively to zero to maintain pollutant loads at background levels." He also questions whether more controls in the area to be regulated by SOS will do anything for water quality in the Springs. The City's own environmental department states *impervious cover will have to be ZERO to comply with SOS* [writer's italics and capitalization]. If it is

If it is adopted, SOS will eliminate all economically viable use of many tens of thousands, if not hundreds of thousands of acres of land.

adopted, SOS will eliminate all economically viable use of many tens of thousands, if not hundreds of thousands of acres of land. "POLLUTION IS POLLUTION," and our creeks don't care whether it comes off a parking lot or a farm. If all increase is prohibited for the sake of the Creeks, then it matters not where it comes from, does it? So, not just impervious cover is out, but also farming, ranching, wineries, even parks. Even a glass of your drinking water would violate the SOS if it ran into the Creek.

It is popular to be anti-development, especially among SOS newcomers. It has been said, "If you eat, you are involved in agriculture." Similarly, if you have a place to live, to work, to shop, or to go to school, you are involved in land development and growth in a big way, because your need was the reason it happened. Farmers do not raise crops for

themselves, they fill demand. The SOS minions believe that building homes for people causes people to move here. It is the other way around.

There is no disagreement that we all want and need clean water. Most of the community, however, wants clean water everywhere, not just in one Creek, but in all of them. They want controlled, careful, and well monitored growth in Austin.

The election on August 8 is about a so-called 2,000 word "water quality" initiative, written by lawyers, not by water scientists. It adds to the CWO, that they call "a mess," perhaps the definitive case of adding insult to injury. It does not fix the mess, it just makes it a few pages longer. It does not clean up any water quality problem anywhere, not in the Springs or pool. It does prohibit fixing 40-year-old subdivisions and apartments overlooking the pool and Creek, so that pollution will go on, right into the pool. United States Geological Survey hydrologist Ray Slade has said that the fecal coliform which frequently closes the pool after rains must be coming from no further away than 1/2 mile. Next time you are at the pool, look around. You will see where the problems are, and you will see them there forever, under SOS.

SOS minions beat their chests for months about the right to vote, but huge numbers of people affected by SOS cannot vote on it at all. Voting is a right SOS minions demand for themselves but deny this same right to tens of thousands. It is unfair.

If you can build at all under SOS, it will backfire by causing huge numbers of septic tanks and wells. Septic tanks are designed to pour virtually raw sewage into the ground. The SOS minions say this same ground is so porous that any added pollutant on top of it will go into the Aquifer, poisoning the Springs. How can you believe someone who says if you put it on top of the ground it will soak in and poison you, but if you put it underground it will be fine? Water wells will slurp water out of the Aquifer, lowering flow at the Springs. USGS has documented this. SOS minions aren't concerned about these things for one reason only: An SOS spokesman has said that building 165 homes at the Parkstone project will poison the Aquifer and the Springs forever. A *Chronicle* writer, who also supports SOS, has said the same will happen if 4,000 or 5,000 homes are ever built near the Barton Creek Resort. And yet SOS minions say their proposal will allow 1-2 homes per acre on the affected area. Folks, that is 71,000 acres, or 71,000 to 142,000 homes. If SOS will allow this

many homes, how can they let this happen, based on the things they are saying? But, if SOS is really meant to stop growth entirely in this area, then they can hold to both positions easily, as long as they do not have to admit, except to each other, that SOS is not a water quality plan, but is a no-growth plan.

School children will be hurt by this plan. Small landowners will be hurt by this plan.

SOS is unfair, technically baseless, and asks you to bet the farm, literally, on a plan which cannot hope to work to provide clean water.

Long drives to work and school, from residential-only areas will harm air quality (already in danger according to the Texas Air Control Board) and also waste energy resources for fuel. Most of the other creeks and the river will suffer worse pollution than they have now, while SOS minions go about their campaign unconcerned for other city ills, or for water quality in other creeks, even those which contribute more water to the Aquifer than Barton does, and do directly provide our drinking water.

SOS is "take it or leave it," unable to be changed even though SOS spokesmen are now saying what the document says is not really what they meant to say. Perhaps if they had used some engineers or scientists, they might have produced a document which is technically defensible, and says what they meant.

SOS is scaring you about exemptions, with the drinking water scam. Exemptions granted in the 1991 CWO expire in May, 1996. Exemptions under the SOS expire on August 18, 1995, only nine months earlier unless they are granted by operation of state or federal law, in which case they go on forever.

There are better ways to assure clean water, clean air, and quality of life for Austin. SOS is unfair, technically baseless, and asks you to bet the farm, literally, on a plan which cannot hope to work to provide clean water. In fact, it will stop us from solving problems here today in our watersheds. Is that what you want for Austin?

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SOS Pro, from p. 12

oper Gary Bradley stuck taxpayers with over \$110 million in bad S&L debts on his Circle C Ranch project. Austin ratepayers are paying 85 to 90 percent of the cost of providing utilities to Circle C, the state taxpayer spent over \$60 million on MoPac South, and the City Council directed \$350,000 to build a bicycle racetrack at Circle C.

By eliminating the possibility of high-density development upstream of Barton Springs, SOS will assure that more taxpayer-insured bank and S&L deposits are not squandered on projects that will ultimately ruin the Creek and Springs. SOS will also reduce the need for additional roads and utilities, which are extremely expensive to build in the rocky, hilly water supply watersheds west of town.

The shameful truth is that the CWO is really a CEO, or Comprehensive Exemption Ordinance.

Another anti-SOS canard is that the current ordinance is the strongest water quality ordinance in the nation. For years developers and some councilmembers have pointed to the Comprehensive Watershed Ordinance (CWO) as evidence that they and the City are on the cutting edge of environmental protection.

The shameful truth is that the CWO is really a CEO, or Comprehensive Exemption Ordinance. From 1986 to 1991, out of 603 development applications filed in the Barton Springs watersheds, 524 were completely exempt, for an 86.9 percent exemption rate. Virtually all of the remaining 13 percent were granted significant variances

from the CWO. In short, the CWO was all loophole and no law.

The 1991 "composite" amendments to the CWO eliminated only one of 14 categories of exemptions, and did nothing to expire exemptions previously granted to projects not yet built. The very first Barton Creek development considered by council after the 1991 ordinance was passed was given a variance allowing five times greater density of development than the ordinance allows.

Assuming that someone, somewhere might eventually have to comply with the current ordinance, it allows 40 to 70 percent of a development site to be covered with impervious surfaces. For comparison, the Shoal Creek watershed - which is flood prone, polluted, and virtually dead - has only 43 percent impervious cover. Many communities around the country that are serious about protecting sensitive watersheds (e.g. Weare and Wolfboro, New Hampshire; Lake Tahoe Basin; Spokane and Thurston counties, Washington) limit impervious cover to 5 to 10 percent or even less.

While some developers and councilmembers repeat over and over that the current ordinance is the strongest water quality ordinance in the nation, it is undisputed fact that almost no one has to comply. When there are plenty of examples of stronger ordinances in other communities, it is clear that anti-SOS "facts" do not match reality.

Another anti-SOS scare tactic is the absurd claim that SOS will actually result in more pollution because it requires septic tanks to be used. "Septic tanks" is a scary term that many people do not understand. The fact is that septic and other kinds of small, on-site treatment systems that typically serve low-density and rural development are not a problem. The documented sources of pollution in Barton Creek and

Barton Springs are non-point urban runoff, leaking sewer lines, and irrigation of golf courses with treated effluent. While Barton Springs has been closed due to leaking sewer lines and non-point pollution, they have never been closed because of septic systems.

Moreover, SOS does not require either septic or central sewer. Whichever is used, both must assure no pollution under SOS. Yet this fact does not constrain the opposition from using the "septic tank" threat to scare voters.

The late Austin champion of civil rights, John Henry Faulk, used to tell a story, a metaphor about the McCarthy era witchhunts which threatened the very foundation of our democracy and destroyed Falk's career. As a child, Faulk was retrieving eggs from the chicken coop when he found himself eye-to-eye with a chicken snake. The frightened Faulk bolted from the coop, smashing into the door frame and bruising his head and shoulders. As his mama tended his wounds, she explained that chicken snakes may eat a few eggs but they won't hurt you. But they can scare you so much that you hurt yourself.

So it was with the McCarthy blacklists. Their fear tactics frightened our elected leaders and the nation into destroying people's rights to free speech, free association, and fair trials. With similar tactics, anti-SOS forces hope to scare the citizens of Austin into destroying their most treasured community resources so a few speculators can make a fast buck.

Do not be frightened. Use your brain and your heart. Protecting Barton Springs for ourselves and for future generations - no exemptions, no excuses, no politics - is the right thing to do. Vote yes on the SOS citizens' initiative.

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Page 53.

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AUSTIN REAL ESTATE PROFESSIONALS ARE SOLD ON S.O.S.

Most people wouldn't expect real estate professionals to stand up for environmental restrictions on property, but some far-sighted ones do. They know that protecting the quality of the environment improves the value of property and is therefore good for the overall economy. They know that individual property rights are very important, but that the rights of the

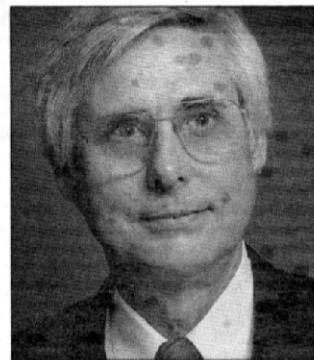
community to enjoy clean water are important, too. Austin citizens value the natural beauty and clean water that make it an attractive place to live and work. And that's why people keep coming here. These real estate professionals are not "no-growth." They know that preserving a city's environmental quality enhances its growth. They know S.O.S. means business.



Teresa Recar, Recar & Associates

"Those who support the S.O.S initiative, and I'm one of them, are taking a long view of Austin's future and asking, 'What kind of city are we leaving to our children? One that sacrificed Barton Springs or one that had the vision to save it?' People in Austin take

great pride in our city because of its natural beauty. It's why others, like the California families I relocated here last week, want to come here. S.O.S. is not about preventing growth, but about managing growth so we preserve the very qualities that make Austin so special. Nowhere else can you find a such a beautiful creek flowing clean and clear through the heart of a major city."



Sam Gammon, Sam Gammon Real Estate

"As real estate people, we care very much about property rights, but we don't believe anyone has the right to pollute. That's why we're supporting S.O.S. It will protect water quality in the Barton Springs watershed while allowing non-polluting development

to occur. We share the concern of landowners in Southwest Austin for the value of their property. But environmental restrictions do not degrade property - pollution does. As we have seen in Westlake Hills, environmental restrictions actually improve the value of private property. S.O.S. will be an asset to our overall economy both now and in the future."

HERE ARE SOME OF THE AUSTIN BUSINESSES AND PROFESSIONALS WHO ENDORSE THE SOS INITIATIVE AS SOUND ECONOMIC POLICY

Lee Allbright, REALTOR*
Tom Amiss, REALTOR
Lenore Avant, REALTOR
Barbara J. Baskin, REALTOR
Carrie Bills, REALTOR
Ann Blaiss, REALTOR
Elaine Byrne, REALTOR
The Caldwell Co.
Lois Charles Real Estate
City Properties
Cornerstone Realty

Sylvia Crossland, Real Estate Broker
First United Investments, REALTORS
Priscilla Gibson, REALTOR
Janet Gilles, REALTOR
Jean Hamner, REALTOR
Virginia Ivey, Real Estate Broker
Curtis Jordan, REALTOR
Kaleido Properties
George Liebes III, REALTOR

Perry Lorenz, Real Estate Broker
Flynn Mauthe, REALTOR
Mike McHone, REALTOR
Connie Moore, REALTOR
Nancy C. Pond, Real Estate Broker
Carroll H. Price, REALTOR
Teresa Recar, REALTOR
Recar & Associates
Cynthia Reynolds, REALTOR
Peach Reynolds, REALTOR

Katie Robertson, REALTOR
John S. Rowley Real Estate
Sam Gammon Real Estate
Lael Seagert, REALTOR
Morrie Schulman, REALTOR
Kris Sorenson-Hyatt, REALTOR
Bill Smith, REALTOR
Abbe Waldman, Real Estate Broker
Carrie D. York, REALTOR

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This is not a no-growth list. We invite you to join the growing number of businesses and professionals who support the S.O.S. initiative. Please call 447-4290.

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AAA+: Essential

Propositions 1-4. These are health and safety matters which the city must do. Let's hope waste is at a minimum within these items, and that they will achieve their stated purpose, rather than simply sounding worthwhile. Prop. 1 allocates \$1.01 million for expanded Emergency Medical Services. Prop. 2 provides \$8.7 million for four new fire stations: Burseson Road at Drossett Dr.; S. Congress & Foremost Dr.; U.S. 71 & Fletcher St., and another at an as yet undesignated location. Obviously the need for new stations reflects the costs of government-subsidized suburban sprawl. But, at this point we can't let the suburbanites burn to a crisp. Hopefully, they'll be as kindhearted when voting on needs of the central city. Prop. 3 provides \$5.5 million for new police substations in north, south and east Austin. Prop. 4 features \$18.8 million for asbestos abatement, making city buildings and parks accessible to the handicapped, and to replace the heating and cooling system at the East 2nd St. Health Clinic.

Propositions 17-22. Deauthorizations. We hate to see the energy conservation bonds go, (Prop. 18), but they've been ruled unconstitutional by state courts. Also proposed for deauthorization are the electric department's waste to energy plant or trash burner (Prop. 17), and suburban water lines in the northeast and southeast, (Props. 19-22). When city officials say they aren't going to spend money, encourage them.

AAA: Non-Essential, but Worthy

Proposition 7. Neighborhood Sidewalks. \$500,000. Not absolutely essential, but a small expense that should be phased in gradually.

Proposition 9. Libraries. \$16.4 million. Included are funds for: new libraries in Dove Springs, Oak Hill, and Milwood (Parmer & Burnet); replacement libraries at Zaragosa (now the Govalle Branch) and Windsor Park; and a new heating, cooling and electrical system for the Austin History Center.

Proposition 10. Land Acquisition. \$22 million. There is a bottom line to this issue, supporting the Balcones Canyonlands Conservation Plan. Its supporters, including the Nature Conservancy and Travis County Audubon Society, claim that this

Yes to Everything but 13, 14, & 16

Bond Election Endorsements

plan is the best possible land management to preserve endangered species at the best price, made more attractive by a bargain basement RTC sale price that is good until October. The land involved in the pending RTC contract is located throughout western Travis County. It includes the still largely wild Uplands and Sweetwater Ranch in the Barton Creek Watershed. Both properties are above the golf courses at the Barton Creek and Lost Creek country clubs. The RTC purchase also includes beautiful land along Bull Creek, Lake Austin, and Cypress Creek - which feeds into Lake Travis.

Cynics claim that the plan is a disguised bail out for distressed developers, that this is simply a ploy that will allow more development in other areas, and that the land is really insufficient to preserve the endangered species. Much of this is true, and it troubles us to support a plan which most developers also support.

Brutally, however, the best way to preserve land is to buy it. There were opportunities through out the Seventies and Eighties for the city to buy land; it passed on many of those deals, leading to several environmental heartbreaks of today. Bottom line: you buy the land, you own it. The question of courts, laws, ordinances, restrictions, reasonable and unreasonable developments becomes moot. This is a lot of land at a not unreasonable price. If it is defeated, how long do you think it will take for the city to come up with another land purchase package and will it be any better? Buy the land.

Proposition 12. Mexican American Cultural Center, Carver Museum. \$10.5 million. This proposition expands the existing Carver Museum and would construct a new Mexican American Cultural Center.

Proposition 15. Revenue Bonds for Electric Distribution, Street Lighting. \$82.5 million. The Electric Department had the good sense to deauthorize the trash burner and to stop the building of 345KV lines. This bond money would fund new distribution mains. The department last requested and won bond funds in 1985. They predicted that money would last for three years. The department now predicts

that funding will last until 1994, when they will need the new bond money.

AAA-: Yes, with Reservations

Proposition 5. Erosion and Flood Control. \$21.5 million. This item covers the completion of flood control work on the Fort and Tannehill branches of Boggy Creek; widens and stabilizes the channel on Shoal Creek between Shoal Creek Blvd. and White Rock Dr.; and goes to the much discussed erosion problems along Little Walnut Creek. We are concerned that this will be a boon-doggle in which developers who caused the flooding problems will return to feed off the bonds as they build city-funded erosion controls that the developers should have built at their own expense in the first place. But, the work needs to be done.

Proposition 6. Street Reconstruction, Traffic Signals. \$27.5 million. The problem here is that the Public Works and Transportation Department keeps getting more money, but the streets stay bumpy. They receive funds from Capital Metro to fund some street repair. They receive the new \$6 million transportation fee levied on city utility bills. Now they want \$27.5 million in bonds.

After anguishing over it, however, we say approve the bonds. Department officials say the money from the transportation fee will go to maintain streets and prevent them from getting in the shape where they need massive repair. The bond money will go to fix those that have already gotten into bad enough shape that maintenance is not enough to fix them. We think poor management led to the streets getting in the bad condition where they need this money to repair them. That's no reason to leave them unrepaired.

Proposition 8. Parks and Recreation. \$17.35 million. This proposition showcases the council and staff at their most cynical. Included are projects which only the socially blind and morally cold hearted would oppose: a new recreation center for Dove Springs and Zaragosa; a Montopolis Sports Complex; a new South Austin Senior Activity Center; repairs to the Govalle ball fields.

The problem is that this item contains less worthy plans, including some that could

turn Zilker Park near Barton Springs into an amusement park/commercial strip.

We recommend voting for the proposition, then riding herd to make sure the recreation, senior and sports facilities get built first, and the Zilker commercialization items die a slow death. We feel this is the worst time to be considering major changes to the Barton Springs area, at a time when thousands of citizens are engaged in a fierce struggle to preserve the very existence of the springs.

Proposition 11: "Wilderness Park." \$20 million. This is Louise Epstein's hastily thrown together land purchase plan. With the BCCP, we get land for per acre costs ranging from \$1,100 to \$4,000. Epstein's proposal would authorize \$20 million for 1,048 acres in the lower portions of Barton Creek, the "urban natural area." That's \$19,093 per acre. The land is closer to the city than the BCCP land, and thus, probably more valuable, but still, this price tag seems excessive. Epstein and her council colleagues have added to cynicism by approving developments in the proposed purchase area, thus adding to their value. Opponents of the Epstein proposal say that those developments won't happen anyway because of financial and endangered species concerns. That is a gamble to take, but on the other hand, developers should not be permitted to shake the city down with councilmembers as their instruments. It's not pretty. Still, a land purchase is a land purchase, and perhaps public pressure can force a fairer sale price. This one is up to each of you to decide, though we're voting for it.

No

Proposition 13. Land Acquisition for New Municipal Building. \$650,000. This is simply a fund transfer to pay for land the council has already purchased. It's adjacent to the current parking lot for the council chamber. The deal is already done. The city manager is skilled at finding money for emergencies. This would be a good time for that to happen, and it's probably a good vehicle to send the council a message. Do we really need a new municipal building?

Proposition 14. Cultural, Performing Arts. Expanded authority to spend \$1.97 million in bonds already approved and issued. This is a strange one. Voters in

Endorsements

Have you ever wondered what goes on in a medical research study?

On Saturday, July 25, Pharmaco is opening the world's largest overnight medical research facility. We're giving Austinites a one-time glimpse at what actually goes on in a medical research study. Tour our facility and we'll donate \$3.00 in your name to Caritas, an Austin charity dedicated to helping people in need of food, shelter and medical care.

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For more information, please call: 447-2995 ext. 2444

P H A R M A C O

1985 approved this amount of funding for the renovation of cultural arts facilities, and the bonds have already been issued. The city, however, wants the authorization expanded so that the money can be used for "purchasing, constructing, improving, equipping and renovating facilities for cultural arts or performing arts or both, and acquiring land and interests in land and property necessary therefor." When the council placed this item on the ballot, nobody in the room would admit to knowing what the money was to be spent on, but it's widely rumored to be a purchase and renovation of the State Theatre on Congress Ave. As much as we would love to see that space renovated, we're leery of creating a city-owned and operated arts center. More than that, we can't see giving this council a \$2 million blank check which they could spend on any land acquisition it pleased.

Proposition 16. Water & Wastewater Revenue Bonds. \$44 million. The department says these expenditures are to meet new federal standards for drinking water, to improve deteriorated facilities all over town, and to fund equipment and other improvements in the Dillo Dirt Program, which cre-

ates compost from wastewater sludge. All of this sounds worthy, but much of it could be funded from the \$10 million to \$15 million that the city takes from current revenues and puts toward Capital Improvements Projects each year. And, the department has not gone far enough in their deauthorizations. The Bear Creek Sewer Main over the Barton Springs Contributing Zone, intended originally to serve developments which have failed, should have been deauthorized. Most importantly, the department is moving forward on Phase 2 of the South Austin Outfall through Zilker Park and on into the Barton Creek Watershed, even though voters approved funding only for a less controversial Phase 1. Until the department is more honest in dealing with the public they should not be given additional bond money. ■



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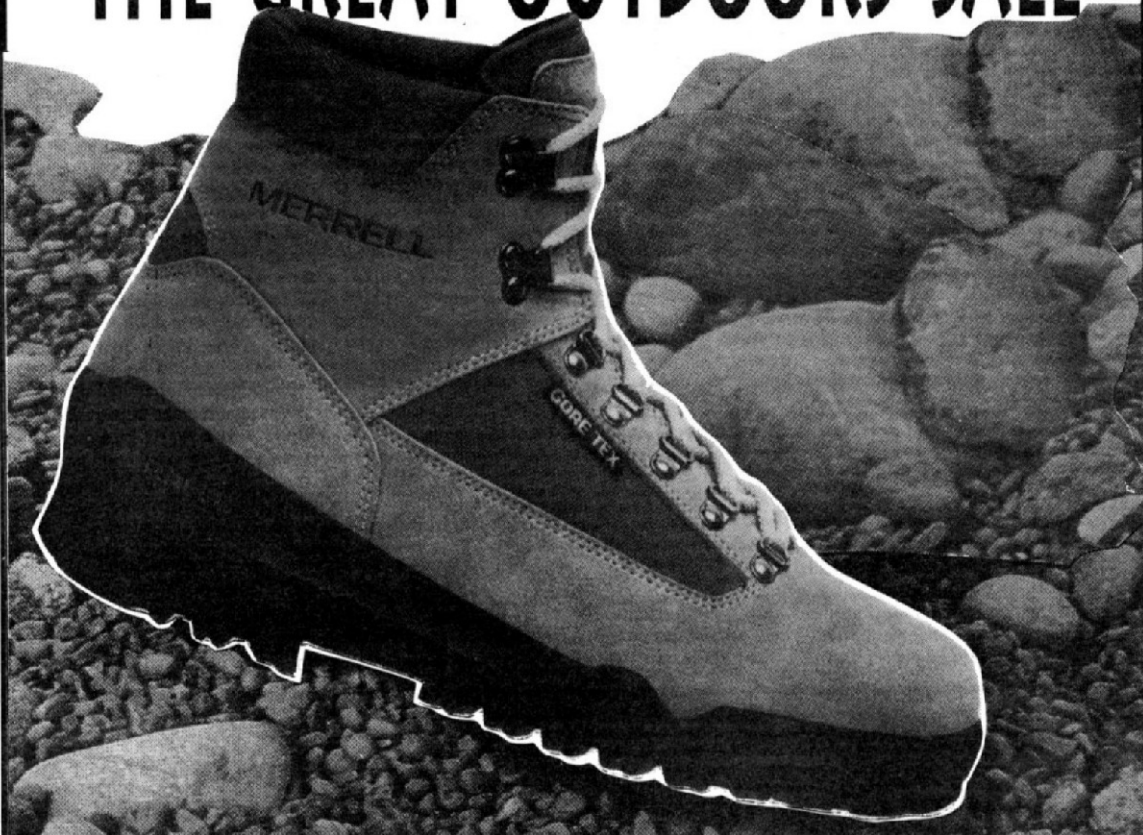
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CHRONICLE

Confusing?



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be recycled

Weekly

Vol. XI, No. 48

Take me to the river

July 31, 1992

on the cover

Barton Springs: A Technical Analysis

by Daryl Slusher 12



PHOTO BY ERIC BEGGES

contents

Vol. XI,
No. 48

politics

Council Watch

by Alice Wightman 10

True Stories

by Al L. Ears 11

Environs

by Robert Bryce 18

features

food: Strip Malls, Pt. 2

by Leslie Cohen 20

sports: The Olympics

by Carter Mann 22

books: In Print

by Ed Ward 24

Martin Wagner

by Jason Cohen 26

stage: Acting Class

by Spike 28

music

16 Tons of Monkeys

by Luke Torn 31

KTSB/KOOP

by Chris Walters 32

Local Releases

reviews by various 32

columns

The Straight Dope 6

Public Notice 8

Media Clips 8

Sylvia 8

News of the Weird 9

Live Shots 36

Dancing About Architecture 37

Awake in the Dark 40

Day Trips 50

Car Talk 57

Coach's Corner 67

listings

Film 38

Film Times 39

Video 42

Music Recommended 43

Dance Clubs 44

Live Music Clubs 44

Theatre, Comedy, Dance,

Classical, Litera, Galleries,

Kids, Instruction, Misc. 50

back of the book

Classifieds 56

Maxine! 62

The Far Side 62

Life in Hell 62

Mr. Smartypants 65

About AIDS 65

Bud 65

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COVER PHOTO: "Breath of Life" by Eric Begges

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Endorsements

This is really a lot easier decision than the opposition — which is almost entirely composed of people with direct financial interests in the affected area — would have us believe. When it came right down to it, even the editorial board of the *Austin American-Statesman*, which has been working tirelessly for the anti-SOS forces on its news and business pages, had to admit that there's no real reason not to pass it, and endorsed it. The Save Our Springs ordinance is not a radical work; it limits growth in the Barton Springs Watershed in order to protect the purity of the Creek and Springs. More building, even the best planned building, means more pollution. The ordinance limits density, which is the only consistently effective way to limit pollution. This ordinance won't, by itself, save the creeks and Springs. It still allows for a lot of development, which will, as all development does, have a negative effect on the environment. But the bill is the most reasonable legal way to regulate growth for the sake of the environment.

The insidious and dishonest nature of much of the anti-SOS campaign (suddenly developers have become militant supporters of civil rights and economically priced family homes — if only this were to last) makes it tempting but probably foolish to refute in detail all their silly assertions, disingenuous shadings and outright lies. Limiting growth is going to cost little in jobs or taxes; developers will simply build elsewhere. And, unfortunately, they'll probably get to build a lot, because a city that protects its environment is a very attractive city. What do you think is bringing all these companies and all these people here — the fact that if we try really hard we can end up looking like Houston? No, it is Austin, the city, the idea and the reality, the environment and the vision. The SOS Ordinance, sadly, is probably the most aggressive pro-growth legislation anyone has put forth in years. By cherishing and preserving what is here, we will attract hordes.

The amazing thing is how some people don't get that. They argue taxes, the future, ownership rights, pollution, but it is about something bigger. We have a moral right to fight for our city. Someone quoted in the *Statesman* suggested that we chlorinate Barton Springs Pool and get on with growth, because there are a lot of natural springs left in Texas. We live in a city with a (once)

crystal-clear, super-cold pool at its center not by accident, but because we want to live here. It's our city. Preserving water is more important than building a few more houses and shopping centers. When we lose the water, there will be no way to get it back. When we lose the water, think of the attention we'll devote to preservation. Even H. Ross Perot gave \$50,000 to help preserve Treaty Oak. And that's one tree; we're talking miles of water.

It's water and it's endangered species, but it is something more than that. Surprisingly, we don't think this is a town torn by dissension. Instead, there is a remarkable shared vision about a decent kind of city, about the kind of place in which you would want to live and raise children. The failure has been on the part of the politicians, especially this pathetic council (and we exclude Max Nofziger and Gus Garcia, while pointing especially at Bruce Todd, whose failure of leadership has been inexcusable). Again and again we have voted for one kind of city; there's been no back and forth here.

Ordinance #1 — SOS: Whether it's been for bonds to acquire parkland or in response to politicians' promises to protect the environment, the citizens of Austin, Texas have consistently voted for the environment. The citizens have been continually ignored.

The SOS Ordinance is the ordinance that every member of the current council promised they'd pass if they were elected (except Bob Larson). They were elected. They didn't pass it. Now, we the people, must. It makes sense. It will work. Vote yes.

But just voting yes on Saturday, August 8, is not enough. We have to monitor the Council until we can elect a new one, and we have to continue to work hard to protect the environment. We also have to accept development. Houses will be built; Austin will expand. So let's save this watershed, this remarkable body of water, this integral part of Austin.

Ordinance #2 — The City Council Alternative: Vote no. This is garbage, but it's far from innocuous. Its wording could mean the city would relinquish sovereignty over its portions of the Barton Springs Watershed to the Texas Water Commission. It's an insult to the people of Austin that it's even on the ballot. Its supporters — Councilmembers Ronnie Reynolds, Charles Urdy, Larson and Louise Epstein — voted against enacting it as an ordinance, and wrote in language making it inoperable if the vastly superior SOS passes. Why should we take it more seriously than they do? ■

VOTE EARLY
see p.4 for polling places

POSTMARKS

For the last few weeks, we've been asking our readers to send us their comments on the SOS Ordinance. Not surprisingly, the responses we received were largely in support of it, and they follow below.

Don't Go West

Dear Editor,
I believe in the SOS initiative. I received my first anti-SOS propaganda last week. It contradicted itself within the first six paragraphs. It started with a heartwarming picture of an old couple with a quote "This law would destroy the value of our home..." Six paragraphs later "... only the wealthy, who can afford big parcels of land and luxury homes, will be able to build throughout the area. That's unfair to average income people..." It seems to me that the SOS is doing the developers a favor. When you have a limit on how many houses will be built in a beautiful area; those houses will not only have a higher value, they will sell faster. Look at the areas west where development has plunged

forward: Circle C has been in and out of bankruptcy. Rob Roy and Lost Creek have had their share of financial problems. If the developers were able to build to their little hearts desire, the Austin housing market could never support the increase in new homes and the developers would be "up a creek" (so to speak).

I hear the SOS is anti-growth. What a misnomer. You can develop all you want north, south and east. Let's just keep the west as park land and preserve it. The other argument I hear concerns legal fees when the developers sue us. Have we thought about the financial burden of clearing the aquifer in ten years when it is trashed? It seems to me if all we have to pay is legal fees, and/or land purchases, it is a steal.

Doris Nelson

A Pool by Any Other Name is Still Not Barton Springs

Dear Chronicle,
We've now spent a summer without Barton Springs and it's very depressing. The city's concrete pools can never compare to the natural setting of Bartons. It really is enough to make me want to move away. Barton Springs is the charm of Austin. It's our beach, our special place — without it Austin

continued on p.4

staff

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the
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THE AUSTIN
CHRONICLE

Save Our Springs: Clear and Simple

by Daryl Shusher

How complicated is it? The Save Our Springs (SOS) ordinance is so complicated that for several months the local daily newspaper, television reporters and developer representatives have dined on and on about how SOS is more than the average citizen can grasp, more than the average citizen desires to grasp. Indeed there are a few technical terms in the three page ordinance: site plan, final plat, impervious cover, preliminary subdivision approval. But, as ordinances go, this one features a large dose of simplicity as well as principle. And, it's a lot easier to comprehend than, say a speech by Ronney Reynolds or Bob Larson.

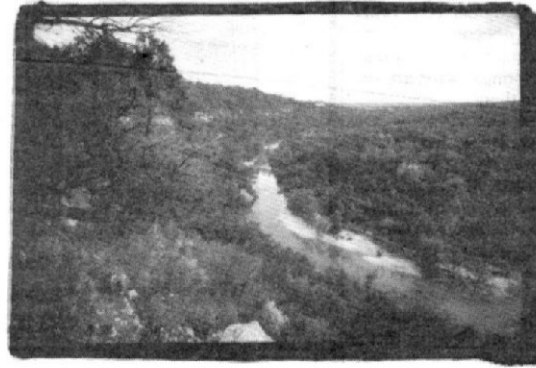


PHOTO BY ERIC BEGGS

granted project approvals.

SOS attorney Bill Bunch says the ordinance is based on the Austin Tomorrow Plan, which was developed through years of citizen input and adopted by the city council in 1979. The relevant section reads: "Development in this [Barton Springs] zone should not contribute to any increase in pollution of surface or ground water above that expected to occur in the natural, undisturbed state. Impervious surfaces in the zone should be minimized."

The Existing CWO

To understand the technical aspects of the SOS ordinance, one must compare it to the current CWO, aka the "composite." If SOS fails, the current CWO stays in place. If SOS passes, however, it will not replace the existing CWO, but will instead strengthen key parts of it. Neither of these laws, though, was born in a vacuum; they're just the latest episode in an environmental war which has raged in Austin for more than 20 years.

In 1986 the city council passed the first Comprehensive Watersheds Ordinance (CWO) which wasn't all that comprehensive. Central city waterways were left out in a compromise with development interests. Those creeks finally won protection last

year in the Urban Watersheds Ordinance, over the objections of development interests led by the Greater Austin Chamber of Commerce. During the current campaign developers have tried to blame environmentalists for the gap in coverage for central city creeks.

After passing the 1986 CWO, the council immediately began handing out exemptions and waivers to it. Between 1986-1991, 603 exemptions were requested in the Barton Springs zone alone; 524 or them, or 87 percent, were granted.

Citizen outrage finally boiled over in June 1990 with the historic uprising against the Barton Creek PUD proposal. After that proposal was unanimously rejected, the Lee Cooke council followed through in February 1991 with a stronger CWO, almost as strong as the SOS proposal. But they passed it only on a six month "interim" basis. The interim applied only to the Barton Springs zone. The 1986 CWO stayed in place for other areas.

The next council, led by new Mayor Bruce Todd, threw out the interim changes and passed a new compromise or "composite" CWO, forged as a compromise between a proposal put forward by Todd's developer-dominated task force and another from the

even more developer-dominated Planning Commission. The changes, like the interim, applied only to the Barton Springs zone.

The SOS petition drive began soon after, amid charges that Todd and his council colleagues (except for Nofziger who voted against the composite) had broken campaign promises to protect the environment. SOS quickly collected around 30,000 signatures, more than enough to put their proposal on the ballot. The council's RULE majority (Ronney Reynolds, Charles Urdy, Bob Larson and Louise Epstein) defied the city charter and abstained from a vote to set the election for June 2. They instead put it on with 22 bond items for August 8.

(The council also added an SOS "alternative," offered by Reynolds. That's proposal number two, and it's a sham.)

Impervious Cover

The most fundamental difference between SOS and the existing CWO involves impervious cover, or density. Impervious cover limits have been the focus of more than two decades of warring between developers and citizen groups. Citizen groups have argued that the higher the density, the more pollution a development creates. For example, a large shopping mall, with acres and acres of buildings and parking lots, generates more

SOS:
ORDINANCE #1

POLITICS

The SOS ordinance is not so much an attempt to prevent growth and development in the Barton Springs Watershed, as a quest to keep the area from becoming totally urbanized. SOS is based on three fundamental principles. One is that the higher the density of a development, the more pollution it creates. Thus SOS would allow roughly half as much impervious cover (unnatural ground cover; i.e. parking lots, buildings, roads etc.) as the current Comprehensive Watersheds Ordinance (CWO). The second is that non-degradation—which SOS backers and opponents say they want—means a development should generate no more pollution than came from the same property before the development. So SOS requires that a development not increase the total amount of pollutants beyond what comes from the property right now. The third is that everyone should play by the same rules and exemptions should not be allowed. To that end, SOS dramatically tightens— but does not eliminate—exemptions and variances, and shortens the timetable on previously

The Save Our Springs Initiative

AN ORDINANCE INITIATED BY PETITION BY THE CITIZENS OF AUSTIN TO PREVENT POLLUTION OF BARTON SPRINGS, BARTON CREEK, AND THE BARTON SPRINGS EDWARDS AQUIFER; RESTRICTING IMPERVIOUS COVER; LIMITING EXEMPTIONS, VARIANCES, ETC.; REDUCING RISKS OF ACCIDENTAL CONTAMINATION OF BARTON SPRINGS AND OTHER WATER BODIES; REQUIRING FAIR, CONSISTENT, AND COST EFFECTIVE ADMINISTRATION OF AUSTIN'S WATER QUALITY ORDINANCES; CONTAINING OTHER PROVISIONS RELATING TO THESE SUBJECTS; AND PROVIDING AN EFFECTIVE DATE.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. DECLARATION OF INTENT: The people of the City of Austin declare their intent to preserve a clean and safe drinking water supply, to prevent further degradation of the water quality in Barton Creek, Barton Springs, and the Barton Springs Edwards Aquifer, to provide for fair, consistent, and cost-effective administration of the City's watershed protection ordinances, and to promote the public health, safety, and welfare. The City of Austin recognizes that the Barton Springs Edwards Aquifer is more vulnerable to pollution from urban development than any other major groundwater supply in Texas, and that the measures set out in this ordinance are necessary to protect this irreplaceable natural resource.

PART 2. POLLUTION PREVENTION REQUIRED: (a) In the watersheds contributing to Barton Springs, no development nor any revision, extension, or amendment thereof, may be approved unless it is designed, carried out, and maintained on a site-by-site basis to meet the pollution prevention requirements set forth below for the life of the project. In order to prevent pollution, impervious cover for all such development shall be limited to a maximum of fifteen (15) percent in the entire recharge zone, twenty (20) percent in the contributing zone within the Barton Creek watershed, and twenty-five (25) percent in the remainder of the contributing zone. The impervious cover limits shall be calculated on a net site area basis. In addition, runoff from such development shall be managed through water quality controls and onsite pollution prevention and assimilation

techniques so that no increases occur in the respective average annual loadings of total suspended solids, total phosphorus, total nitrogen, chemical oxygen demand, biochemical oxygen demand, total lead, cadmium, fecal coliform, fecal streptococci, volatile organic compounds, total organic carbon, pesticides, and herbicides from the site. For a given project, impervious cover shall be reduced if needed to assure compliance with these pollutant load restrictions.

(b) Within the watersheds contributing to Barton Springs, Section 13-7-23 of the Land Development Code is amended so that in no event shall the boundary of the critical water quality zone be less than 200 feet from the centerline of a major waterway or be less than 400 feet from the centerline of the main channel of Barton Creek. No pollution control structure, or residential or commercial building, may be constructed in the critical water quality zone in these watersheds.

PART 3: NO EXEMPTIONS, SPECIAL EXEMPTIONS, WAIVERS OR VARIANCES: The requirements of this ordinance are not subject to the exemptions, waivers, or variances allowed by Article V of Chapter 13-2 of the Land Development Code. Adjustments to the application of this ordinance to a specific project may be granted only as set out in Part 4 below.

PART 4: APPLICATION TO EXISTING TRACTS, PLATTED LOTS, AND PUBLIC SCHOOLS: (a) This ordinance does not apply to development on a single platted lot or a single tract of land that is not required to be platted before development if (1) the lot or tract existed on November 1, 1991, and (2) the development is either: (i) construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex construction used exclusively for residential purposes, and construction of improvements incidental to that residential use; or (ii) development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development.

(b) This ordinance does apply to development of public primary or secondary educational facilities if the City and the school district enter into a development agreement approved by a three-quarters vote of the City

Council protecting water quality pursuant to Section 13-2-502(o)(7) of the Land Development Code.

PART 5. EXPIRATION OF PRIOR APPROVALS: Within the watersheds contributing to Barton Springs, the following provisions shall govern the expiration of certain prior approvals:

A. PREVIOUSLY APPROVED PRELIMINARY SUBDIVISION PLAN:

(a) Unless it has or will have expired sooner, a preliminary subdivision plan initially approved before the effective date of this ordinance expires one year after the effective date of this ordinance, or two years after its initial approval, whichever date is later, unless an application for final plat approval is filed before this expiration date and a final plat is approved no later than 180 days after filing.

(b) No approved preliminary plan, and no portion of an approved preliminary plan, shall be valid or effective after the expiration date established by this part, or shall be extended, revised, or renewed to remain effective after the expiration date, except according to subpart C.

B. PREVIOUSLY APPROVED SITE PLAN: (a) Unless it has or will have expired sooner, a site plan or phase or portion thereof initially approved before the effective date of this ordinance shall expire one year after the effective date of this ordinance, or three years after its initial approval, whichever date is later, unless:

(1) an application is filed before this expiration date for building permits for all structures shown on the site plan or phase or portion thereof and designed for human occupancy, and the building permits are approved and remain valid and certificates of occupancy are issued no later than two years after this expiration date; or

(2) if no building permits are required to construct the structures shown on a site plan described in subpart (a), construction begins on all buildings shown on the site plan or portion or phase thereof before this expiration date, and the buildings are diligently constructed and completed, and certificates of compliance or certificates of occupancy are issued no later than two years after this expiration date.

(b) No approved site plan, and no separate phase or portion of an approved site plan, shall be valid or

effective after the expiration date established by this part, or shall be extended, revised or renewed to remain effective after the expiration date, except according to subpart C.

C. APPROVED PLANS WHICH COMPLY: An approved preliminary subdivision plan, portion of a preliminary plan, approved site plan, or separate phase or portion of an approved site plan that complies with this ordinance does not expire under subpart A or subpart B and remains valid for the period otherwise established by law.

PART 6. LIMITED ADJUSTMENT TO RESOLVE POSSIBLE CONFLICTS WITH OTHER LAWS: (a) This ordinance is not intended to conflict with the United States Constitution or the Texas Constitution or to be inconsistent with federal or state statutes that may preempt a municipal ordinance of the Austin City Charter.

(b) The terms of this ordinance shall be applied consistently and uniformly. If a three-quarters majority of the City Council concludes, or a court of competent jurisdiction renders a final judgment concluding, that this ordinance, as applied to a specific development project or proposal, violates a law described in subpart (a), then the City Council may, after a public hearing, adjust the application of this ordinance to that project to the minimum extent required to comply with the conflicting law. Any adjustment shall be structured to provide the maximum protection of water quality.

PART 7. CONSTRUCTION OF ORDINANCE: This ordinance is intended to be cumulative of other City ordinances. In case of irreconcilable conflict in the application to a specific development proposal between a provision of this ordinance and any other ordinance, the provision which provides stronger water quality controls on development shall govern. If a word or term used in this ordinance is defined in Austin City Code of 1981, as that code was in effect on November 1, 1991, that word or term shall have the meaning established by the Austin City Code of 1981 in effect on that date, unless modified in this ordinance.

PART 8. REDUCE RISK OF ACCIDENTAL CONTAMINATION: Within one year of the effective date of this ordinance the City of Austin Environmental and Conservation Services Department shall complete a study, with citizen input, assessing the risk of accidental contamination by toxic or hazardous materials of the Barton Springs Edwards Aquifer and other streams within the City of Austin and its extraterritorial jurisdiction. The assessment shall

pollution than a small shopping center with only a few parking places. Likewise, an apartment complex with several acres of parking generates more pollution than a few houses on large lots. And, a subdivision with five houses on an acre generates more pollution than a subdivision with lots of an acre or more. The development lobby, on the other hand, argues that density doesn't necessarily create pollution. They say it can be prevented through structural controls like berms and retention ponds.

Both ordinances feature impervious cover limits, but the limits in the SOS are much stricter. The composite CWO allows more density, and relies more heavily on structural controls.

SOS would limit impervious cover to 15% in the entire recharge zone of all six creeks. The rest of the contributing zone, the parts of the six watersheds upstream from the recharge zone, would be limited to 25%, except for the Barton Creek Watershed where areas not in the recharge zone would be limited to 20%. Barton Creek receives special distinction because it flows directly into Barton Springs Pool.

The composite makes no distinction for the recharge zone. It does distinguish between commercial and residential development, allowing more impervious cover for commercial projects. Commercial limits are 40% in the Barton Creek Watershed and 55% for the rest of the contributing zone. Residential limits are 25% and 40%, respectively—the same as in the 1986 CWO.

This may not be as big a contradiction as it sounds. SOS opponents have concentrated much of their fire on the effects SOS would have on residential development; but the real concern among developers and land speculators is about its effect on commercial development. Profits can be made selling houses with large lots, and/or builders can build in other areas. Commercial investors, though, will be hurt worse. The fewer stores and parking lots that can be packed into the watershed, the lower the return on speculative land investments. And that's exactly where the SOS would make the biggest difference.

The composite, like the 1986 ordinance, carves a special category for intersections of state highways, where "bonuses" allow imper-

continued on p. 14

inventory the current and possible future use and transportation of toxic and hazardous materials in and through Austin, and shall make recommendations for City actions to reduce the risk of accidental contamination of the Barton Springs Edwards Aquifer and of other water bodies. Within 60 days of completion of the study, and following a public hearing, the City Council shall take such actions deemed necessary to minimize risk of accidental contamination of city waters by hazardous or toxic materials.

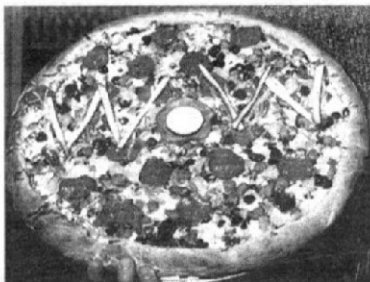
PART 9. EFFICIENT AND COST-EFFECTIVE WATER QUALITY PROTECTIVE MEASURES: In carrying out City of Austin efforts to reduce or remedy runoff pollution from currently developed areas or to prevent runoff pollution from currently developed or developing areas, the City Council shall assure that funds for remedial, retrofit, or runoff pollution prevention measures shall be spent so as to achieve the maximum water quality benefit, and shall assure that the need for future retrofit is avoided whenever feasible.

PART 10. SEVERABILITY: If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of the same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected by that invalidity; and all provisions of this ordinance are severable for that purpose.

PART 11. AMENDMENT, CODIFICATION, AND EFFECTIVE DATE: (a) The adoption of this ordinance is not intended to preclude the adoption, at any time, by a majority vote of the City Council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality.

(b) If this ordinance is enacted by the Austin City Council under subsection (a) of Section 5, Article IV of the Austin City Charter, this ordinance shall be effective ten days after the date of its final passage and, subject to subpart (a) and to controlling law, shall not be repealed or amended by the City Council until two years after its effective date. Thereafter, this ordinance may be repealed or amended only by an affirmative vote of no less than six members of the City Council.

(c) The City Council shall codify the provisions of this ordinance into appropriately numbered sections of the Austin City Code without changing the language or effect of this ordinance, except to delete those subparts that do not apply because of the method in which this ordinance became effective.



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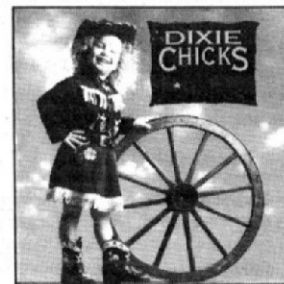
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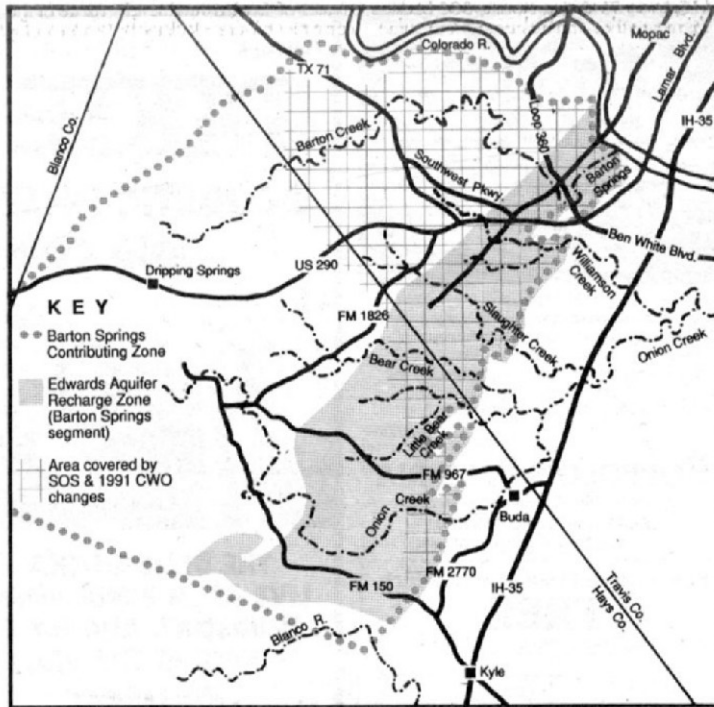
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vious cover to go as high as 70%. Such intersections in the Barton Springs zone are U.S. 290 and Texas 71, MoPac and 290, MoPac and Loop 360, and, if it happens, MoPac's intersection with the proposed Outer Loop. Many of these intersections are still wild land and their future is linked directly to the future of Barton Springs.

The high intersection density is consistent with a city policy dating back at least two decades. That policy encourages high density at major intersections, as a means of preventing strip development elsewhere. The strategy is questionable, especially over a sensitive recharge zone, but the real problem is that only one part of it has been implemented. High density has been allowed at intersections, like Barton Creek Mall at MoPac and Loop 360, but thousands of acres of strip development have been approved as well.

SOS:
ORDINANCE #1

Along with impervious cover limitations, the SOS features tightened restrictions on building in the critical water quality zone (CWQZ), defined as 400 feet from the centerline of Barton Creek and 200 feet on each side of any other "major waterway" in the rest of the contributing zone. Structures prohibited include residential and commercial buildings, as well as "pollution control structure(s)." The existing CWO prohibits commercial or residential structures and most pollution control structures in the CWQZ. It does allow wet ponds in the CWQZ, and also allows bluff lines to define the edges of the CWQZ when the bluffs are closer than 400 feet, meaning that in some cases developers could build atop bluffs closer than 400 feet



MAP BY TIM GRISHAM

What Territory Does SOS Cover?

SOS covers the contributing zone for Barton Springs or the Barton Springs Watershed, where water from Barton, Williamson, Onion, Slaughter, Bear and Little Bear creeks flows underground into the Barton Springs/Edwards Aquifer Recharge Zone, then resurfaces at Barton Springs. Barton Creek flows directly into Barton Springs Pool, but Barton Creek water also dips into the recharge zone beginning near the Twin Falls area of the creek. Other city creeks are covered by either the by the 1986 CWO or by the year-old Urban Watersheds Ordinance (UWO). Changes made to the CWO by the 1991 council, like the SOS, apply only to the Barton Springs Watershed.

study done by the engineering firm Espey-Huston. The company's spokesperson was Joe Beal, now a spokesperson for SOS opponent Citizens for Responsible Planning (CRP). In that study, Espey-Huston recommended that residential development outside the CWQZ be limited to densities ranging from one unit per two to three and a half acres. So Beal's 1980 recommendation was stricter on residential development in the Barton Creek Watershed than the ordinance that he now vehemently opposes.

**Storm Runoff:
Can More Be Less?**

The second key difference between SOS and the composite is in the approach to measuring storm runoff. Both rely on structural controls to reduce the amounts of pollutants coming off a site. But there are two major differences.

The composite measures "concentrations," meaning the proportion of pollutants in the

from the Creek. That option is eliminated in the SOS ordinance.

Neither ordinance, by the way, allows developers to use CWQZ property as part of the area from which they derive their impervious cover percentages. The impervious cover limit is instead calculated from the "net site area," the area on which building can occur. Steep slopes, where building is generally impossible, also deduct from the net

build 306 houses on the 265 acres; under SOS only 153 houses could be built. To Allison and BCP officials this amounts to a confiscation of their property. But to many SOS backers it is an example of how their ordinance still allows much development to occur.

It is unclear exactly how SOS, or the current CWO, would affect the future of the entire Barton Creek PUD, the development proposal that set off the more than two-year battle for a stronger CWO. That proposal featured 2538 houses, 1900 apartments, and 3.3 million square feet of commercial and industrial development on roughly 4,000 acres. It required nine "environmental variances," including variances to the CWO. That proposal was unanimously rejected by the city council in June 1990 after a 13-hour public hearing.

When the 1991 ordinance was passed,

site area. Slopes are figured into the net area in percentages according to steepness. The formulas are the same in both the SOS and the composite.

So what does that mean in practical terms? In traditional layout subdivisions, SOS limits residential density to roughly one unit per acre. Evidence that that's not an unreasonable limitation date back to the 1979-80 Barton Creek Watershed Study, a consultant city officials and BCP representatives were unable to say how the PUD would fare under the new ordinance. In April of this year, BCP filed a new set of 13 subdivision plans, as well as plans for commercial and industrial development. It included more residential development than the previous plan, as well as comparable amounts of commercial and industrial development. BCP representatives said the plan complies with the 1991 CWO, even as they applied for at least one waiver from it. After more than a month of analysis, city staff concluded that more than one variance would be required. Staff did not say exactly how many variances would be required, but instead sent the developers a long list of questions that must be answered before they can proceed further in the development process.

BCP officials have not yet responded to the questions, but if they do respond before October 5 (180 days after their filing), they could seek variances and approval from the current Planning Commission and council under the composite CWO, and the commission and council would be free to grant variances on a majority vote. But even then, parts of the development that have not begun construction within three years, would fall under SOS. BCP representatives say their project will be built over a 20-30 year period. This will almost certainly be fought out in the courts, with BCP claiming that state law says they fall under rules in place when they filed. And even if the SOS were to end up applying to the PUD, it is unclear how much less development would be permitted.

-Daryl Slusher

**A Case Study
at the PUD**

Specific cases are hard to come by, because of the number of variances, and the variations in each property's net site area. Barry Allison, vice-president and general manager of Barton Creek Properties (developers of the proposed Barton Creek PUD), offered an SOS worst-case scenario for residential development, during a series of "town meetings" sponsored by BCP this spring. Allison presented maps showing how BCP thinks the SOS would affect a 265-acre residential section of the company's latest development proposal. Under the current composite CWO, said Allison, BCP could

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water, whereas SOS says the total amount of pollutants must not increase when the site is developed.

CRP spokesperson Beal explains the difference between the two approaches with an example of pouring a teaspoon of salt into a glass of water. "It tastes salty," says Beal. Add a gallon of water, says Beal, and, "it's not as salty." Add five gallons, he continues, and, "You wouldn't taste it at all."

Concludes Beal, "The concentration has dropped greatly, which is what the CWO requires. The pounds of pollutants is the same, which is what the SOS would require. So you have to ask yourself, is it okay to drink some of that water, the five gallons that has a teaspoon of salt in it, or should I not be allowed to put any more salt into that water because I might taste it? That's the difference between pounds and concentrations."

The amount of pollutants will likely increase from development, but where will the extra water come from to dilute the concentration? It will come from development also. Development increases runoff, giving more water to mix with more pollution. Moreover, the standard for concentration levels comes from water quality measurements taken at Barton Creek

and Highway 71 during storms. SOS backers say this means the standards are set from a time when the Creek is at its dirtiest.

Another difference is that SOS calls for measurement of 13 pollutants and indicators of pollutants; the composite for four. SOS stipulates that runoff "shall be managed...so that no increases occur in the respective average annual loadings of total suspended solids, phosphorus, nitrogen, chemical oxygen demand, biochemical oxygen demand, total lead, cadmium, fecal coliform, fecal streptococci, volatile organic compounds, total organic carbon, pesticides and herbicides." The composite covers only suspended solids, phosphorous, nitrogen and organic carbon.

SOS opponents, like Beal, maintain that it is impossible to determine current levels of all 13 constituents, and add that it is also impossible to design a system to meet the requirements. SOS attorney Bill Bunch counters that esti-

mates of "background levels" for 10 of the 13 constituents were calculated by Beal's employer Espey-Huston in their 1979-80 Barton Creek Watershed Study. Beal was a spokesperson for Espey-Huston on that study. SOS director Bridgid Shea says the group chose these 13 constituents because the federal United States Geological Survey (USGS) has been sampling for "most of them" "from 18 different stream sites around Austin, including several sites along Barton Creek. Both Bunch and Shea add that the way to prevent some pollutants, in particular herbicides and insecticides, is to not apply them in the first place.

Beal warns, however, "I will tell you as an engineer that I wouldn't know how to design a system that would meet the requirements of that [SOS] ordinance."

Bunch says the process will work like this: City staff will develop rules establishing current

continued on p. 16

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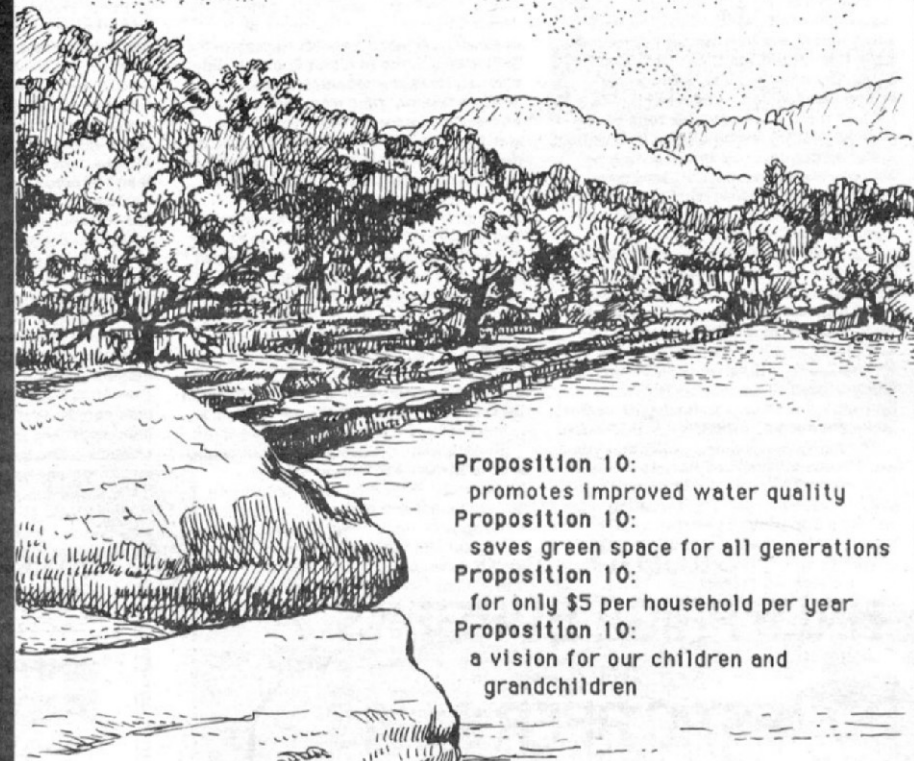
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SOS Analysis, from p.15

levels of pollutants, and non-degradation strategies of structural and non-structural controls. (Staff is currently engaged in rule making for the composite.) Bunch says that if staff determines that a particular development proposal, because of its topography or other factors, cannot meet the pollutant standards, then it will have to be modified to compensate, which could include a further reduction of impervious cover.

Developers must submit plans, before project approval, satisfying city requirements to prevent increases in the 13 constituents. SOS backers argue that their approach is favorable because it relies on determining in advance that the development will not pollute, rather than building it and then testing. On the contrary, the CWO relies on developers' designs to achieve that. It is impossible to determine if the pollution abatement plans work until after the development is built. Then it is too late to stop the pollution. The same could happen under SOS, but it is less likely because the developments will be smaller.

Exceptions Are the RULE

The third key difference between SOS and the CWO is that the SOS might actually apply to someone. The composite CWO carried

over almost all exemptions from the 1986 CWO. Of 14 exemption categories, only one was eliminated. Remember, the 1986 ordinance featured an exemption rate of 87% in the Barton Springs zone. Many of those projects have not been built. The Cooke Council's "interim ordinance" tightened exemptions policy by establishing a January 1, 1992 expiration date for CWO exemptions where the proposed development had not been built. The composite CWO extended that deadline to 1996.

The SOS states that it is "not subject to exemptions, exceptions, waivers or variances" allowed in the city Land Development Code. There are, however, tracts and potential developments that are exempt from SOS from the beginning. The ordinance will not apply to construction or renovation of a single family home or duplex, or to developments with less than 8,000 square feet of impervious cover. These exceptions apply on lots that don't need to be subdivided. Public schools will also be exempt if they reach a water quality agreement with a three-fourths majority of the City Council (six votes).

SOS forbids other variances except for a legal safety valve that comes into effect if a court renders a "final judgment" that the ordinance "as applied to a specific development project or proposal" violates state or federal laws or constitutions. In such a case

CRP representatives argue that SOS is unnecessary because Barton Springs is not polluted.

the city council can "adjust the application of this ordinance to that project to the minimum extent required to comply with the conflicting law." In addition, a "three-quarters majority of the City Council" can make the same determination, voting to grant whatever it considers to be the minimum variance required to comply with that majority's interpretation of the law. That would also take six votes on the council to grant such a variance; whereas variances can be granted with a simple majority vote under the existing CWO.

Also on the legal front, SOS contains a "severability" clause saying that if any parts of SOS are determined to be unconstitutional, void or invalid, then the remainder of the ordinance will remain in place and not be affected.

Now, before proceeding we must define a few terms because - I hate to admit it - things get a little complicated, or at least technical, at this point. Subdivisions first receive preliminary approval, then they return with a "final plat" proposal - basically a map of exactly how the subdivision will be laid out. The final plat also requires letters of credit to fund road and

utility improvements. Commercial and multi-family developments require site plan approval, similar to a final plat, but more detailed.

Another critical issue is how the SOS deals with cases approved, or simply filed, before the ordinance goes into effect. There are more than 140 commercial and residential projects with some stage of city approval in the Barton Creek Watershed alone. Remember, the 1986 ordinance featured an 87% exemption rate for variances applied for in the Barton Springs zone, and many of those projects have still not been built. The Cooke Council's "interim ordinance" tightened exemption policy by establishing a January 1, 1992 expiration date for CWO exemptions where the proposed development had not yet been built. The composite extended the deadline to 1996, and carried over almost all exemptions from the 1986 CWO. And now, with SOS looming, developers have been rushing to file applications so they will fall under the older, weaker ordinance. The council has been playing its traditional role, handing out exemptions and approvals each week heading up to the election.

continued on p. 62

SOS: ORDINANCE #1

Anti-Septic Burns

"Septic tanks cause pollution." It has been repeated so many times, people may be starting to believe it. Councilmember Bob Larson repeats it frequently. So do opponents of the SOS ordinance. It has also been used as a justification for the proposed sewer line through Zilker Park called the South Austin Outfall. Last week, University of Texas professor Joseph Malina, who was hired by the anti-SOS group Citizens for Responsible Planning (CRP), completed a report which said that septic tanks in the Barton Springs watershed would "have a devastating and irreparable impact on the quality of the water flowing in Barton Springs."

But there's a problem. In the past 13 years, three studies have been done on septic tanks in the Austin area which show that septic tanks don't cause water pollution. The most recent study was completed in April of this year in the Barton Creek watershed. It's the only study of septic tanks in the Barton Springs watershed. The findings? Septic tanks are not a problem.

The study results were included in an April 1 memo from Fred Rogers of the Austin/Travis County Health Department to Environmental and Conservation Services Department director Austan Librach. The survey found that of 308 private sewage treatment facilities in the Barton Creek watershed, only 22 (or 7.1%)

weren't working properly. The average age of the failing systems was 15.2 years. Rogers concluded, "Based on the department's previous experience, the rate of private sewage facility failure determined from the survey is not unexpectedly high, considering the extended volume of high rainfall. In only one case was any significant volume of sewage flowing away from the property and getting into a drainway, and that overflow has been corrected. Due to the distance, it is unlikely that any detectable number of bacteria could survive an overland flow to a creek."

When the *Chronicle* asked Malina if he had seen the county report, he said, "No, I haven't seen their data." The only report on septic systems in the Barton Springs watershed, and Malina didn't even look at it before he concluded that septic tanks would pollute Barton Springs pool! Nor did Malina (who said he was paid "less than \$5,000" for his work) bother to read the 1979 graduate thesis by Ann Elizabeth St. Clair of UT, who studied septic tanks in the Rollingwood area.

Hydrologists consider the Rollingwood area to be an ideal testing ground because the region is small (about four square miles) and it has lots of residential development, with about two houses per acre. And although Rollingwood is part of the Edwards Aquifer, it is completely independent from the Barton Springs

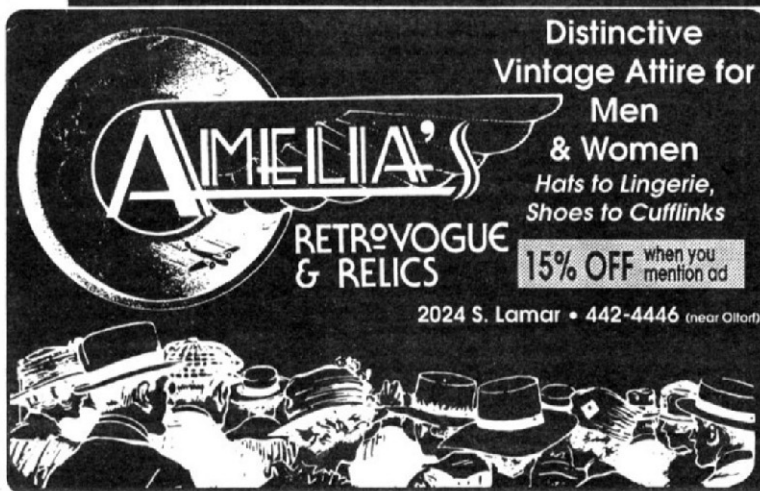
section of the Aquifer. All of the water from the Rollingwood section of the Aquifer is discharged at one spot: Cold Deep Eddy Springs, on the banks of the Colorado River, directly across from where Deep Eddy Pool is now located. It is essentially, a small scale version of the Barton Springs Aquifer.

In her thesis, St. Clair explained that "in order to determine if effluent from septic tanks has affected the quality of ground water in the Edwards Aquifer, samples from wells in the area were analyzed for several constituents that may indicate contamination by septic tanks - nitrate, ammonium, chloride, phosphate, organic carbon, and total coliform bacteria. Concentrations of these parameters are similar to background concentrations in water from the Edwards, indicating that suburban development has not resulted in detectable degradation of the quality of water in the Aquifer." In her summary, St. Clair states that "there has been no significant degradation of the quality of water in the aquifer as a result of more than 25 years of suburban development using septic tanks."

In August of 1991, Susan Parten completed a thesis study of the same septic systems in Rollingwood for her Masters In Engineering at UT. Parten said that about one-third of all households in the U.S. use on-site sewage disposal systems. And she figured that some 1400 people now live and work in the Rollingwood area, generating about 132,000 gallons of wastewater every day, all of it disposed into septic systems.

(Note that Malina's report is based on the belief that "Typical residential water use is about 200 to 300 gallons per person per day." The city of Austin says that actual water usage is about 100 gallons per day). Several times in her 190 page report, Parten points out that the septic tanks in Rollingwood are not up to today's standards: "According to the available records for on-site treatment systems, an estimated 22% of Rollingwood's septic tanks are undersized and a large number of tanks are constructed of unacceptable materials, such as cinder blocks and metal." Parten concluded that some of these old systems need to be replaced. But rather than put the entire Rollingwood area on centralized sewer, Parten concludes that "The on-site [sewage disposal] alternative was found to be the least costly alternative."

Although Parten's study was not an endorsement of septic systems in Rollingwood, water analyses in her report and from the U.S. Geological Survey continue to show no sign of contamination from septic systems at Cold Deep Eddy Springs. Malina did not reference Parten's report or the St. Clair study in his report. In addition, Malina apparently forgot a study that he did last September which contradicts the study he did for CRP. In a study on wastewater treatment systems for small communities he said that on-site treatment systems (including septic systems) are "advantageous in situations where a group of residences is separated from the main community by distance or topography." - Robert Bryce

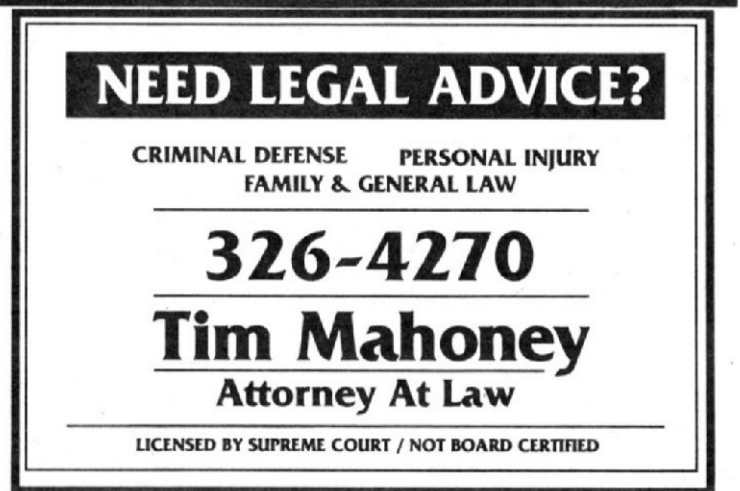


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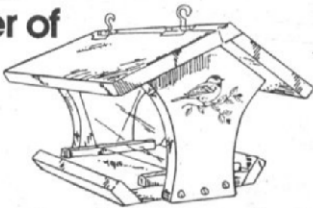
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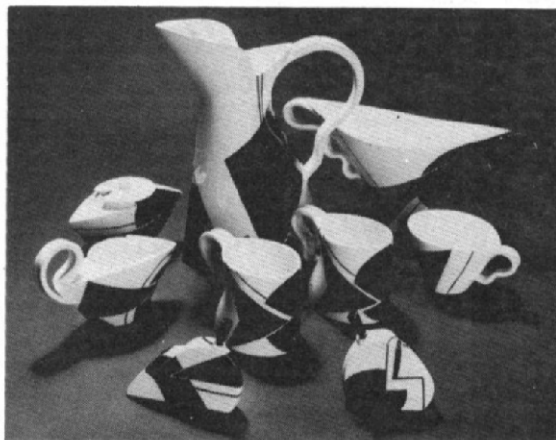
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CAN I CONFESS MY SECRET FAILING TO YOU? WELL, IT'S... JUST... THAT... I'M HONEST, TOTALLY HONEST.
WOW, IT FEELS KIND OF GOOD TO BARE MY SOUL.

2. DOES HE REALLY WANT A RELATIONSHIP?
I'M NOT AFRAID OF INTIMACY. IT'S A MONSTER I'LL DO BATTLE WITH ANY DAY OF THE WEEK.
REASSURED?

3. WILL HE BE SENSITIVE, NURTURING, AND TENDER?
I SOLEMNLY PROMISE TO BE EMOTIONALLY SUPPORTIVE NO MATTER HOW STUPID, MISGUIDED, AND CRAZY YOU GET. THAT'S HOW MUCH I WANT YOU.

4. WHAT KIND OF SEX PARTNER WILL HE BE?
DON'T BE SHOCKED, BUT I'M INTO EXCITING YET CONSIDERATE LOVEMAKING, WITH SPECIAL CONCERN ABOUT YOUR SEXUAL NEEDS AND LOTS AND LOTS OF CUDDLING AFTERWARDS.
PLUS I'M INTO LITTLE RUBBER DOG TOYS.

5. WHAT DOES HE WANT FROM ME?
DO I BELIEVE IN COMMITMENT? I'M SO DISTRESSED YOU EVEN DARED TO ASK ME THAT QUESTION THAT I'LL HAVE TO START BEHAVING ERRATICALLY, NOT CALL YOU FOR DAYS AT A TIME, AND SUDDENLY CHANGE THE SUBJECT, WHAT'S ON TV?

6. WILL HE EVENTUALLY CAUSE ME PAIN AND SUFFERING?
PLEASE DON'T BE BITTER. YOU THINK I ENJOY BEING A PATHOLOGICAL LIAR?
WELL, BELIEVE ME, I DON'T.

RE: LOVE SECRET #27: WHEN COVERED IN A DISCUSSION OF YOUR INSENSITIVE BEHAVIOR, SAY THE FOLLOWING IN TONES OF OUTRAGE, HURT, AND SURPRISE.

THE FAR SIDE

BY GARY LARSON



"It's Bob, all right... but look at those vacuous eyes, that stupid grin on his face — he's domesticated, I tell you."



"Uh-oh, Donny. Sounds like the monster in the basement has heard you crying again. ... Let's be real quiet and hope he goes away."

MAXINE!

BY MARIAN HENLEY

Ha! Ha! This mirror makes my bottom look TWICE as big as my top!

Look at me! I'm a human FLOATION DEVICE! Ha! Ha!

Wow! What a convincing BALD SPOT!

Eek! It makes me look like I have BAT WINGS!

These trick mirrors are a scream!

They AREN'T trick mirrors!

AAA!

AAA!

Imagine that you're WINKLED!

Imagine that you're FLABBY!

Imagine that it's NOT your imagination!

Come see yourself in the amazing House of MidLife Mirrors!

SOS Analysis, from p.15

This hardly seems like a prohibition of retrofitting.

Do We Need It?

This is in keeping with a long tradition of granting approvals and variances under an old ordinance, before a new stronger ordinance takes effect. The developers seeking these approvals and variances may not even intend to proceed with developments. But, with approvals and variances, the resale value is greater, whether the land is being sold to another developer, or to the city for parkland.)

The SOS would allow those projects which are already in the works to continue under the existing rules, but only if they're actively being developed. For instance, preliminary subdivision approvals granted under another ordinance will expire one year after the approval of the SOS or two years after initial approval, whichever is later. Developers must file for a final plat before the preliminary approval expires, then win final plat approval within 180 days, or their preliminary approval expires and they must comply with SOS. The city must act on a final plat within 180 days, but the plat can be denied if it doesn't meet specifications, and/or if it requires variances the city is not willing to grant. Then the property would fall under SOS. Similar rules apply to commercial and apartment development, and to projects filed, but not approved.

Moreover, a development cannot maintain its exemption from the SOS unless construction on all buildings in the site plan is begun before the deadline, and "the buildings are diligently constructed and completed... and certificates of occupancy are issued no later than two years after this expiration date."

If a site plan already complies with SOS, then it does not expire.

Development representatives are almost certain to contest this section and maintain that they should fall under the ordinance in place when they originally filed.

Other Sections

Contamination of the Edwards Aquifer is the focus of part eight of SOS. This section requires the city Environmental and Conservation Services Department to complete a study within one year of the passage of the ordinance to determine the risk of accidental contamination to the Barton Springs Edwards Aquifer from toxic and hazardous materials that are used and transported through Austin. Within 60 days of the completion of the study, the city shall then act to reduce the risk of accidental contamination of the Aquifer.

Part nine requires that all city funds allocated for "remedial, retrofit or runoff pollution prevention" be "spent so as to achieve the maximum water quality benefit..." Despite this call for spending on retrofitting — building of structural controls to try to mediate existing pollution problems — developer representatives, including Barry Allison in this paper last week, maintain that SOS would forbid retrofitting.

Part 11 of the ordinance also speaks to retrofitting, or restoring water quality. It reads: "The adoption of this ordinance is not intended to preclude the adoption, at any time, by a majority vote of the City Council of stricter water quality requirements upon development in the watersheds contributing to Barton Springs or of further measures to restore and protect water quality." This means SOS directly addresses retrofitting, as well as restoring water quality.

CRP representatives argue that SOS is unnecessary because Barton Springs is not polluted. Beal and development attorney David Armbrust have made this claim at a series of forums and media appearances.

SOS backers say there is a clear trend of pollution as documented by the U.S. Geological Survey (USGS), the Texas Water Commission (TWC), and the City of Austin. SOS director Shea points to a 1985 study by the City of Austin showing increases in phosphorous. She also frequently invokes a USGS study showing increasing nitrates, and, in the last couple of years, the carcinogen TCE in trace amounts at the Springs. "There is a clear trend of increasing contamination and it is directly related to excessive development on the Aquifer," says Shea.

When Beal presented the Barton Creek Watershed Study to the council in January 1980 he said, "It's [Barton Creek] not a pristine stream today, but with development it will become even less pristine. Speaking during a forum at the Barton Creek Country Club earlier this year, Beal maintained, "The basic premise for having all of these sorts of controls is that there is a trend of pollution within Barton Springs. If you ask knowledgeable people, people who have studied the data, I believe that you will find that there is no identifiable trend of pollution within those Springs and the Creek today... If there are individuals that tell you there is an identifiable trend of pollution there today, you should ask knowledgeable people like the USGS and the Texas Water Commission what their opinion is."

In a 1990 study, the USGS concluded that fecal coliform bacteria, an indicator of human or animal waste, had "exceeded established water quality criteria" in Barton Creek and Barton Springs several times. Samples taken at Loop 360 (just downstream from two popular swimming pools) during storms was more than 13 times the safe level established by the federal Environmental Protection Agency.

In October 1990 Raymond Slade of the USGS told a water quality gathering, "There is something happening in the reach—the five mile reach of Barton Creek between Highway 71 and Camp Craft Road. The things we see increasing are things associated with sewage." Two golf courses along that stretch of the Creek — Lost Creek and the Barton Creek Country Club — irrigate their courses with sewage from their developments. Continued Slade, "There is strong evidence to show that irrigation on golf courses in the Barton Creek Watershed may serve as a detriment to the water quality of the Creek during floods."

On particularly high fecal levels at the Springs, the report stated, "The source for at least some of the high fecal coliform densities for Barton Springs is probably any of several sewer lines near the Springs."

The TWC in a 1990 report concluded that Barton Creek is being polluted by golf course runoff, highway construction, runoff from existing highways and rangeland.

Yet David Armbrust still maintains, "There is no evidence of any significant change in the quality of Barton Springs... It is today like it was years and years ago."

AISS BUDGET FOLLIES TEATRO COMUNITARIO COACH'S CORNER

★ THE AUSTIN ★

CHRONICLE



VOTE
SAT. AUGUST 8

featuring:
Patricia Browning Griffith
Bill Crider
Gail Donohue Storey
Gene Fowler
Nicole Jeffords
David Lindsey
Larry McMurtry
and Cormac McCarthy

CRP: Agitating us from Dallas, Houston and New Orleans. A comparison of the final contribution and expense reports before the Saturday election shows which side is being supported by "outside agitators," and I'll give you a hint: it's not SOS. According to reports filed with City Clerk Elden Aldridge's office on Monday, a quarter of the money flowing into the coffers of the anti-SOS Citizens for Responsible Planning (CRP) is coming from big corporations and attorneys from outside of Austin.

The report filed by CRP shows that the vast majority of the group's support is coming from the Greater Austin Chamber of Commerce, homebuilders, their political action committees and developers. From July 1 through July 29, CRP raised \$105,440.47 in cash. Of that total, 25.05%

came from sources outside of Austin. Among the biggest contributors were: Capitol Aggregates of San Antonio (the company that wanted to build an asphalt plant in Oak Hill last year), \$5,000; Paragon Groups of Dallas, \$2,500; the law firm Baker & Botts of Houston, \$1,000; Guaranty Federal Savings Bank, Dallas, \$1,000; Nations Bank, Dallas, \$3,000; Johnson & Gibbs, Dallas, \$1,000; First City Bank corporation-PAC, Houston, \$500; and a \$1,000 contribution from K. Goleman, H. Rose, R. Davis, T. Holt, and J. Gangstad of New Orleans, \$1,000.

Other notable contributions to CRP included: Gary Bradley \$2,500; Barton Creek Resort and Clubs, \$5,000; El Galindo, \$500; J.C. Evans Construction, \$1,000; Murfee Engineering, \$1,000; Doyle Wilson Homebuilder, \$2,500; the law firm McGinnis, Lochridge & Kilgore, \$5,000; and Louise Epstein's close friend Chris Penders, \$100.

CRP raised \$59,333.50 in in-kind contributions. The largest in-kind contributor was the Chamber of Commerce, which provided a \$15,000 voter poll, \$4,200 in support services and a \$22,000 economic study. Also, FM Properties Operating Co. gave

\$4,889 in video production services (based in New Orleans, this company listed attorney David Armbrust's Austin address), and the Home-PAC donated \$12,094.50 for TV, personnel and support services.

Meanwhile, SOS raised \$104,194.86 in cash and \$44,441.10 in in-kind contributions during the same time period. Most of their cash came from donations of \$5, \$10 and \$20. Their biggest supporters were California musician Don Henley, who contributed \$20,000, and Texas Citizen Action, who gave \$14,675. Other notable contributors included Whole Foods Market, \$1,000; Frank Cooksey, \$50; John Scanlan, \$700; and Mary Kelly, \$100.

The size of the reports were also telling. CRP's report was 86 pages long. The report for SOS - which raised almost the same amount of money as CRP - was 439 pages long. (Note that the final contributions report will be out after the election, so it's likely that the big out of town money will flow into the CRP camp this week).

Of Outside Agitators, Polluters & Prevaricators

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Freeport and Jim Bob: Still number one. Freeport-McMoran, multi-national fertilizer and mining company and developer of the Barton Creek PUD, once again claims the dubious distinction of being America's biggest corporate water polluter. According to data released by Texas Citizen Action, Freeport once again took the top spot among America's water polluters. In addition, Freeport's Agric facility in Uncle Sam, Louisiana is the biggest single source of water pollutants in the country; the plant released a total of 36,155,967 pounds of toxic material into surface waters during 1990. In a July 29 press release, Tim Curtis of Texas Citizen Action wrote that Freeport "once again tops the list as the nation's number one water polluter." The study compiled by the Washington, D.C.-based Citizen Fund and distributed by Citizen Action, says that three of Freeport's plants - in Mulberry, Florida; Hahnville, LA and Uncle Sam - released a total of 43,684,722 pounds of toxic material.

Pollution apparently pays for the New Orleans-based company, whose board members include Bill Cunningham, soon to become chancellor of the University of Texas. Cunningham earns at least \$37,000 a year to sit on the board, and he owns options on some 4,400 shares of Freeport stock worth an estimated \$150,000. In addition, Cunningham also sits on the board of Barton Creek Properties, the Freeport subsidiary that is developing the Barton Creek PUD. For his services on that board, Cunningham earns at least \$5,000 a year. Cunningham's office at UT did not respond to a *Chronicle* request for a comment on the Citizen Action report.

According to the Associated Press, Freeport posted earnings of \$23.1 million for the second quarter ending June 30. Much of that is due to increased productivity at the company's mine in Irian Jaya, Indonesia. Freeport sold 218 million pounds of copper

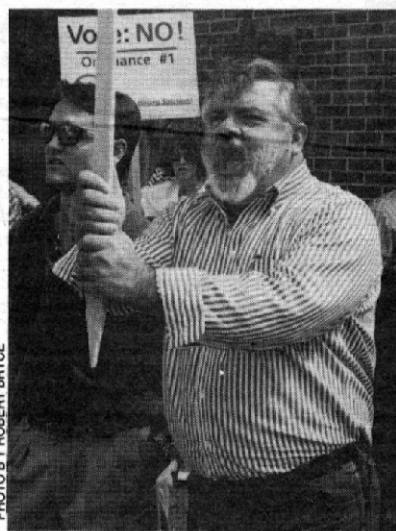


PHOTO BY ROBERT BRYCE

Phil Savoy at the recent CRP rally, screaming: "Brigid Shea is a liar! We want the truth!"

and 202,800 ounces of gold during the quarter - more than three times the amount sold during the same time period last year. You may recall that in 1990, Freeport CEO (and UT bigsho) Jim Bob Moffett earned \$6.62 million, or about 28 cents per second.

Rockin' on Savoy. During the SOS debate, numerous claims have been made by both sides about water quality, and both sides have relied on various "experts." The SOS side has relied primarily on Lauren Ross, a soft spoken engineer with Glenrose Engineering, while anti-SOS forces have relied heavily on Joe Beal of Espey Huston and Associates and Phil Savoy.

No one in the anti-SOS camp has been more vocal or more strident than Savoy, an employee of Murfee Engineering, a company that worked on Gary Bradley's Circle C development. And subtlety is not his strong suit. "Brigid Shea is a liar! Brigid Shea is a liar!" and "We want the truth!" Savoy shouted repeatedly at the Citizens for Responsible Planning rally last week. On the access TV, Savoy has also charged that SOS attorney Bill Bunch wants to buy land along Barton Creek so he can develop it, that the water quality in Barton Springs hasn't changed in 100 years and that pollution in Barton Creek is caused by trash.

To back up his claims, Savoy has presented himself as a hydrologist. In fact, anyone can claim to be a hydrologist, as there is no state board requiring any certification or licensing. Savoy told the *Chronicle* that he has worked as a hydrologist since 1978 when he worked for Travis County.

But Savoy's expertise could be suspect. In the early 1980s, the Texas State Board of Registration for Professional Engineers (TSBRPE) filed a suit against Savoy in state district court because Savoy was reportedly claiming to be an engineer. According to Ron E. Hall, supervising investigator for

the TSBRPE, an injunction was filed against Savoy. When asked about the incident, Savoy said he had never claimed to be an engineer. When asked why he agreed to sign the injunction, he said "I signed an injunction because I was guilty of nothing."

Larson: Todd controls *Statesman*. Councilmember Bob Larson has never hidden his dislike of Mayor Bruce Todd. But in an interview last week, he attacked the local daily's editorial policy and alleged that the paper's editorial slant is controlled by the mayor. "The mayor is ghost writing editorials for the *Statesman*," Larson said. "He has editorial control over there. Their agenda is to save the mayor's butt." Larson then opined, "If the SOS is defeated, the mayor's career is down the tubes."

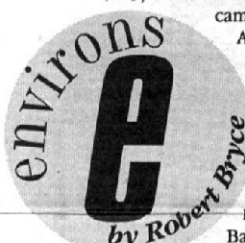
Last Sunday, Todd said that Larson's charges were "ludicrous." *Statesman* editor Maggie Balough said, "Obviously it's not true. I have no idea what prompted that."

(Todd told the *Chronicle* he has taken no position on the SOS ordinance).

FWS says yes, EFI says no to BCCP. Although Earth First! doesn't think it does enough, the Balcones Canyonlands Conservation Plan was given a critical approval two weeks ago by the U.S. Fish and Wildlife Service. The biology of the BCCP was perhaps the final stepping stone for the 29,000 acre plan before it goes to voters, who will decide on whether to approve \$22 million in bonds to buy land for the endangered species preserves. The endorsement by the feds comes as a relief to Mayor Bruce Todd and the other members of the Executive Committee, who've been hoping that the project would get some sort of guarantee from the feds before the voters decide on it. The BCCP purchases have been endorsed by the Travis Audubon Society, The Greater Austin Chamber of Commerce, the Sierra Club, Austin Interfaith and other groups, as well as Mayor Todd and U.S. Rep. J.J. Pickle.

However, members of Earth First! believe the plan doesn't go far enough. About 16 demonstrators protested the FWS determination on July 27 at the FWS's downtown office. Christi Stevens of Earth First! told the *Chronicle* that the BCCP will protect only 29 percent of the Golden-cheeked warbler habitat in the study area. "At the end of the 30 years, we still will have only half of the warbler habitat that exists now in the BCCP area," Stevens said. "Earth First! doesn't see how the FWS can call this plan biologically sound. It's a recipe for extirpation and it's a bailout for developers."

Recall appeal. The effort to recall Louise Epstein and Bob Larson currently has 17,000 signatures, and they're hoping to collect the rest of them on August 8. If you want to help, call Lou Jost at 454-2002.



Freeport once again took the top spot among America's water polluters. In addition, Freeport's Agric facility in Uncle Sam, Louisiana is the biggest single source of water pollutants in the country...

Burr Harlock's
LUBBOCK OR LEAVE IT

AUG 1- SEPT 5
CONFLUENCE
Sculpture and Drawings
by
JENNIFER ODEM

406 BRAZOS
512 478-1688

Naughty Gifts
for All
Occasions

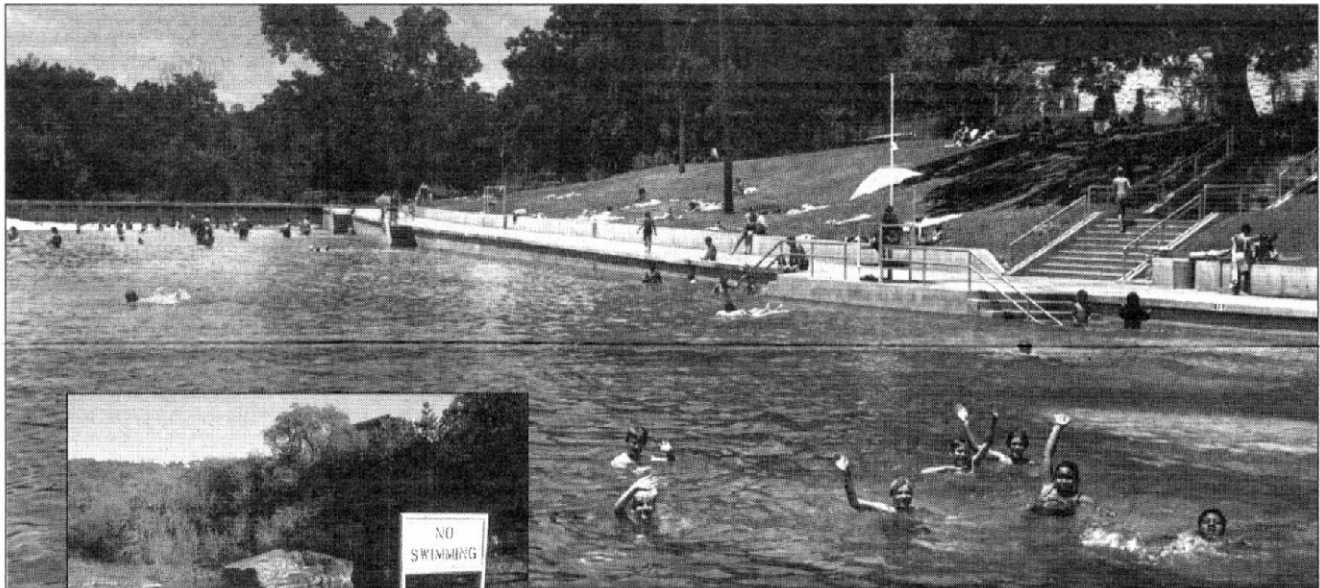
FORBIDDEN FRUIT

From here it looks like you
could use some new underwear

512 Neches 478-8358

Photo: Van Osdol

What will we leave to the children?



Barton Springs – still clean, still hanging on against encroaching pollution.
Photo by Alan Pogue.

Bull Creek Park – once a beautiful swimming spot, it is now polluted by development.

For 700,000 years Barton Springs has been gushing forth its crystal clear waters from the depths of a limestone aquifer. For over 10,000 years, parents have been bringing their children to Barton Springs. Today, hundreds of thousands of people from all over the world still come to swim in this idyllic spot.

Barton Springs is too valuable an asset to lose because of a few people's greed and our neglect. This Saturday you will decide if the Springs will survive us. Let's make sure we're not the ones to bring this long and hallowed history to an end. Vote YES on Ordinance #1 to Save Our Springs.

S.O.S. IS ORDINANCE #1

S.O.S. also supports Making Austin Stronger (MAS) Neighborhood Coalition for:

- Prop. #5 Erosion and Flood Control
- Prop. #8 Parks and Recreation Facilities
- Prop. #9 Libraries
- Prop. #12 Mexican American Cultural Center (MACC), Carver Museum

S.O.S. also supports Proposition #10 to protect water quality and preserve the Hill Country.

**Save Our Springs and the Aquifer.
Vote YES on Ordinance #1, The S.O.S Citizens' Initiative, Saturday, August 8th.**

ENDORSEMENTS FOR ORDINANCE #1 (S.O.S. ORDINANCE) TO SAVE BARTON SPRINGS AND THE AQUIFER

Austin American-Statesman; Austin Chronicle; Making Austin Stronger; NAACP; League of Women Voters; Travis County Democratic Party; South Austin Mexican American Democrats; LULAC; PODER; East Austin Strategy Team; Sierra Club; Clean Water Action; Texas Citizen Action; Austin Neighborhood Council; *Nokoa*; *La Prensa*; South Austin Democrats; North East Austin Democrats; University SOS - 20 Student Organizations; Hays County Democratic Party; AISD Board Members Kathy Rider, Ted Whatley & Diana Casteneda; Former Agriculture Commissioner Jim Hightower; State Representatives Glen Maxey, Libby Linebarger & Elliot Naishat; Austin Community College Trustees Beverly Davis & Hunter Ellinger; Travis County officials Marcos De Leon, Margaret Gomez & Stacy Suits; Barton Springs/Edwards Aquifer Conservation District Members Jack Goodman, Patrick Cox & Sue Johnson; Former City Council Members Frank Cooksey, Jeff Friedman, Emma Long, Robert Barnstone, Smoot Carl-Mitchell, Larry Deuser, Emma Lou Linn & Margaret Hoffman; and over 370 Austin Business Leaders.

politics: **Life after August 8** music: **Stevie Ray Vaughan** live album in the crossfire

★ THE AUSTIN ★

CHRONICLE



The Whole Story

Juggling **BY MIKE CLARK**
capitalism and conscience
at Whole Foods

on the cover
Whole Foods Politics

by Mike Clark 16



PHOTO BY WILL VAN OVERBEEK

contents

politics

Council Watch
by Alice Wightman 10

True Stories
by Al L. Ears 11

AISD
by Roseana Auten 14

features

food: Acorn Cafe
by Leslie Cohen 20

books: In Print
by Ed Ward 22

theatre: Tim Miller
interview by Stewart Wise 24

sports: The Olympics
by Carter Mann 25

music

The Vaughan Legacy
by Robert Wilonsky 27

columns

The Straight Dope 6

Public Notice 8

Media Clips 8

Sylvia 8

News of the Weird 9

Ready or Not 28

Live Shots 30

Dancing About Architecture 31

Day Trips 47

Car Talk 53

Coach's Corner 63

listings

Film 34

Film Times 35

Video 38

Music Recommended 40

Dance Clubs 42

Live Music Clubs 42

Theatre, Comedy, Dance,
Classical, Litera, Galleries,
Kids, Instruction, Misc. 47

back of the book

Classifieds 52

Maxine! 57

The Far Side 57

Life in Hell 57

Mr. Smarty Pants 61

About AIDS 61

Bud 61

Life After August 8

An Open Letter to the Austin City Council
from Daryl Slusher

Dear Bruce, Ronney, Charles, Bob, Louise, Gus and Max:

We've just come to the end of a long, bitter election fight. It was, of course, made longer, and more bitter, because four of you defied the city charter as well as a court order, and refused to set the election for May 2. But let's not dwell on that.

We heard during the election that this was one of the most divisive fights in Austin history. These statements were made mostly by developers, the local daily, television reporters, and some of you. I disagree. I think this election was one of the most unifying events in Austin history, and the most unifying political struggle since I arrived here in 1976. It may not seem like that to y'all, because it was y'all that the people united against.

The people of Austin united against you, and against the power structure of the town, including the Chamber of Commerce, the *Austin American-Statesman* and TV channels 7 and 24. The 64% to 36% SOS victory was a triumph of an intelligent, informed populace over a manipulative, self-serving power structure. And, let's face it, the SOS victory was a stinging rebuke to the council, not just to the RULE, but to all of you except Max Nofziger, the only one who voted against the composite ordinance which the SOS overturned. And, Ronney, this is really an even more serious rebuke to you. Your alternative just got stomped into the ground.

But let's not dwell on that either. I write to challenge you to faithfully implement the clear will of the people, and to move on to other issues which have been neglected for far too long, and which have particularly suffered during the long war over SOS.

Gang, forget me, forget the *Chronicle*, and forget SOS for a moment. Simply recall that you were elected to serve the citizens of Austin. Remember?

Things are bad out there. Crime is rampant. Unsolved murders abound. Too many youth see no hope. The Police Department has big problems. More and more homeless roam the streets, begging at intersections, sleeping outside. Social program funding has been cut as the demand for the programs increases. Waiting lists for public housing are longer than ever. Citizens who call the 911 emergency number sometimes get a recorded message, saying they will be helped by the next available operator.

This is totally unacceptable. Why is it that the council and the city manager can always find money for emergencies like a convention center parking garage or East 6th Street upgrades to serve conventioners, or land for a new City Hall, but you can't find the money to adequately staff the 911 center, or other critical needs? Come on, something is seriously wrong here.

At the East Austin tank farm, hundreds of

men, women and children are sick. Some of them are dying. Dying! They've been to countless meetings, describing to government officials their headaches, nausea, rashes, repeated miscarriages. The issue has been on the front pages since January. It has received national media attention. You listen to these people pour out their hearts and souls, hear them cry when their children and their elders don't get well. Then you explain that the city has little power to help them. And when a county official tells you that you have more power than you think, then Gus Garcia and Charles Urdy shut the meeting down. What's going on here, guys? Where are your minds? Don't run from these people. Find out how you can help them, then do it.

In northeast Austin, an apartment complex had to be evacuated because it was built over a former city-county dump, and methane started seeping through the floors. This complex was built with the financial backing of the city, because the developer agreed to devote at least 20% of the units to subsidized housing for low income people. Neither the city, nor the developer, informed prospective tenants of the site's former status as a dump.

The only one who was on the council when this project was approved is Charles Urdy, who, of course, voted yes. More recently, however, the city and apartment management failed to inform residents even after methane gas began seeping from underground into apartments. Even when five apartments were evacuated, other residents weren't told why. New tenants were accepted up to the very day before the evacuation was ordered. How can you let this happen? Why aren't heads rolling?

Every one of you ran for office pledging to tackle problems like these. Instead, most of you have spent the last year warring for the interests of a few land speculators and developers with direct financial interests in the most environmentally sensitive part of town. You better rack up some accomplishments on other fronts immediately, because let's face it, this is probably the last term for at least some of you.

Rappin' with the RULET

It's really hard to take this council seriously. Dr. Urdy, you held a meeting in East Austin before the election to urge voters to oppose the SOS, as well as land purchases for parks and endangered species habitat. You argued that \$60 million in bonds approved for East Austin in 1984 has not been spent. You're probably right. In fact, your figure is probably low. But, Dr. Urdy, you're the senior member of the city council. You've been sitting up there since 1981. So why haven't you fought to get that \$60 million appropriated? And

continued on page 12

Write Us, Tell Us!

On September 4, 1992, *The Austin Chronicle* will publish Vol. 11, #1, its 11th Anniversary issue. In our 10th Anniversary issue, we published selections from 10 years of letters we had printed in the *Chronicle*. For our 11th, we'd like to invite readers to write in and tell us what they think we're doing wrong, what we're not doing that they feel we should be doing, and what we're doing right. We're not looking for cheap kudos here (and given our readers, we're not expecting them), but rather a dialogue with our readers as to what they think about this publication. As always with letters, the shorter they are, the better.



No More Slush Fund

Dear Editor:
I am very glad to see that the *Chronicle* is now reporting on actions and activities of the Austin ISD and, in particular, the Board of Trustees' votes on important issues, such as the upcoming district budget. I recognize, however, that the topics may sometimes be somewhat recondite for the uninitiated in "educationese."

For example, in describing the budget which I presented to the Board of Trustees, the author comments on the absence of a "contingency fund."

continued on p.4

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COVER PHOTO: Will van Overbeek

Craig Weller and John Mackey, Whole Foods' Vice President of Human Affairs and CEO (respectively)

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Life After August 8, from page 2

how come you didn't complain about this until you went out to huckster for some more bonds? And, Dr. Urdy, you should be honest with the folks and tell them that most of the \$159 million in General Obligation Bonds (GOBs) approved on Saturday won't happen for a long time because only \$50 million in GOBs can be issued this year and \$25 million in each subsequent year.

Dr. Urdy, you continually argue that environmental regulations cost African-Americans jobs, but a forward-thinking city council could create more jobs through environmental protection: recycling; water and air quality monitoring; making retrofitting and environmental technology into a jobs program.

You never propose ideas for creating those kinds of jobs, or any other. You only talk about jobs for the poor and minorities when someone proposes stricter environmental regulations. Where are your jobs programs? Are the people in East Austin, whom you invoke to fight environmental regulation, better off today than they were 11 years ago when you took office? I think not. Dr. Urdy, the monument to your term is the Arthur DeWitty Job Training Center, which you and the city built in 1984, but which the city has never figured out how to utilize.

Divisive? Hardly. This election might be one of the most unifying events in Austin's history.

Dr. Urdy was sick after the election and we didn't get to talk. But, Ronney, Bob and Louise, we talked. Louise said, "It's a new day. This is the law and we need to fight with all our resources to defend it." Ronney quoth, "I will follow the people's will." Bob offered, "The citizens have spoken. I accept that." Each of you solemnly promised not to pull any technical tricks, and not to sabotage the city's legal position if any lawsuits are filed against the SOS. I'd like to believe you, but I don't. I challenge you to convince me. And guys—the people spoke long before this election, many times.

Louise, you and the mayor, in particular, ran as environmentalists. You promised a new day when you ran. You promised to take care of the city and its environment, and you haven't. Your performance in office has been directly opposite of your promises on the campaign trail. But now if you keep your new promises, if this time you carry out the will of the voters, perhaps we really will see a new day at City Hall.

Bob, you told me the voters were "misled" into approving the SOS. That is just incredible. What an insult. You are saying

that the voters weren't smart enough to make a decision. You were also quoted in the daily as saying that if you were a landowner you would sue the city. Bob, it seems that you won't be able to defend or support this ordinance, even though it is now city law. If you can't respect the intelligence of the voters (I can see how you'd be cynical; they did, after all, elect you), or carry out the laws of the city, then you should resign. Immediately.

Ronney, you expressed concerns that no one will trust your motives on SOS. This shows you're at least reading the populace better than Bob. To deal with this perception problem, you promised to "follow the mayor's lead" on any controversial matters to do with implementing the SOS. "I just need out of the issue," you explained. Now, Ronney, if you want to follow a colleague's lead, why not Max Nofziger? He supported SOS. Better yet, you should take your cues from SOS attorney Bill Bunch. Those two, not the mayor, had their positions validated by the people last week.

Ronney, you're probably not going to follow Bill Bunch's lead, or Max's, but let me explain to you, and the mayor, why Bruce Todd is not the guy to follow here. It is his ordinance that the SOS overturned. If the mayor had made good on his campaign promises, there would never have been an SOS petition drive or election. The mayor ran for office promising to bring peace between developers and the citizenry, and to pass the toughest watershed ordinance possible. Instead, he appointed a developer-dominated task force to sabotage the interim ordinance (similar to SOS) passed by the previous council. He then worked out a compromise between his task force's plan and an even weaker plan put together by the Planning Commission. The result was the "composite CWO," a composite of the two weak plans. "Betrayal," is how SOS director Brigid Shea described Todd's role in the CWO.

The mayor argued that he had not broken his campaign promises because the composite was the toughest ordinance he could get through the council. But he then refused to support SOS, even though it was much tougher. (The mayor's lack of support for SOS didn't stop him from seeking that group's help with his problems. A few weeks before the election, he went to the SOS steering committee and pleaded with them to support all the bond packages. SOS officials, who had already worked out a plan to support four central city bonds with a coalition of minority groups, declined to help.)

CRP officials went around the campaign circuit claiming that Todd told the Chamber

of Commerce executive committee that he was going to vote no on SOS. Todd denied that, but refused to say how he would vote. Finally, on election night, he told *Chronicle* reporter Robert Bryce that he voted yes on everything.

Let's face it, mayor, you haven't been much of a leader, and you've been a dismal failure as a "consensus builder." Your consensus building is a cruel joke. You've got a new chance now. Please take it seriously, and please don't get tricky, especially now that you're voting for yourself and Ronney.

And, Gus, you're getting off a lot easier than you deserve. You were up on the stage at the SOS victory party celebrating, soaking up credit. You do deserve some credit for helping gather support for SOS, behind the scenes. But some of us remember that you voted for the composite, leaving Max hanging out there all alone, and averting a major PR disaster for the mayor by preventing RULE from becoming RULET. And you just recently deserted the defenders of Barton Creek on the Tamarron project. You're a nice guy, Gus, but being a nice guy isn't enough. We've had a lot of those.

Barton Creek, The Immediate Future

Several of you expressed concerns about misinformation spread by the SOS. I agree in one aspect. SOS sent out a mailer asking voters to "write the last chapter in the fight to preserve our Springs." Election day was not the final chapter. I know it. SOS knows it. You know it, and the citizens know it. The campaign operatives got a little carried away on that one. We are nowhere near the last chapter.

Here's the theme of the SOS chapter, and all the chapters leading up to last Saturday. For a number of years now, in a number of elections, in as many ways as possible, the people of Austin have asked for one simple thing: that their city (the whole city: councils, developers, and populace) not include the Barton Springs and Barton Creek Watersheds and other ecologically sensitive areas in its preferred growth corridor. That's not a new idea—it's been a prominent feature of Austin master plans since Calvin Coolidge was president, since before any of the current players were born—and if we're all on the same page it should not be that hard to implement. City planners have many tools to shape growth—primarily roads, utility hook-ups and taxing policy—and there's plenty of room for Austin to grow in other directions which are both less environmentally fragile and closer to the underemployed labor force of East and Southeast Austin.

Yet city councils for at least 20 years have not only allowed intensive development in the Barton Springs zone—they've encouraged and subsidized it, with publicly funded

roads, sewers and utilities, not to mention loan bailouts by the federal government. It is time for that to stop, and it is time for you to stop fighting a rear-guard action against the will of the people, and get on with the business of running this city.

My advice is that you pause and think as deeply as you can about the message voters have sent on Barton Springs. You now face two issues that are absolutely critical to the future of the springs, and the entire city: Phase 2 of the South Austin Outfall, and the hundreds of pending development applications in the area. Those are the immediate issues on which the public will judge you resolve to implement their mandate regarding SOS.

The development applications were filed in a rush during the four-month delay before the election so they could fall under your CWO. They're heading for, or already on, the Planning Commission agenda. If you hope to win back any respect from voters, you will urge members of the Planning Commission to reject the frivolous, incomplete applications, and instruct them to oppose all variances. Variances can be appealed to you, so if and when the cases make it to the council, you should oppose all variances or, once again, you will betray the voters.

On September 3, you are scheduled to consider construction of the South Austin Outfall. The Outfall is a massive sewer line that is planned to cut across Barton Creek, below the springs, run across Zilker Park, then out into the reaches of the Barton Creek Watershed. This pipe is probably what the real war is over. It would serve massive development in the Watershed, including: the Parkstone PUD near Twin Falls and Sculpture Falls; Clayton Williams' Terrace PUD behind Zilker Park at Loop 360 and MoPac; and probably Jim Bob Moffett's Barton Creek PUD.

If you have any intention of carrying out the will of the voters, this project will be put on indefinite hold while the future of the watershed is pondered. To do otherwise would be of an arrogance we have not yet witnessed, and there is no telling what kind of forces it could set into motion. Instead of approving the Outfall, begin using the bond money that voters allocated for land purchases, starting with the \$15 million for the RTC property on Upper Barton Creek.

Lastly, appeal to your allies in the election just past. Ask them to acknowledge and respect the citizen mandate. So far, the development representatives who have shown their faces have talked of taking the battle to the courts and to the state legislature. Persuade them not to do this for the good of the city, and persuade them to treat the land well. After all, that is what both sides claim to want.

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