

A Message from the President: **ZNA Endorses Clean Austin Amendments**

by Jeff Jack, President of Zilker Neighborhood Association

The May 13 ballot will be crowded with City Council, AISD school board, and ACC trustee races, but the two Clean Austin amendments to the city charter may be the most important votes you will cast in terms of the future health of our city. At the last ZNA meeting (February 27, 2006) we had the opportunity to hear about and discuss the Clean Water and the Open Government Online amendments, which were in the midst of a petition drive to place them on the ballot. That night, our membership voted overwhelmingly to endorse both amendments.

Since then, more than enough signatures were gathered and certified (20,000 were required), and the amendments are on the ballot. The list of organizations endorsing the initiatives has grown, including other neighborhood associations, such as Old West Austin NA and South River City Citizens (Travis Heights). The support of other civic groups is impressive, including the Gray Panthers, American Civil Liberties Union,

Sierra Club, and Consumers Union. Of course, the Save Our Springs Alliance is fully behind the initiatives. A strong effort has been mounted, however, to stop them. Some developers who stand to profit from building over the aquifer and some big businesses that have gained millions of dollars in city subsidies through backroom deals have tried to paint these charter amendments as bad for the city. In reality, the amendments are bad only for special interests that exploit our environment and gain financially at taxpayer expense.

In a sad display of business-as-usual bias, the City Council wrote the ballot language for both amendments in the most adversarial way possible, not even mentioning the purpose or any of the positive aspects of the amendments. The ballot wording was so misleading that citizens sued the City Council to force a rewrite of the ballot language. I was one of the plaintiffs in that lawsuit, and the judge ruled that the city "**exceeded its discretion by**



Where Do You Vote?



If you don't vote early, be sure to vote on May 13, 2006, at the precinct shown on your voter registration card.

- ✓ Precinct **332** votes at Zilker Elementary School, on Bluebonnet at Hether.
- ✓ Precinct **462** should vote at the MHMR office at 1700 South Lamar, Suite 101, off Collier, but check shortly before election day to be sure it hasn't moved.
- ✓ Precinct **325**, including the south side of La Casa and the area of ZNA off Barton Skyway, votes at St. Mark's Episcopal Church at 2128 Barton Hills Drive.
- ✓ Precinct **342**, the Barton Hills precinct west of Rabb Road, votes at Barton Hills Elementary School, at 2108 Barton Hills Drive.

For info on the City Council races, see ANCWeb.org.



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adopting ballot language that does not fairly portray the chief features of the citizen-initiated . . . charter amendments," and admonished the City Council for using ballot language that "identifies examples that are not representative of the whole and are exclusively negative." The judge's instructions to the Council were clear: rewrite the ballot wording in a fair manner.

Instead, the city legal department replied to the judge's order by editing out just a few of the most egregious phrases, leaving the negative connotation in place. For example, in the wording for Prop. 2, the SOS amendment, the Council listed Zilker among a few neighborhoods that would be affected, although the only portion of the Zilker neighborhood in the Barton Springs watershed is public parkland that is not developable and therefore not affected by the amendment. But instead of deleting "Zilker" in the revised wording, Council simply changed it to "part of Zilker." Why were they so insistent on implying that Zilker would be harmed by this amendment? Was it because our neighborhood historically has high voter turnout? Since ZNA had already endorsed the SOS proposal, was this an attempt to undermine our support for the initiative with the voters in Zilker?

Besides using blatant scare tactics to electioneer at the ballot box, the Council also played the game of delaying the publishing of the new language until it be-

The Barton Springs Swimmers Club

has recently formed to "restore the pool to its rightful glory." The club turned out dozens of volunteers to help the lifeguards clean the pool during the spring closure early in March. They plan to improve the pool, bath house, grounds, and adjacent areas. The board of directors and club members work through advocacy for the pool with city staff, public officials, and others; service projects to improve and maintain the pool; fundraising to support pool improvement projects; and fun events to enjoy the pool together. For more information, contact club president Robin Cravey at 447-8014 or robin@robincravey.com.

came impossible to challenge it without delaying the election date. Since the judge clearly did not have the power to delay the election, the inaccurate and misleading rewrite will appear on the ballot. The modified wording still does not accurately reflect either the spirit or the letter of the Clean Austin amendments. When you vote in May, please do not be misled by the Council's bad-faith wording. It is a simple question of "Who do you trust?" When it comes to protecting the aquifer, do you trust SOS and the Sierra Club, or the chamber of commerce and the real estate council? When it comes to open government, do you trust the ACLU and Consumers Union, or the City administration and corporate lobbyists?

The two charter amendments work together, and when implemented they will make Austin a better city. The passage of both will lead to major improvements in our protection of Barton Springs and will open up our local government for a more democratic process. Whether it is environmental protection, prudent use of our tax dollars, or just access to public information, the passage of these two charter amendments will put Austin on the forefront of progressive city government. I urge everyone to vote for both Prop. 1 and Prop. 2.

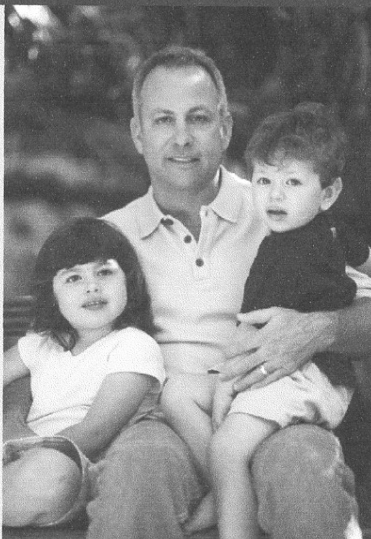
Turn to page 5 for more on Prop. 1, the Open Government Online amendment, and page 7 for Prop. 2, the Clean Water amendment. See also cleanaustin.org.

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**Calling All Volunteers:
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This is an invitation from Officer Cody Weiser, our new APD District Representative. Call him at 974-4260, for nonemergency police help.

We are currently working on a "Restore Hope" project that is focused on the 2600 block of Ektom Drive in southwest Austin near Westgate Blvd. This project focuses on restoring citizen trust in police, improving quality of life concerns, and assisting area residents and neighborhoods to become self-reliant by emphasizing continued support from the Austin Police Department and general community. We have scheduled an official clean-up date for Saturday, April 29, 2006, from 9 AM to 1 PM. City, county, state, and federal organizations will combine their efforts to clean, repair, inspect, and restore the 2600 block of Ektom. We hope that with a combined effort we can better the community and improve the way of life for the families that live in the neighborhood.

Lunch will be served to all volunteers and bottled water will be provided throughout the project.

Please let me know if you would be able to help in any way. Together we can help improve our community one neighborhood at a time. Thank you.

*Officer Cody Weiser 4412
Southwest Area Command*

Call 311 for Code Enforcement

*by Matthew Christianson,
Code Enforcement District Manager for South Austin*

The City of Austin is making significant changes to code enforcement that should improve service and help us in the fight against urban blight. We have begun by dividing the city into four districts that correspond to Austin Police Department Command Districts. Investigators within each district will handle zoning, housing, and property maintenance complaints.

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- Keep Austin Beautiful, 974-3577
- Graffiti Removal, 854-4125
- Solid Waste Services, 494-9400

Lamar-Bluebonnet Water and Wastewater Improvements Project

by Jennifer Herber, City of Austin Public Works

The City of Austin Public Works Department is now planning the Lamar-Bluebonnet Water and Wastewater Improvements Project. The project will include a new water pipeline designed to improve water pressure and fire flow in the area. In addition, wastewater line improvements will be made on various neighborhood streets as part of the Austin Clean Water Program.

The affected streets are Edgeware Drive a block east of Manchaca, Manchaca from Edgeware to South Lamar, S. Lamar from Manchaca to Mary, Bluebonnet from S. Lamar to Peach Tree, Hether from Bluebonnet to S. Lamar, Goodrich from Frazier to Hether, Frazier from Bluebonnet to Goodrich, Bauerle from Goodrich to Kinney, Kinney from Hether to Bauerle, Norris from Peach Tree to Rabb, Montclair and La Casa from Paramount to S. Lamar, and Paramount from La Casa to Montclair.

Construction is expected to start in the summer of 2007 and will take one year to complete. The project manager is Jason Himes, who can be reached at 974-7098. Jason will speak to the Zilker Neighborhood Association at the general meeting on April 24.

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Prop. 1, Open Government Charter Amendment

by Jeff Jack, ZNA President


For years Austin has bragged that it was a "City of Ideas," on the cutting edge of technology as well as music. As a leader in the information industry, Austin's plans for economic growth are rooted in the high-tech revolution. Whether we are using Quicken to do our income taxes or booking vacations online, our daily lives are shaped by the power of new technology.

Such technology can also be important in making our government more open and responsive to citizens. Control of and access to information is critical to our participation in and oversight of our government. For instance, just a few years ago, major construction projects could pop up in Zilker without warning. If a project did not require a zoning change or variance, the neighbors did not receive notice, and we simply had no way of knowing what was coming down the road. Today, anyone can go to the City's Web site and search for permit applications in our neighborhood long before the bulldozers show up. And that is a good thing!


The City has taken some major steps toward more open systems, but the public still does not have timely access to a great deal of public information. State law governs *what* can and cannot be divulged to the public, but the Open Records statutes do not regulate *how* that

public information is made available. Open records requests now take days if not weeks and require significant staff time for research, copying, and getting the documents to the requester. With the Internet technology now available, it is possible for our City government to conduct most of its business in a way that is accessible to our citizens online. This includes everything from policy development to individual project approvals, all at potentially significant cost savings to the taxpayers.

Like businesses that are moving to paperless and online systems, our City should take advantage of these administrative cost savings. The real savings to our community, however, may come in more citizen awareness of how City policy is crafted with regard to the financial deals that are negotiated as incentives for development. In a recent example, the City Council approved a major zoning change allowing a developer to build high-rise condominiums on the shores of Town Lake. While the developer publicly focused on the height of the proposed building as the main point of contention, very little public scrutiny was given to the details of the associated development agreement. That deal was crafted over many months by city staff and the developer without any public disclosure. The final document of more than 200 pages was provided to the



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public only at the last minute as a *fait accompli*. Buried in that deal was a waiver of the Parkland Dedication fee that developers are required to pay to support parks in their area. In exchange for the waiver, the developer donated \$250,000 for landscaping of adjacent parkland. That sounds great, but when parks supporters calculated that the parks fee would have been more than \$4 million, they realized it was not a good deal at all. Giveaways like that have become the norm at City Hall. Since the mid 1990s our City has negotiated economic incentives and other deals behind closed doors giving major developers and corporations in excess of \$200 million (\$30 million for Samsung, \$10 million for FreeScale, \$38 million for the Domain project, \$12 million for CSC, to list a few). Meanwhile, our property taxes have skyrocketed and city services have deteriorated.

The Open Government Online charter amendment would open up much of the City's decision-making about such deals to community review by requiring all corporate incentive and subsidy packages to be negotiated in public.

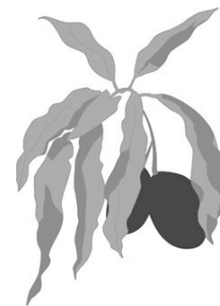
Other key elements of the Open Government Online charter amendment would require

- e-mail correspondence to top City management and council members related to City business to be archived so that future public information requests can be honored.
- top City management and the City Council to make their calendars available online so that the community knows who has access to City Hall and how our City administration and elected council members are spending their time.
- City Council executive sessions to be recorded so that if the City is in litigation about an issue these important City discussions can be made available to the courts.
- the City's negotiations with the Austin Police Association that now occur under the private meet-and-confer policy to be open to the public.

All these provisions are positive steps to ensure that our government is as open to the public as possible, that City Hall is acting on behalf of the community and not special interest groups, and that we as taxpayers are getting efficient, accountable city government.

The special interests that have benefited from the status quo at City Hall have much to lose if this charter amendment is adopted, and they have begun a campaign to convince the voters that this will result in invasion of personal privacy, cost millions to implement, and stymie city government. It should be noted that the proposed amendment was crafted with the aid of the ACLU, a stalwart protector of personal freedoms and privacy. Section 2 of the amendment reads: "**Privacy Protected. Nothing within this amendment should be interpreted in an manner that would violate an individual's existing constitutional or common law rights to privacy.**" One council member has gone so far as to compare this amendment to the "Big Brother" provisions of the federal Patriot Act. Nothing could be more misleading, The Patriot Act has the government watch us, but the Open Government Online amendment allows the citizens to watch their government.

Finally, the contention that implementation of the amendment will cost millions of dollars has no reliable financial analysis to back it up. In fact, the City Council's attempt to include a price tag of \$36 million in the



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See cleanaustin.org on the Web for the complete text of Prop. 1 and Prop. 2 and for other charter election information. For more information on the Save Our Springs Alliance, see sosalliance.org.

ballot language (along with the threat of a tax increase) was thrown out by the judge as **"a cost that is not sufficiently certain and references a tax increase that the City concedes is not compelled by the proposed amendment."**

The amendment clearly states that the move to an electronic information system will be done **"as expeditiously as possible and to the greatest extent possible."** This practical approach will set us in the right direction in a reasonable, prudent manner. Many big corporations (even some that seem to oppose this amendment) have installed similar systems and touted the increases in efficiency and profitability. Austin should reap the benefits, too.

Having watched how special business interests have come to dominate our City administration and Council, helping themselves to our City treasury and negotiating deals that have run roughshod over our neighborhoods, I say it is time for a significant house cleaning at City Hall. Please vote for Prop. 1, the Open Government Online charter amendment, and bring accountability and efficiency to our city government.

Prop. 2, Clean Water Charter Amendment

by Jeff Jack, ZNA President

ZNA's boundaries include Zilker Park, a portion of Barton Creek, and Barton Springs Pool, often called the soul of our city. Barton Springs is not only a historic watering hole, enjoyed every day by our community for recreational swimming, but also the home of an endangered species. For more than 20 years we have known that development over the Barton Springs watershed threatens water quality in the springs, and in 1992 the citizens of Austin voted to protect this valuable city asset by imposing more stringent standards on development in the recharge zone and contributing areas of the watershed. The organization that was formed back then to support the citizens' initiative to safeguard the springs was the Save Our Springs Alliance (SOSA). Since then SOSA has continued to research the springs, educate the public on the fragile nature of the aquifer, and fight in court to ensure that the initiative to limit pollution of the springs, codified as the SOS ordinance, is enforced. Save Our Springs almost always comes to mind when we think of Barton Springs.

Since the SOS ordinance was passed (with the vigorous support of small and independent businesses all over Austin), many in the business community have actively pursued the goal of protecting the springs. Much of the development community, however, has not been so civic-minded, and a few went so far as to push a law through the State Legislature that severely weakened our SOS ordinance by allowing extensive grandfathering of old site plans for unbuilt projects. Referred to as 1704, the law could allow tens of thousands of acres over the aquifer to be paved under weaker environmental controls. Recently, Applied Micro Devices (AMD) has taken advantage of this loophole, proposing to build offices on a site that should be protected by SOS. This move could bring 3000 employees and their cars to the aquifer, and it will increase demand for more

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residential and commercial development over the Barton Springs watershed.

AMD's plan has been facilitated by our own City administration. When the Legislature passed 1704, it gave the City some authority to review grandfathering claims, and a committee of senior city staffers was formed to evaluate such claims. To be grandfathered, a development proposal must be consistent with an earlier plan submitted before SOS went into effect. If the new proposal is substantially different, it is not grandfathered and must comply with SOS. The site of the proposed AMD project was originally planned as a retail center, which is classified as a different use

from offices, so AMD's proposed office complex should not be grandfathered. City staff, however, approved the grandfathering anyway, behind closed doors and without public input. As a result, SOSA has sued the City to force them to apply the law correctly; the case is now pending in court.

This is not the first time SOSA has had to sue to protect the springs. For more than 10 years, SOSA has spearheaded the legal efforts to enforce the SOS ordinance while the City administration has been reluctant to act or has even opposed our own laws. That is why SOSA initiated the charter amendment that we will vote on in this election. This amendment will tighten up the loophole by making the City Council, not staff, responsible for determining grandfathered status, with a public hearing as part of the process. Prop. 2 also contains these key elements:

- It recognizes the 1997 report "Protecting the Edwards Aquifer: A Scientific Consensus," which was the result of a regional planning effort, and requires the City to follow key recommendations of this policy document.
- It limits development subsidies such as tax abatements and other economic incentives to businesses that want to locate over the aquifer.
- It directs development away from the aquifer by requiring the City to prioritize infrastructure improvements (such as roads, water, and sewer) and economic development efforts outside the Barton Springs Watershed.

The intent of Prop. 2 clearly is to enhance our ability to protect the springs by further discouraging unwanted development over the aquifer and to make sure what development does occur meets the SOS ordinance. As in 1992, when the original SOS initiative was passed, many real estate interests that stand to make fortunes by building in the Barton Springs watershed are fighting to prevent the passage of this citizen initiative. We can move development elsewhere, but we cannot move the aquifer. To protect the springs and our drinking water, now and in the future, vote Yes on Prop. 2.



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Neighborhood Planning Update: Future Land Use Map

by Dave Piper and Jeff Jack

The Neighborhood Planning that began last October is progressing through a series of City-sponsored meetings in which the stakeholders (residents, property owners, business owners, and the City) are working on a future land use map (FLUM) for Zilker neighborhood. This land use map will later be the basis for considering zoning changes within our neighborhood. The other three neighborhood areas (Galindo, South Lamar, and Barton Hills) in the South Lamar Combined Neighborhood Planning Area are also working on their own FLUMs. Once the individual maps are completed, the four areas will come back together to finish the combined planning document, which will include the four separate neighborhood plans.

The maps show individual properties aggregated into larger areas and designated as single family housing, multifamily housing, mixed use, and commercial. These terms are being used in a generic sense, and not as specific zoning designations. Because these terms normally refer to specific zoning categories, there is confusion and concern about what those designations really mean. For example, if land is designated as single family, does that mean it can be zoned SF1, SF2, SF3, and SF4? The code restrictions and requirements are vastly different across this range of SF zoning. SF1, SF2, and SF3 are what we

generally have in our older residential areas, but SF4 is very different, allowing much smaller lots. Currently Zilker has no SF4 zoning, and if our FLUM defines SF4 as part of the single family designation, then in the future staff may support rezoning of properties to allow these much smaller lots, even though the community did not support that type of development. So the question is whether the neighborhood supports small lot development within the existing residential housing stock. The current city standard for a single-family residential

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lot is 5750 square feet. There are parts of town where this has been reduced in the neighborhood planning process to 3500 or even 2500 square feet. It is also possible in the zoning phase of neighborhood planning to reduce the lot sizes for duplexes.

The same clarifications are needed for mixed use and commercial, which is now proposed to cover the various levels of business zoning on much of Barton Springs Road and South Lamar Blvd. This designation in the FLUM is especially important for all residential property owners whose lots back up to the commercial zoning along those arterials. So while land use is what staff is focusing on now, the key issues yet to be dis-

cussed are the specific zoning regulations that define what can and cannot be built. For instance, the height and size of structures along Barton Springs Road and South Lamar will directly affect adjacent property, but the larger structures allowed under certain classifications will have secondary impacts as well. Larger buildings mean more square footage and therefore more car traffic and additional parking requirements. If these issues are not addressed, it could result in more spillover of commercial parking into the neighborhoods, which is already causing distress along South First and South Congress.

So what do we want Zilker to look like in the future? The ZNA survey in our newsletter two years ago gave us a good gauge of preferences for future development in our area.. Since then ZNA has continued to work to make sure that what we learned from our survey is included in the development of the FLUM and in any proposed zoning changes. ZNA is a strong voice in this process, but everyone in our neighborhood has the right to participate personally in this planning effort. ZNA urges you to get involved, attend the planning meetings, and help shape the future of our great neighborhood.

To participate in Neighborhood Planning, contact City planner Mark Walters at mark.walters@ci.austin.tx.us or 974-7695. More information is available on the Web at www.ci.austin.tx.us/zoning/slcnpa.



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Jamie Pettit, art teacher
Kathy Price, music teacher*

The brightly decorated cards mentioned above in Jamie and Kathy's note will be on display at ZNA's general meeting on Monday, April 24, in the Zilker Elementary cafeteria. Written and decorated by students in the second grade, they are a real treat.

ZNA donated the proceeds from our sale of Austin City Limits Festival tickets last year to the Zilker Elementary School music program. That donation funded a three-day workshop in February for the entire school on African music and culture led by teachers from Africa.

Many thanks to Capital Sports and Entertainment for donating the ACL tickets to ZNA.

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12 «Z•NEWS» APRIL 2006



Newsletter
of the Zilker
Neighborhood
Association

www.main.org/znaweb

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Executive Committee of ZNA

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Vice President: Dave Ward, 468-4944

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Dave Piper, 916-9636

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About the Zilker Neighborhood Association

ZNA holds general meetings the fourth Monday of February, April, July, and October, at Zilker Elementary School. The Executive Committee meets at 7 PM the first Monday of each month, usually at Artz Rib House.

Our Purpose: To improve the quality of life in the neighborhood in matters of land use, environmental protection, public services, consumer protection, preservation of the historic and unique character of the community; to provide support in other matters of neighborhood concern; and to promote and participate in the civic life of the city.

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