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NEWSLETTER

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JUNE 2018

EVENTS CALENDAR

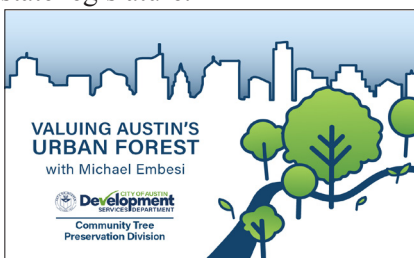
Monday, June 11: Crestview Neighborhood Association Meeting. 7:00 pm at the Crestview United Methodist Church, 1300 Morrow St. Agenda: Update on the Brentwood Park playground equipment project. Presentation by Michael Embesi, Community Tree Preservation Division Manager, City of Austin on "Valuing Austin's Urban Forest". See article below for more information.

About the Meeting:

Valuing Austin's Urban Forest Presentation

Michael Embesi, Community Tree Preservation Division Manager, manages a small team that focuses on the preservation, planning and promotion of Austin's trees. Mr. Embesi will discuss the value of the urban forest, the historical significance of trees, and the challenges associated with making Austin's urban forest resilient.

A Q&A session will follow Mr. Embesi's presentation and allow residents to ask about other tree related issues that interest them. Additional topics might include the role trees play in mitigating flooding, the loss of trees during the demolition and redevelopment process, how to negotiate with Austin Energy when they trim trees near the power lines and threats to the urban forest from drought, water restrictions and the state legislature.



City Council Refuses to Place Citizen Initiated Ordinance on the Ballot: Litigation to Follow

By Bill Bunch, Executive Director, Save Our Springs Alliance

On Thursday, May 24th, a narrow City Council majority voted to refuse to place the citizen petitioned CodeNEXT review ordinance on the ballot.

Those of us who circulated, signed, and support the initiated ordinance extend our thanks to Mayor Pro Tem Kathie Tovo and Council Members Ora Houston, Leslie Pool, and Alison Alter for standing firm in support of our right to vote on the petitioned ordinance.

A lawsuit will be filed soon seeking an order that the Council call the election.

It's unfortunate that it has come to this. But not unexpected. By definition, the initiative process is invoked when elected officials refuse to act. More often than not, city councils look for every possible excuse to keep citizen initiatives off the ballot. They hate it when citizens infringe on their powers. And they fear being on the losing end of a popular vote.

So it was when a similarly narrow majority of the Austin City Council sought to keep the Save Our Springs initiative ordinance off the ballot in 1992. Here's a short version of the applicable law, which remains the same from that time.

The council has a "ministerial duty" to call the election. While the council majority may honestly believe that a small part of the initiated ordinance that touches on zoning is in conflict with state law, that legal question is irrelevant at this time. Court review of the validity of the ordinance only comes later, if and when the petitioned ordinance is approved by the voters and becomes law. In the 1980 landmark case of *Coalson v. City Council of Victoria*, then Chief Justice Jack Pope wrote:

"The election may result in the disapproval of the proposed amendment. District courts, under our Constitution, do not give advice nor decide cases upon speculative, hypothetical, or contingent situations. The election will determine whether there is a justiciable issue, at which time the [City Council's] complaints against the validity of the initiatory process . . . may be determined by the trial court."

"The initiative process . . . affords direct popular participation in lawmaking. The system has its historical roots in the people's dissatisfaction with officialdom's refusal to enact laws. 1 Bryce, *The American Commonwealth* (1st ed. 1888). It is an implementation of the basic principle of Article I, Section 2, of the Texas Bill of Rights: "All political power is inherent in the people . . ." This court stated in *Taxpayers' Ass'n of Harris County v. City of Houston*, (1937), that "the power of initiative and referendum . . . is the exercise by the people of a power reserved to them, and not the exercise of a right granted," and that "in order to protect the people of the city in the exercise of this reserved legislative power, such charter provisions should be liberally construed in favor of the power reserved." "The City Council's duty is clear, and its compliance with the law is ministerial in nature. The City Council's refusal to submit the proposed amendments to the vote of the people thwarts not only the legislature's mandate but the will of the public."

This legal analysis was again cited by the Texas Supreme Court in a 2015 case where the Court ordered the City of Houston to place a citizen initiative on the ballot.

We don't look forward to suing our own city council. But, at this point, we have no choice. CodeNext is simply too important to leave to a narrow majority of the city council.

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NEWSLETTER

Published monthly on 100% recycled paper by the
Crestview Neighborhood Association (CNA).

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CNA General Meetings are held the second
Monday of every month at 7:00 PM at the
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Violet Crown Festival Wrap-up

By Nancy Mohn Barnard, CNA Officer - Place 2

After a week of potentially stormy weather and a deluge Friday afternoon, the sun favored the Crestview and Brentwood neighborhoods with a beautiful Saturday morning on May 5th. Vendors, artists, musicians and residents breathed a sigh of relief that the annual Violet Crown Festival would go on as planned! Domino the Pig stood ready to greet the crowd--looking very handsome after a landscaping makeover by Native Edge--and the crowds flooded in for some shopping and merry making.

This year's festival fell on Cinco de Mayo, and attendees celebrated with pinatas, lunch from El Dorado Cafe and the sounds of Mariachi Los Gallos. In between the Cinco de Mayo celebrations, Kristine Poland (music chair) and Bruce Newman (sound) kept the festival moving with the music of Feet First, Jungle Jill and the Jaybirds, Marc Dulang & The Band, Alice in Pearls, Ron Titter Band, and American Dreamer. Meanwhile, food vendors like Snowie's Snow Cones, Wanderlust Coffee, Amy's Ice Cream, Fire and Slice Pizza and Arlan's Domino Dogs served a hungry crowd. Some of our younger, local entrepreneurs even got in on the action by selling lemonade to thirsty neighbors!



Festival-goers enjoyed perusing the artists' booths, which showcased locally made wares ranging from ceramics to jewelry to bath and body products. We suspect there were some very happy moms on Mother's Day!

Austin residents are known for their activism and involvement, which was emphasized by the number of groups/businesses with booths at the festival: Paragon Prep, Jump Gymnastics, Stepping

Stone, Fantastic Magic Camp, We are Blood, Austin Creative ReUse, Gardenheads, Camp Vamanos, Crestview United Methodist Church, Hope Chapel, Faith Lutheran Church, Habitat Stewards, Redeemer Lutheran, St. Louis Catholic Church, Travis County Master Gardeners, Snapology and the North Austin Soccer Alliance were all on hand ready with information and activities to entertain and educate.

A festival of this size takes some serious love and support and would not be possible without the generous donations of our sponsors. Please make sure to send some love to these businesses and groups in the upcoming months. Friend of the Festival: Bernice Ramos, Yoga Yoga, Crestview United Methodist Church, East Side Cafe, Tiny Pies. Bronze Sponsors:

Dia's Market, Texas DPSCU, Sherwood Pediatric Dentistry, Snapology, Thunderbird Coffee, Party Host Helpers, Colores Preschool and Camp Vamanos. Silver Sponsors: Brentwood Neighborhood Association, Crestview Neighborhood Association, Kendra Scott, Discount Electronics, Five Star Interiors, Little Deli, Nugent Groceries, Native Edge, Sun Tint. Gold Sponsors: A-Plus Energy Management, Air Conditioning and Home Solutions, Austin Chronicle, Austin Film Festival, Burnet Road Storage, Council Member Leslie Pool, Fantastic Magic Camp, Grande, John Dunham at Juice Homes, Jump Gymnastics, Paragon Prep, Renewal by Andersen, Amy's Ice Cream, Arlan's, and Stepping Stone.

Violet Crown Community Works (VCCW) would like to thank the many volunteers who made this festival possible--it truly takes a village to make it happen. Keep your eyes peeled for details on our upcoming Volunteer Appreciation event!



Crestview Pet Waste Stations

By Nancy Harris, CNA Treasurer

How often have you been out walking your dog and run short of doggie waste bags and made use of the bags available at the pet waste stations in Crestview? Have you ever wondered who maintains these stations and if you could help keep them stocked with a small donation?

The first pet waste station was installed in 2012 at the corner of Woodrow and Arroyo Seco in an effort to help promote a clean, healthy environment in the community. The Crestview Neighborhood Association paid for the station and budgeted \$100 that was to pay for 2,000 bags that were expected to last about a year. But the station quickly became popular and exceeded the projected usage and budget.

A few years later, as part of the Arroyo Seco Project, additional stations were added along the arroyo including one at Arroyo Seco and W. St. Johns. For the last several years, Lynette Alley, who also adopted the median at that corner, generously



provided the bags for this second station. Although she still keeps the station stocked and empties the waste can with the help of neighbor Nina Hanson, the neighborhood association has started to pick up the tab for this station also.

If you are one of the many people who use these stations and appreciate their convenience, CNA would gladly accept a small contribution of \$5 to be used towards the purchase of waste bags and trash can liners. New signs were recently installed at each one with a QR code which will take you to the CNA website or you can go directly to http://crestviewna.com/pet-stations_donate and use the PayPal button.

Thank you in advance for your generosity! And in addition to Lynette and Nina, CNA would like to thank Leigh and Mike Lavigne for maintaining the original station and Mike Kammlah for taking time to install the new signs.



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Howdy Neighbor!

By Mike Lavigne, CNA President

I hope you attended what was another successful Violet Crown Festival last month. It was a huge success, the weather was great and it looks like the vendors were busy. Many Mother's Day presents were bought that day! The Violet Crown Community Works put together a great event and as always, we are very lucky to have such a wonderful organization in our hood.

CodeNEXT

As I write this, the Planning Commission (PC) is writing their own amendments to CodeNEXT from the dais. The city's other land use commission, the Zoning and Platting Commission (ZAP), recommended scrapping the whole thing and passing incremental measures to address the problems that need fixing piecemeal instead of trying to overhaul the whole code and enacting unproven new urbanist theories to upzone every neighborhood.

The PC however, is more problematic. They don't think the new code goes far enough and have suggested higher upzonings, eliminating more parking and removing compatibility standards. Everyone is entitled to their opinion of course, and their opinions aren't law. But as you may have read in the news, the very makeup of the PC violates our city charter. The charter explicitly limits the number of real estate and development professionals allowed to write the rules governing development. But, as you can tell by their regular anti-neighborhood stances, they are stacked with people who make a better living by loosening the rules that govern them.

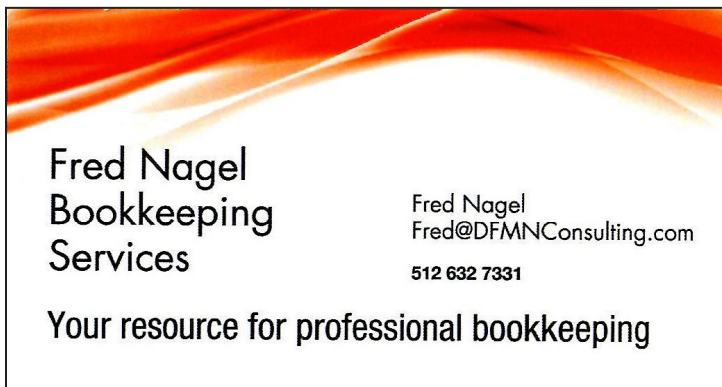
In the late 1960s, the real estate and development community went about redlining the areas of town that were predominately people of color. In response, the city council proposed a Fair Housing law. After a brutal campaign with racist overtones, the real estate money defeated the new law. They ran development decisions in the city for the next twenty years. Then, in 1994, voters decided overwhelmingly to limit their seats on the Planning Commission. Now, the city council has decided to set that rule aside and allow an illegally constituted PC to write our new land development code.

It sounds crazy, I know. It is crazy. But here we are.

What can you do? Call and write the Mayor and tell him you want the makeup of the PC to be fixed. And while you are at it, tell him what you think about CodeNEXT! Our representative on Council, Leslie Pool, has been very supportive of our efforts, so best to focus on the Mayor right now. He's not taken any public positions on these issues, but I did get a polling call from his campaign so he's definitely sticking his finger in the wind to see what is politically viable.

Here's his contact info: Mayor Steve Adler: 512-978-2100, steve.adler@austintexas.gov.

The great weather has people outside again and it sure is nice to see so many neighbors out on walks and in the park. Let's be conscientious drivers and watch out for kids and pets as we weave around the parked cars on our streets. Many of our streets have no sidewalks so folks have no choice but to use the streets. Drive slow. Annoying slow is OK. And be sure and wave!



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Grackle Art

By Marilyn Querejazu

There was a time when I really hated grackles – those large blackbirds that are everywhere. I put them in a category with other urban pests – mosquitos, roaches, rats. I thought of grackles as the riff raff of the bird world: noisy, smelly and way too numerous.

And then, sitting in traffic early one morning, I noticed the way they space themselves on utility wires, the way they shift and dance around – so elegant. I saw the way they see-saw and balance in the wind with their keel-like tails. And their graceful, all-at-once departure for another roost made me smile. Smile! At grackles!

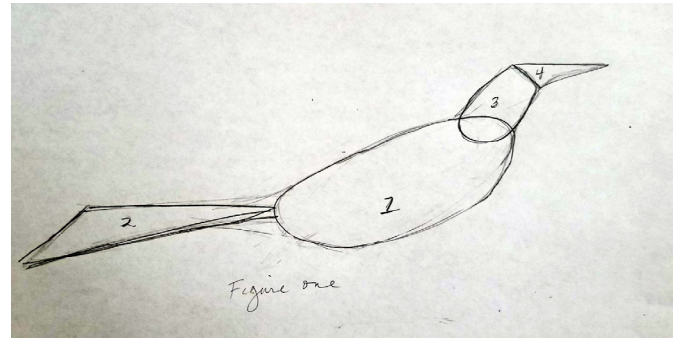
My artist brain opened the door to a growing appreciation of these bizarre creatures. The blue-black iridescence of the male grackle glowing in the sunlight. The way the males strut around like they own the place. I love when rivals face off, twisting their necks and pointing their beaks skyward. And those eerily bright yellow eyes.

What we have in Austin are great-tailed grackles, zillions of them. They roost in large clans and make their presence known by a raucous call – like a rusty door hinge, only louder. Grackles are entertaining to watch and fun to draw.

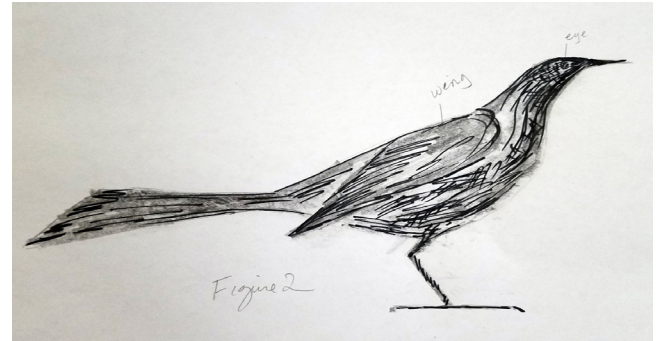
How to draw a grackle

Bird watching and drawing are compatible pastimes. The more you try to capture the shapes of birds on paper, the more you know about birds. Grab a pencil.

Bird profiles are generally made up of ovals and triangles. Start with an oval body (1); add a triangular tail (2). The body and tail should be about the same length. Draw the neck oval and head triangle as shown (3 and 4). That's your basic grackle.



Add the wing and legs, smooth the edges and correct proportions where necessary. Try using charcoal, ink and/or watercolor. Bird pictures also work out well with pastels and oils.



Drawing anything is all about practice. It's more a learned thing than a "gift". If you like drawing birds, try *The Laws Guide to Drawing Birds* by John Muir Laws.



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