

Twenty Years of Development along Barton Creek Taking the Long View

by Daryl Slusber

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

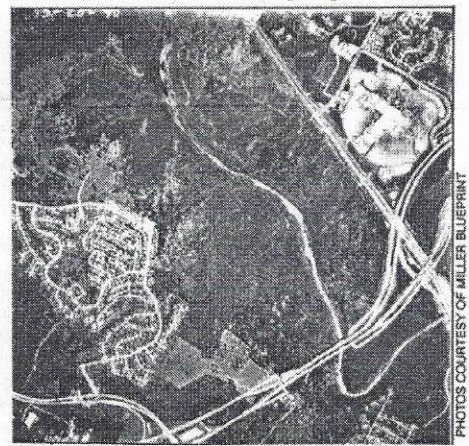
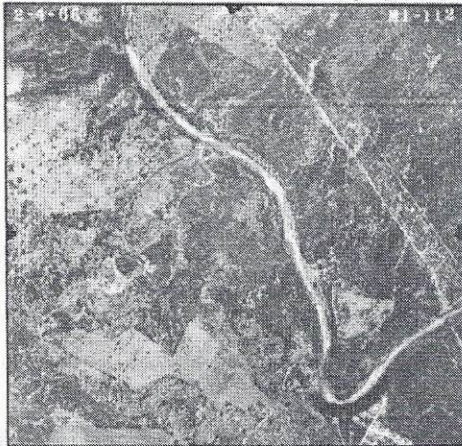
private property rights. In reality, however, the destruction has been fueled by hundreds of millions of dollars in public subsidies to private development interests: roads, sewer lines, schools, consultant studies, and Municipal Utility Districts.

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. Pagan 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 instance 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 of 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 aggressive 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 later 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 Glendiff, 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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nion 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. Councilmember 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-



1978 - The Melvin Simon Company has cleared the mall site of virtually all living things.

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.

Construction of the Barton Creek mall began in the summer of 1979, after which, say longtime swimmers, the springs never returned to their former glory and clarity. That year, the mall owners finally unveiled their pollution control plan - three retention ponds to filter runoff. Representatives of the Zilker Park Posse and the Save Barton Creek Association argued that the ponds were insufficient and would overflow in heavy rains. The city engineer, however, ruled that the ponds would "fully address"

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.

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

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 Path 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

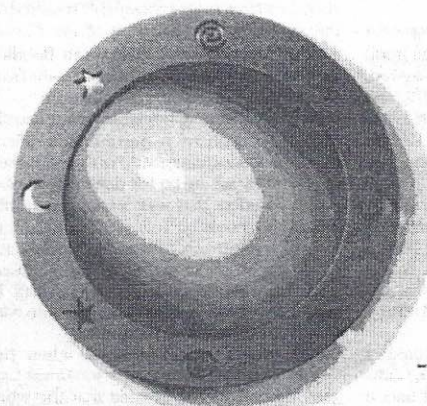
Easy credit and a new pro-development council coalition fuel a massive round of project approvals.

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

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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; 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 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 MoPac to 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 Urdy.

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 other 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 PUD.

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.)

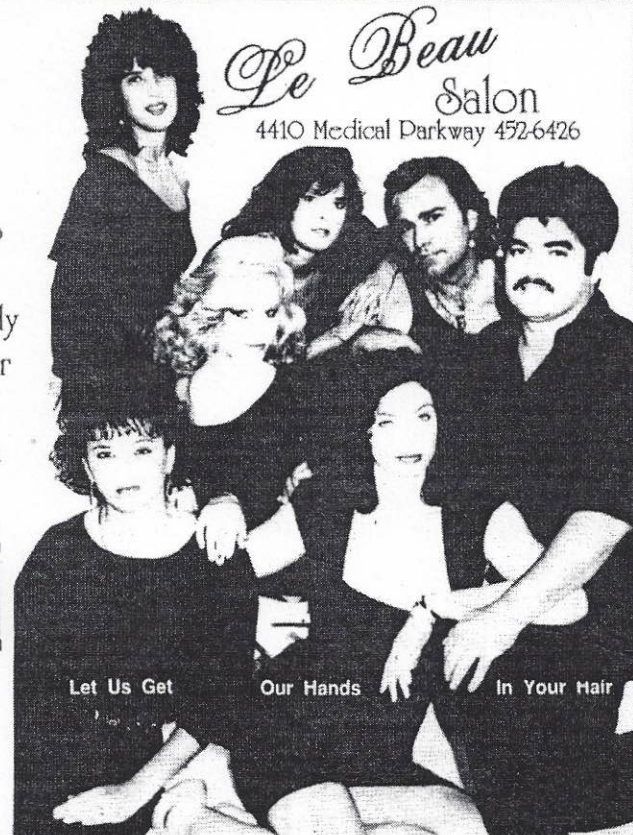
Barnes said the new acquisition, which he called "the largest development project in Travis County, would become a 'state-of-the-art, mixed-use community that will include residential, commercial, retail, research and development areas.' He said the company would "go to great extremes to protect the 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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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/Connolly property to Bee Caves Road, with Barnes/Connolly 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 hauled 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 Connolly 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

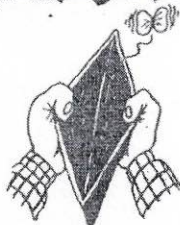
Then Jim Bob Moffett came to town. In September 1988, Moffett—CEO of Freeport-McMoRan—bought the 2,000 acre Barton Creek Country Club and corporate conference center, as well as some 2,000 surrounding acres. His Freeport subsidiary, Barton Creek Properties (BCP), purchased it from the St. Louis S&L who had repossessed it from Barnes/Connolly. 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 passed 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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