## Trials Over Troubled Waters

It began June 7, 1990
Hundreds of banner-bearing, sign-waving, song-
singing Austinites united behind a battle cry to "Save Barton Springs" and streamed into City Council Chambers to argue against a proposed 4,000 -acre development on Barton Creek upstream from the springs.
Sorres and scores of speakers urged the council
to disallow the development. The meeting lasted 17 hours, until 6 the next morning.
The hearing was one of
The hearing was one of hyperbole - the longest,
the loudest, the most When it was over, the council responded. The Barton Creek Planned Unit Development was beaten back. The council vote was unanimous.

Developers, environmentalists square off over amendments to watersheds ordinance environmentalists echoed with unmistakable clar-

ity and gave then-Mayor Lee Cooke and the council a new mandate. The City Council directed the city | staff to devise an ordinance to achieve "no degra- |
| :--- |
| dation" of Barton Springs, |
| 68 -degree natural | dation" of Barton Springs, a 68 -degree natural

swimming hole that is often referred to as Austin's crown jewel.
That $15^{1 / 2}$-month-old directive has rekindled the
age-old Austin debate of growth age-old Austin debate of growth vs. no-growth and
business interests vs. environmentalists.

The debate reaches a fever pitch this week as resume a public hearing that began Sept. 19 on proposed amendments to the 1986 Comprehensive Watersheds Ordinance. The issue has perhaps be-
come more clouded by politics and recommendacome more clouded by poin
tions from advisory panels.
Amendmen
Amendments by a task force appointed by Todd
to strike a compromise on the ordinance has been
embraced by the city
by the Planning Commission also will be sent to the council. Other amendments must be filed by 1 p.m. Mhe public hearing resumes at $5: 30 \mathrm{p} . \mathrm{m}$. Thursday. The council is scheduled to cast the first of three votes when the hearing culminates. The sec-
ond and third votes are scheduled for Oct. 17.10 ond and third votes are scheduled for Oct. 17 ,
days before an interim ordinance is to expire. days before an interim ordinance is
As a public service, the City of Austin staff, the Austin American-Statesman and representatives
from both sides of the controversy present this from both sides of the controversy present this package. It is information designed to give readers
a better understanding of the technically complicated and emotionally charged issue.
$\begin{aligned} & \text { Questions answered in this package were solicit- } \\ & \text { ed from American-Statesman readers. }\end{aligned}$


## Answering questions on water quality, protection, regulation

What water-quality
regulations does the city
have now?
In 1986, the City Council consoli-
dated several existing watershed dated several existing watershed ordi-
nances into one Comprehensive nances into one Comprehensive
Watersheds Ordinance (CWO) designed to reduce the volume of pollutants generated by new development.
The ordinance contains several exThe ordinance contains several ex-
emptions but otherwise applies to new emptions but otherwise applies to new
development within the city and extraterritorial jurisdiction (ETJ). In response to calls for more rigor-
ous protection for Barton Springs and ous protection for Barton Springs and
Barton Creek, the City Council passed Barton Creek, the City Council passed
the Interim Barton Springs Ordinance
in February in February 1991. The council intend-
ed this ordinance to be temporary, aled this ordinance to be temporary, al-
lowing time for the development of permanent regulations that would achieve the gool of non-degradation
within the watersheds within the watersheds that contribute
to Barton Springs.
On Feb. 21, 1991, the City Council to Barton Springs.
On Feb. 21, 1991, the City Council
clarified that the goal of non-degradaclarified that the goal of non-degrada-
tion must address develoment not
only in the Barton Creek watershed
but also in all the waters
uting to Barton Springs.
How have the existing regulations affected water quality?
The effects of regulatory protection
are long-term. In the short term field are long-term. In the short term, field
tests cannot measure the effectiveness of water-quality regulations for the entire areat that affects Barton Springs. The city is working with "what-if"
computer modeling techniquas to computer modeling techniques to pro-
ject the effectiveness of the CWO and other approaches. Site-specific data, however, demonstrate that CWO con-
trols have effectively removed 50 per trols have effectively removed 50 per
cent to 70 percent of the pollutant loads coming off developed property. Why do we need new regulations?
When it first passed the CWO, the City Council expressed concern about
the ability of the CWO controls to the ability of the CWO controls to
preserve water quality in preserve water quality in Barton
Springs. This was a legitimate preserve water quality in Barton
Springs. This was a legitimate con-
cern, given that Austin was on the
leading edge of communities trying to
protect water quality. Because few protect water quality. Because few
models existed as examples of wha has worked in other communities, the City Council directed thmunities, the
ate a multi-year study of Barton initiate a multi-s
Springs.
In June
In June 1990, as a result of the public hearing on the Barton Creek
Planned Unit Development (PUD) Planned UUit Development (PUD),
the City Council expressed continued the City Council expressed continued
concern about the ability of the CWO controls to protect Barton Creek and Barton Springs. The council then di-
rected the staft to rected the staff to develop a non-deg-
radation strategy to protect Barton radation strategy to protect Barton
Creek and Barton Springs. The proposed regulations under consideration
represent the first represent the first element of the non-
degradation stratey. Where will the p Where will the propose regulations apply? The current CWO applies to 700
square miles of Austin and its The proposed regulations to protect Barton Springs and Barton Creek ap
ply to 112 square ply to 111 square miles within that
territory.

The total area of watershed that
contributes to Barton Springs is 354 contributes to Barton Springs is 354
square miles. The city, through its reg.
slater square miles. The city, through its reg-
ulatory authority, controls only 112 square miles - 31.6 percent - of the contributing watershed area. What policy decision has to be made?
It is: What approach does the commu-
nity take to balance the need to pronity take to balance the need to pro-
tect the quality of Barton Creek and tect the quality of Barton Creek and
Barton Springs with the desire to Barton Springs with the desire to al-
low for an appropriate level of development in the southwestern part of
the community?
What is the difference between the proposed regulations developed by the mayor's task force and those recommended by the
Planning Commission?
The regulations prepared by the
mayor's task force and recommende mayor's task force and recommended
by the city manager aim for non-deg-
radation by requiring new develop-
ment to remove 110 percent of the
pollutant load generated as a result pollutant load generated as a result of The task force proposal would not
That delanel only prevent new development from adding to the pollutant load flowing
into the creeks, but also would requi into the creeks, but also would require
developers to help pay for reducing the developers to help pay for reducing
pollutant load generated by existing conditions.
In contrast, the Planning Commis
sion recommendation sion recommendation measures the
level of degradation using pollutant concentrations, instead of using pollu
tion loading as recommended by tion loading, as recommended by the task force.
The diffe
proaches is significan The mayor's task force proposal
uses pollutant uses pollutant load to define non-deg
radation, and the Planning Commission proposal uses pollution
What's the difference between concentration and load?
The difference is best explained by
See Answering, C6

Answering questions on water quality, protection, regulation

Continued from C1 example. If you had an undeveloped
site, the concentration could be repre sented by the pounds of pollution per allon of runoff coming off the site.
For our example, we centration is 4 pounds per gallon. To determine the pollutant load, or the ounds of pollution leaving the site, you must multiply the volume of run
off coming off the site times the concentration.
For our example, we'll say we have 0 gallons of runoff coming off our un oad, we multiply the volume ( 10 galons) by the concentration ( 4 pounds er gallon) and get a load of 40 As the site is developed, the Planaing Commission proposal would require the pollutant concentration to be educed by 25 percent. Therefore, the developer would have to treat the runpounds per gallon to 3 pounds.
To determine the To determine the load from the de eloped site, we have to multiply the entration. But for a developed site, we no longer have only 10 gallons of unoff. The impervious cover that derease the amount of runoff. For our example, we'll say we no
have 50 gallons of runoff. Our load have 50 gallons of runoff. Our load times concentration (3 pounds per gal-
on) to equal 150 pounds of pollutants So, in our example, while we imroved our concentration by 25 pernt with post-development treatme oming off the site because impervious over increases volume

| Undeveloped sitePollution concentration ..... $4 \mathrm{lbs} / \mathrm{ga}$ |  |
| :---: | :---: |
|  |  |
| Poliution concentration ...... 4 4 lbs galio |  |
| Pollutant load ..................... 40 pound |  |
| Developed sitePollution concentration ...... 3 lbs/galloVolumePollu.................. 50 gallon |  |
|  |  |
|  |  |
|  |  |

## iil this ordinance clean up

 Barton Springs and Barton Creek?The CWO and the proposed amendhe springs. Their purpose is to ensure hat new development does not add to xisting pollution in Barton Creek. To preserve or improve existing wa program for existing and exempted de elopment must also be implemented. retrofit program would examine ex isting developments and how much
pollution they generate. It would then ovide for after-the-fact controls such as filtration ponds and wet pond

Is there a difference between protecting Barton Creek and protecting Barton Springs? Yes. We can help water quality
within Barton Creek with regulations that address the 125 square miles of
the Barton Creek watershed. The Barthe Barton Creek watershed. The Bar-
ton Springs recharge and contributing ton Springs recharge and contributing
zones encompass 354 square miles of not only the Barton Creek watershed, hat make up the Barton Springs con ributing zone. Those watersheds are and Slaughter creeks.
Because the city can regulate only 31.6 percent of he 354 square miles tha contribute to Barton Springs what good will the ordinance do?
fect the watershed areas most likely to be developed in the short term --
hose within the city's ETJ. Ultimate those within the city's ETJ. Ultimate
success, however, lies in the ability of the city to work with federal agencies,
the state, the Lower Colorado River the state, the Lower Colorado River
Authority, the Barton Springs-Ed-


Sept. 19, 1991: A City Council public hearing on amendments
to the 1986 Comprehensive the five-hour public hearing, 104 of 476 people who
Signed up to speak addressed the council.

## Protection of the Barton Springs

 watershed: A chronologyJune 7, 1990 - More than 800 people - most of them opposed to a 4,000 -acre planned unit development proposed by Barton Creek Properties - signed up to address the City
Council during an all--ight marathon meeting. The outpouring Council during an all--night marathon meeting. The outpouring
sparked the movement to strangthen the 1986 Comprehensive Watersheds Ordinanc
Oct. 4, 1990 - The Lee Cooke City Council adopted a resolu tion directing city environmental staff to draft a new ordinanace incorporating its desire that development of land in the Barton
Creek watershed be accomplished with "no degradation" to the water quallity of the watershed.
Nov. 30, 1990 - The City Council passed a four-month moratorium on new develop
Dec. 31, 1990 - City environmental staff delivered to the ouncil a draft version of the ordinance that applied to all waknown as the contributing zone.
Feb. 21, 1991 - The council clarified in a resolution that the ordinance should apply to development not only in the Barton Creek watershed, but also in the watersheds contributing to
Barton Springs. Council members passed the ordinance as an measure, to expire Aug. 23.
July 25; 1991 - At the request of Council Member Ronne Reynolds, the Bruce Todd council extended the interim ordi-
nance two months, until Oct. 27 . Amendments to the Comprehensive Watersheds Ordinance were distributed to boards and commission
Aug. 8, 1991 - A seven-member task force appoipted by Mayor Tod and representaitives of actions on born sides of
the issue started meeting to hammer out a compromise on the ordinance.
Sept. 19, 1991 - The council held a five-hour public hearing on the amendments during which 104 of 476 people who signed up to speak addressed the council. The public hearing and commissions were due. Two of three boards - the Environmental Board and the Economic Development Commission - voted against the proposed amendments. The mayor's task force and the Planning Commission missed the deadline. Thursday - The mayor's task force presented to the Plan-


June 7, 1990: A marathon City Council meeting sparks the
ing Commission a compromise proposal which the commis sion rejected in favor of a second set of amendments propose by a planning commissioner. The city staff embraces the task force recommendation and that's what will be posted for City
Council action Thursday.
and surrounding communities to develop a comprehensive approach to-
the protection of water quality in Bar Springs. Has there been degradation of the water quality of Barton Springs?
Current data do not indicate a nega-
tive trend, but a number of manufactured substances - such as pesticides and cleaning fluids - have been found during water-quality testing. There cant change in water quality since the
first recorded testing in 1222. The city
environmental staff has not expected
to see a negative trend because less
than 10 percent of the
miles than 10 percent of the because less
miles that contribuare mprings is is developed. Springs is developed.
Degradation of water quality is a long-term process that, in most instances, seems to be accelerated by de velopment. No certain methods can
anticipate what level of development will result in a significant - and potentially irreparable - degradation

What causes the closings a Barton Springs Pool?
A city policy governs the closing of
Barton Springs Pool. One of five con
ditions can trigger a pool closing:
a Rainfall of 1 inch or more in the
Barton Creek watershed. arcon Creek watershed. Poll-water samples produce a fenies per milliliter or higher The pool water is cloudy, and lifeguards cannot see below $41 / 2$ feet.
Water from Barton Creek flow over the dam and floods the pool.
-
Why does the pool close when
more?
City and U.S. Geological Survey
data consistently show that after a
gnificant rainfall, bacteria levels in the pool water rise and remain ele d for about 24 hours. Because the pool is fed by the springs - not Barton Creek - pollu
tion in storm water anywhere in the contributing drainage area can flow down to the recharge zone, into the Edwards Aquifer and out through th The nature of the Edwards Aquifer also increases the odds that storm wa er that makes its way to the pool wil ontain significantly high bacteria quifer's fractures and faults. Bacter that would die in a slower-moving
aquifer make their way to the pool. Additionally, studies have shown that he dark, cool conditions in the aquife

What is fecal coliform and how does it affect people? Fecal coliform bacteria do not har people. They are always present in man beings. fecal coliform
The city measures fecal coliform
levels at Barton Springs Pool becaus levels at Barton Springs Pool because
the presence of coliform organisms in dicates that disease-causing organisms - such as salmonella and streptococ
 week. Additionally, the water qualit is always measured immediately after rainfall of 1 inch or more
The city-county health departmen has estabished conservative waterthere are no state or national standards for measuring when ir is safe
to swim in natural, unchlorinated bo to swim in
ies of water.

What is turbidity and how does it affect pool closings? The pool closes when it is too cee below $4^{1 / 2}$ feet into the water and nsure the protection of swimmers. Creek water polluting and clouding the pool led to the 1975 construction of bypass that diverts the creek water around the pool. Pollutants still con
tribute to cloudiness at the pool.

How many times has the pool closed this season and why?
The pool closed 37 times betwe
April 1 and Sept. 19. II closed: Apris and 1 times because of rainfall;
15 times for fecal coliform leve 15 times for fecal coliform
bove 200 colonies per milliliter; Lto times because of turbidity;
once when Barton Creek flowed once when Barton Creek flowed

Does pollution of Barton Springs affect the odor or taste of Austin drinking water?
When you detect a different taste and odor in Austin drinking water, due to the way the city treats water Town Lake. Pollutants in Barton Creek and Barton Springs flow into Town La

## What data support the

## ordinance?

The USGS and the City of Austin have been monitoring water quality
and control methods since 1980 . Few other communities have such data fo reference and comparison. Although he findings are nationally recognize hey are not sufficient to answer a questions about the best way to pro tect water quality analysis will provide lessons to rinanalysis will provide lessons to rein-
force the validity of methods now un der consideration and provide alternative methods to address wate quality concerns.

Continued on next page

Comprehensive Watersheds Ordinance: A glossary of terms

| over proposed changes in the Com <br> navit Watersheds Ordinance: <br> gic formation that stores rainfall streamflow that percolate through and surface. Springs and wells tap water stored in aquifers. <br> Watershed - The entire land area feeds rainwater into a specific creek aterway. Each waterway has its own rshed, and all land is in some waterarea. The larger the waterway, the $r$ the watershed it has. <br> Recharge zone - Land surface ugh which rainfall, runoff and mflow percolate into an aquifer, aquifer. An aquifer gets its water a recharge zone, much as a creek its water from a watershed. To enformations such as loose soils, , gravel, sinkholes and caves. Contributing zone - Area up$m$ of an aquifer recharge zone from h runoff and streamflow can eveny enter the recharge zone. For ex- |
| :---: |

ronment into stormwater drains, creeks
and finally into Lake Austin and Town ${ }^{\text {Lake. }}$ Non-point source pollution Pollutants that are associated with general sources, such as urban runoff, rather than specific sources. Compared to a point source of water pollution, such as
an outfall of a wastewater treatment an outfall of a wastewater treatment
plant, non-point source pollution is not pleadily traceable to a particular source. Municipal Utility District - A taxing governmental body formed by a
developer under the Texas Water Code developer under the Texas Water Code
to finance water, sewer and drainage im provements in a development. The money borrowed through the sale of
low-interest MUD bonds is repaid by low-interest MUD bonds is repaid by
property owners through taxes and fees property owners through taxes and fees
within the district. In Austin, some MUD s contracted with the city to sell additional bonds to finance expansion
of city utilities. amount of pollutants generated from a particular site or activity, expressed in ounds per acre per yea ment loads - These terms pertain to
water-quality conditions on a site before
and after development. Given developed sites produce a low level of pollutants, under a non-degradation strategy the runoff from a developed site should not contain more pollutant
load than the runoff before Non-degradation - A requirement that the amount of pollution discharged from a site after it has been developed does not exceed the pollution oad discharged before the development.
Zero-degradation - A require-Zoro-degradation - A require-
ment that would prevent any pollution rom being discharged from a site. 1 Runoff coefficient - Commonly referred to as the RV factor, the coeffi-
cient is the fraction of rainfall that runs off a site. The amount of runoff varies with the severity of rainfall or storm. In
the case of the Barton Creek Watershed the case of the Barton Creek Watershed Ordinance, the city is using all the rain-
fall in a 12 -month period to calculate he runoff coefficient.
ESormwater treatment controls - Engineered, structural controls that
capture urban runoff and remove cer-
tain pollutants to some degree before
the runoff is released to streams an
lakes. Sediment/filtration ponds are These ponds allow suspender treatment o settle out. In addition media men sand and gravel are used to filter out certain pollutants.

- Wet pond - A type of stormwate reatment control that relies on retained moisture in a pool to support microor
ganisms and plants that naturally aid in the removal of certain pollutants. We ponds may be used in combination wit other types of controls to enhance over
all removal efficiency. 11 removal efficiency.
- Retrofit - The installation of con controls were not previd areas wher To reduce water pollution more effec tively, it may be necessary to systemat
cally add controls to developed areas - Vegetative filter strip - A buffer of vegetated land between a developed site and a waterway. Runoff from the site flows overland through the buffer lowing vegeta
ource: City environmental stafi


# List of concerns focuses on environment, growth, economy 

From previous page
Will this ordinance be more complicated and costly to implement than the current regulations?
Yes. Developers in the affected area
will have to perform will have to perform more sophisticat-
ed engineering to meet the higher policy goal of non-degradation. Additionally, the city will need more
time and possibly more staff to review time and possibly more staff to revie
the more complicated proposals. What is the effect of the proposed regulations on the MUDs?
The proposed regulations contain the same impervious-cover limitations
that currently exist in the CWO. They would not, therefore, reduce the
planned development of the Municipal planned development of the Municipal
Utility Districts. The proposal requires 70 percent removal of post-development pollutants, and will require more effective contros. But no su
cost impact is anticipated. In contrast, the interim regulations, if extended, would have significantly reduced the final development a MUD nificant effect on the MUDs.
If $\mathbf{m y}$ home is in the regulated area, how does that affect my ability to improve my property, such as building a deck?
Owners of existing single-family additions to their properties. The pro posed regulations would not alter what improvements a homeowner could

If you increase imperviou cover, don't you in turn increase the runoff that flushes the creeks and streams?
Yes. If you increase the amount of
impervious cover on a site you will, if impervious cover on a site you will,
no steps are taken, increase the ing the sit.

What effect will this ordinance have on the water and wastewater utility?
Based on a projected redirection of growth caused by the proposed regulations, the utility does not foresee any major effect on total revenue requiretions are unlikely to cause future rate djustments.
What effect will this ordinance have on low income housing?
There has been no effort to conwest Austin for more than 10 years. Because of high land costs in the area low-income housing is practical only
with high subsidies and exemptions from regulations that add cost. While these proposed regulations are not the


Crowds of protesters on the sidewalk outside Council Chambers for stronger protection of Barton Springs. More than 800 people during the June 7,1990 , hearing were only part of the groundswell signed up to speak at the hearing.
the patte
history.
What is the effect of the proposed regulations on the economy?
The interim regulations would have limited the amount and type of devel-
opment in Southwest Austin. The regulations recommended to the City Council by the mayor's task force and the city manager will require develop-
ments to treat runoff to non-degradation levels, but they use the same impervious-cover limitations that exist
in the CWO and will not prevent any in the CWO and will not prevent any planned development.
There should, therefore, be no redirection of growth and no effect on the economy.
A concern expressed by many busiA concern expressed by many busi-
ness owners is that the regulations may inadvertently stop growth, which can then lead to government deficits,
higher taxes and less desirable public services, which can run job-producing businesses away

Why do developers, engineers and some City Council members insist on Council members insist on structural controls instead of impervious-cover limits,

when they are unproven technologies?
Advocates of structural controls
with performance standards prefer with performance standards prefer
this approach over this approach over impervious-cover
limits because they would allow more development on a site. Business inter
and structural controls are a more direct way to measure and control the quality of water leaving a site. They
point out that this is the approach osed by the LCRA for controlling waer quality for Lake Travis. While structural controls have been ollutants, they require continuous maintenance and inspection. Since pollutant loads increase significantly as impervious cover increases, limiting
impervious cover is a more certain ap proach to protecting water quality.

What is the difference between the habitat proposal and this one? The primary purpose of the pro-
posed Baccones Canyonlands Conservation Plan is to protect endangered
species and ensure regional compliance species and ensure regional compliance Act. This plan, which involves the City of Austin and other goverrmental
bodies, is in contrast to the proposed bodies, is in contrast to the proposed
amendments to the CWO, which are meant to preserve water quality.
Does the ordinance have any provision for dog owners to clean up droppings from their pets?
No. But city code does require
cleanup on public property.

Why have the five school districts in the Barton Creek watershed requested that they be exempt from these amendments?
School districts, like other public and private entities, are not eager to
see the cost of developing new schoo sites increase. They, like other potential developers, may prefer to be exempted
cost.
Has anyone done any legal research into whether the new ordinance is an unconstitutional taking of property rights and water rights?
The U.S. Supreme Court has upheld
the right of muncipalites the righity to impose restrictions on
authority land use for legitimate public pur poses. Preservation of water quality is
recognized as a legitimate public pur recognized as a legitimate public pur
pose, and as long as property owners are not prevented from any use of their property, the regulations are not considered a taking of property. The
regulations can reduce the profit a regulations can reduce the profit a
property owner can expect from the sale or use of the land, without being
considered a taking. considered a taking.
Could the City Council have a bond-issue election to pay for improvements to existing developments to protect Barton Springs Pool? The city's proposed strategy to pro-
tect Barton Creek and Barton Springs has two components. The first is the ing new development from degrading the water quality. The second component, which still must be developed, is a program to retrofit existing and pro
viously exempted development with structural controls that would help im prove the quality of the runoff reach-
ing the creek and springs. ing the creek and sprin Does restricting
development in a watershed put more pollutants in other area watersheds? No. Restricting development in one
watershed does not directly contribute more pollutants to another watershed. However, if the development that would have gone into a watershed de-
cides to locate into another watersh cides to locate into another watersi
and development does not clean up and development does not clean up
the runoff from its site, the potential exists for more pollutants to be foun in the watershed.

These answers were provided by a team of City of Austin workers coordinated by Public Information Officer Becky Gadell. Two members of the Mayor's Force - David Armbrust, a lawyer and development lobbyist, and Mary Ann Neely, state co-director of Clean Water Action - also
provided answers.

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## ANNOUNCEMENT

FINAL COURSE BEGINS OCT. 7TH H\&R BLOCK is offering a Basic Income Tax Course starting Oct.
7th. There will be a choice of morning or evening classes. The 8 7th. There will be a choice of morning or evening classes. The 8
week course is taught by experienced H\&R BLOCK personnel and certificates are awarded to all graduates. While job inter-
views are available, graduates are under no obligation to accept views are available, graduates are under no obligation to accept
employment with H\&R BLOCK. Registration forms and broemployment with H\&R BLOCK. Registration forms and bro-
chires may be obtained by calling the H\&R BLOCK district office at 454-4657.

## BAYLOR UNIVERSITY <br> TOWN Hall MEETING

7 p.m., Tuesday, Oct. 1 First Baptist Church of Austin Randy Fields, Speaker Browning Ware, Host All Baylor Alumni and Friends Welcome


Please attend the Nov. 11-12 BGCT meeting in Waco and vote infavor of the affiliation agreement.
Help maintain our Texas Baptist tradition

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