

Austin Neighborhoods Council - General Membership Meeting Minutes
February 24, 2010 Austin Energy Building
7:00 pm to 9:00pm

7:00 pm **Call to Order and Introductions**

7:10 pm **Comprehensive Plan Manager Garner Stoll:**

Update and Q&A on the City's Comprehensive Plan. Citizen participation process: meetings in a box, public meetings, online survey. Defining sustainability. Relationship of comprehensive plan to neighborhood plans. (Greg Guernsey joined in addressing that item.) Carrying capacity analysis (with respect to Austin's existing zoning) is part of the plan consultant's contract. Modifying existing Future Land Use Maps is outside of the scope of the comprehensive plan. (Comprehensive plan is not a parcel-specific plan; general land use maps are done in smaller cities' plans but it is less practical to do one for larger cities.)

7:40 pm **City of Austin PDRD Director Greg Guernsey:**

Neighborhood Plan Contact Team Authority- legal standing of neighborhood plan contact teams. The city attorney was asked by CM Morrison to look at that question but the law department has not developed a position on this question yet.

Live Outdoor Music Venue Permits- Two handouts: Outdoor Music Venue Regulations and Temporary Uses. There are 2 types of permits. Annual outdoor music permits require notice, can be appealed and are good for only one year. Sound amplification permit is good for one day in a 30-day period. There's a temporary ordinance for permitting a four-day event (probably designed for SXSW) that expires June 30th of this year. These temporary permits can't be issued within 100' of a residential property. Hours the permits can be granted for are more limited the closer the location is to residential property. (One standard for within 100', one for within 600', one for further away.)

PDRD staff do not assist residents in negotiating with permit applicants over decibels but neighbors can negotiate with them. An agreement that is negotiated can then be incorporated into the permit. Is soliciting input to improve the sound ordinance. There are two sound permit appeals being heard tomorrow at Council.

8:05 pm **Constable Bruce Elfant**

(Co-Chair of Austin/Travis Co. Complete Count Committee) on 2010 Census. Apr. 1st is Census Day. Next meeting of the committee is March 8th and it is an open meeting. Homeless count last 3 days of March.

8:15 pm Announcements

8:15 Cory Walton: Annual Membership Dues due NOW.

8:16 Scott Johnson: Annual electric lawnmower exchange

8:17 David Kobierowski: Request for funding to keep KOOP community radio.

2-week membership drive starts next week.

8:21 Lorraine Atherton: CLASP: Citizen-led Austin Safety forum, KrimeLab workshop Feb 27th Ruiz

Public

Library. <http://www.krimelabb.com>

8:24 Jeff Jack: March 7 Save Town Lake Fundraising Party at El Sol y La Luna. PUDs in waterfront overlay.

8:25 Cory Walton: Density bonuses to be discussed at city hall at 10 AM Saturday in boards and Commissions room

8:26 ANC Resolutions

8:26 Joan Bartz: Group Boarding Homes. Al Weber moved adoption, Terry Tevis seconded. Passed with 2 nays, 3 abstentions.

8:37 Bo McCarver- Allocation of remaining COA GO-Bonds funds. Steven Aleman moved adoption, Daniel Llanes seconded. Passed with two nays, two abstentions.

8:47 Rudy Williams- APD Preservation of Life Standard. Discussion only.

8:54 Bo McCarver- Prostitution diversion initiative. Discussion only.

9:00 East Travis County TXI Gravel Pits. (Affecting Hunter's Bend and Imperial Valley.) Discussion only.

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9:05 David Kobierowski- Preserving University of Texas' Community Involvement (Cactus Cafe and Informal Classes)

9:10 pm Adjourned

Text of the resolutions:

ANC Resolution Concerning Group/Boarding Homes:

Whereas, the 81st Legislature passed HB 216 which provides protections for elderly and disabled persons residing in group homes and boarding homes which have heretofore had no oversight, licensing or regulation; and

Whereas, the bill requires that by September 1, 2010, the Texas Department of Health and Human Services approve a standardized set of model standards for the registration, regulation, inspection and supervision of boarding home locations, including group homes, for the elderly and disabled which can be adopted by metropolitans and turned into city ordinances; and

Whereas, on October 22, 2009, the Austin City Council passed a Resolution directing the City Manager to work with those employees of the Texas Department of Health and Human Services in the development of the model standards required by HB 216; and

Whereas, the University Hills Neighborhood Association Group Home Task Force, composed of members of neighborhood associations located in University Hills, Coronado Hills/Creekside, Pecan Springs/Springdale and Windsor Park, respectively, has conducted extensive research on these issues and, in particular, the University Hills Neighborhood Association Group Home Task Force has specific knowledge and experience with the plight of residents who live in these unlicensed group and/or boarding homes, and have provided representatives from the community to testify before Senate and House committees during hearings concerning the unlicensed group and/or boarding home issues; and

Whereas, the City Council's Resolution of October 22, 2009, did not provide a suggestion or mandate by which the University Hills Neighborhood Association Group Home Task Force could share its wealth of knowledge and experience to those who have been charged with the responsibility of drafting model standards for metropolitans to consider for adoption into their own ordinance structure; now, therefore,

Be it resolved that the Austin Neighborhoods Council respectfully urges the Austin City Council to require the City Manager to avail himself and his staff of the research, knowledge and experience gained by the University Hills Neighborhood Association Group Home Task Force and that the City Manager and staff make meaningful efforts toward this goal by advising the University Hills Neighborhood Association Group Home Task Force of all meetings and work sessions that are scheduled regarding this matter. Further, that the City Manager and staff maintain an open door policy for members of the University Hills Neighborhood Association Group Home Task Force, as well as any other neighborhoods interested in this issue, to engage in meaningful discourse and foster the opportunity for neighborhoods to provide another "voice at the table" as the model standards are discussed and drafted.

ANC Resolution concerning allocation of remaining GO-Bond funds

Whereas, there remains \$15 million in unexpended funds from the \$55 million Go-Bond, and

Whereas, market forces have limited home-ownership projects while rental projects for very low income households have been successful and the goal of expending 60 percent of the funds for rental units has already been achieved; and

Whereas, the critical need for housing affordable for very low income households necessitates timely expenditure of these funds; and

Whereas, there is an urgent need for housing for homeless persons and families, and

Whereas, there is a critical need to create more housing for homeless persons in all areas of the city while retaining facilities such as Garden Terrace and The ARCH,

Therefore, be it resolved that the Austin Neighborhoods Council supports expending the remaining funds for both

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homeowner and rental projects as they are submitted with special preference given to projects providing housing for the homeless that is dispersed throughout Austin and available to all groups including women and families.

Resolution Concerning Austin Police use of Arbitrary and Excessive force

Whereas, there is a well-documented and long history of the use of excessive force on people of color by the Austin Police Department; and

Whereas, current APD use of force policy primarily protects aggressive police behavior and allows the police officer broad discretion in using deadly force; and

Whereas, investigations by the Austin Police Department and District Attorney's office have historically shown bias in favor of police officers and have not reduced unnecessary deadly incidents;

Be It Resolved, that the Austin Neighborhood Council calls on the City Council, City Manager, and Austin Police Chief to adopt a stricter "Preservation of Life Standard" on use of force, modeled after the Dallas, Houston and Los Angeles use-of-force standards.

Preservation of Life Standard for Use of Force

The most restrictive deadly-force standard is the "Preservation of Life Standard" as adopted by the Dallas and Houston (Texas) Police Department (among others).

The "preservation of life standard" states that, "regardless of the nature of the crime or the justification for firing at a suspect, officers must remember that their basic responsibility is to protect life. Officers shall not fire under conditions that would unnecessarily subject bystanders or hostages to death or possible injury, except to preserve life or to prevent serious bodily injury. Deadly force is an act of last resort and will be used only when other reasonable alternatives are impracticable or fail." Further, the "preservation of life standard" requires that, "officers will plan ahead and consider alternatives which will reduce the possibility of needing to use deadly force)."

It is the position of the Austin Neighborhood Council Eastern Sector that, Implementation of a "preservation of life standard"; aggressive recruitment of a diverse applicant pool from our area schools; rigorous training on interacting with the mentally ill; and confronting racial and cultural bias in policing will reduce incidents of excessive force in our community.

Resolution for a City-Wide Prostitute Diversion Initiative in Austin

Whereas, prostitution in Austin is a recurring tragedy that destroys lives, families and communities; and

Whereas, police "spot enforcement" at selected locations is ineffective in stemming prostitution; and

Whereas, an effective program needs to be established to address the underlying employment and medical issues that foster prostitution; and

Whereas, the City of Dallas has established a successful, multi-agency initiative to deal with prostitution; and

Whereas, Austin's Downtown Community Court has begun to address the underlying issues and assist prostitutes to redirect their lives;

Be It Resolved that the Austin Neighborhoods Council urge the city to expand and develop a city-wide prostitute diversion program that utilizes all agencies and resources to end this epidemic.

Resolution Concerning TXI Applications for Gravel Pits in Eastern Travis County

Whereas, the citizens of Texas have a right to a healthy environment, free of industrial wastes and which preserve the bountiful natural beauty of our state; and

Whereas, the present laws for unincorporated areas of Texas are inadequate to assure those rights are preserved; and

Whereas, the TXI Corporation is presently planning expansion of its operations to entail placement of gravel pits near residential areas in Eastern Travis County that include the Imperial Valley Neighborhood and other

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communities;

Therefore, the Austin Neighborhoods Council urges the city, county, state and federal entities to negotiate a project that protects the health of residents and preserves the natural environment of Eastern Travis County; and also urges that the Legislature provide adequate laws to allow counties to protect the health and the environment in all unincorporated areas of Texas.

Preserving University of Texas' Community Involvement

WHEREAS, the University of Texas at Austin (from here forward referred to as "UT Austin"), specifically the Texas Union Board has recommended the closing of the Cactus Cafe and eliminating its Informal Classes offerings; and

WHEREAS, the Cactus Cafe has been in existence since 1979 and is considered a treasure and irreplaceable as a unique music venue from which the Austin community benefits and the Informal Classes have been a benefit to the Austin Community tremendously with a wide-range of affordable classes and educational experiences; and

WHEREAS, the Austin community has overwhelmingly spoken up in support of preserving the Cactus Cafe in its present form and the Informal Classes and there are over 23,000 members who have joined the "Save the Cactus Café" Facebook page and over 225 fans on the "Save Texas Union Informal Classes" Facebook page; and

WHEREAS, the Austin community has always enjoyed a close relationship with the UT Austin and looks forward to maintaining that mutually beneficial relationship in the future; and

WHEREAS, numerous individuals and organizations, including students, UT Faculty members, musicians, and State Representative Elliott Naishtat, among many others, have all voiced their concerns with regard to the negative impact on the Austin Community from the announced intention of the Texas Union to close the Cactus Cafe and eliminate UT Austin's Informal Classes; and

WHEREAS, the Austin Neighborhood Council (ANC) is troubled about the potential damage to our community's involvement in community life with the closing of the Cactus Cafe and elimination of UT Austin's Informal Classes.

BE IT RESOLVED that we, the Austin Neighborhoods Council, call upon UT Austin officials responsible for the decision to close the Cactus Cafe and eliminate UT Austin's Informal Classes, to commit to keeping the Cactus Cafe open in its present form, preserving its fundamental character and keep the Informal Classes as an offering to the Austin Community.