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SEPTEMBER 2022

City Council Passes Amended Vertical Mixed Use (VMU) Ordinance

On June 9, 2022, the Austin City Council passed an amended VMU ordinance, creating a new VMU2 classification that impacts thousands of Austin residents none, of whom were given notice that it was being considered. Even those who learned of the ordinance and attended the Council hearing had to wait almost 2 months to view the final terms of the ordinance; more than a month after it had gone into effect. Good government required that the final ordinance be written, and released to the public for comment before final adoption. Instead, the public got another “rush job”.

The state-granted rights of notification and protest affirmed by the district court and the 14th Court of Appeals, and originally in the ordinance in Part 5, were removed on the Council dais. Part 5 guaranteed the public the right to a zoning hearing and input on the new VMU2 classification.

Who led the charge on the dais? Mayor Adler. The Mayor argued that these entitlements to greater height need to be granted “by right”. Council Member Kitchen countered that:

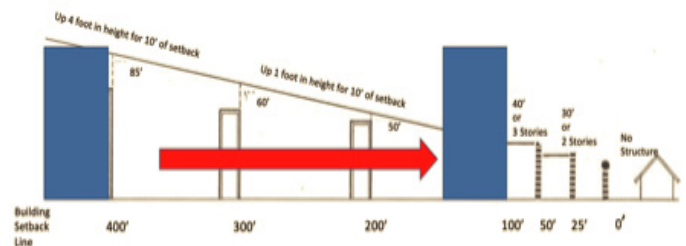
“fundamental fairness and respect for the public requires that people be notified when land use around their homes is being changed”, and Council Member Tovo added:

“I think it’s important to stick to what we have heard again and again from the public what they want us to do, which is to notify them when there are proposals that are significantly different than the zoning on the ground. They want the opportunity to participate in them, as my colleague said. And I think it’s of grave concern to me that we’re moving [11:01:55 PM] forward potentially with that vote in a way that doesn’t allow folks the opportunity to have petition rights.”

What was of grave concern to Council Member Tovo was of no concern to the majority of the council. With Mayor Adler making the motion, and Mayor Pro Tem Alison Alter seconding it, the ordinance passed with only Kitchen, Tovo, Pool and Kelly voting against it.

What exactly did the ordinance grant? It granted the right to currently zoned “VMU” property to automatically receive an extra 30 feet of height in exchange for a small quantity of affordable housing. There are over 9,000 homes close to the VMU properties that will receive no notice of the “by right” height increase. Since VMU2 buildings can also be built on sites of 3 acres or more without VMU zoning, the impact could be much greater.

The ordinance also reduced compatibility height limits along the orange and blue line rail corridor by 80% so that tall buildings can be built much closer to homes. A structure



could be built 30 feet above current height limits for the current zoning within one hundred feet from your side or back property line. In many cases that would be a 90 foot building. With current compatibility regulations, a 90 foot building would need to be 420 feet from the property line.

Citizens have the right to be notified about significant changes to land use regulations near their property. The proposed ordinance acknowledged this right in its original Part 5. That this provision was knowingly removed shows a complete disregard, as noted by Council Member Kitchen for “fundamental fairness and respect for the public.”

Austin Energy Rate Increase

(Editors Note: The following is a summary of an article by KXAN reporter Avery Travis posted on September 9, 2022 and updated on September 11, 2022.)

There’s a heated battle taking place over Austin Energy’s proposal to increase and restructure the way it bills customers. In April, Austin Energy announced it needed to cover a growing gap between revenues and the cost of providing service. The utility proposed several ways to restructure its base rate, including raising the fixed monthly charges for customers from \$10 to \$25, before they ever hit the light switch. The proposal goes on to suggest folding the current 5-tier rate structure, based on customers’ power usage, down into only three tiers.

Some consumer advocates think the utility is taking the wrong approach. The utility estimated an overall base rate increase of 7.6%, but an independent consumer advocate testified that amount more than doubles for the residential class, at 17.6%. That advocate also said the increase would be further “magnified” for certain customers, especially the ones

See AE Rate Increase continued on page 2



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"I personally think we developed language
because of our deep inner need to
complain." - Jane Wagner

"The lion and the calf shall lie down
together, but the calf won't get much sleep."
Woody Allen



AE Rate Increase continued from page 1

who use the least amount of power. Environmental organization Sierra Club, which is another party in the rate case, worried that flattening the tiered structure would slash people's incentive to save energy and affect conservation efforts in the city.

Another piece of the Austin Energy proposal changes the way customers with solar panels are credited for any energy they generate, in order to more fairly and accurately compensate them, the utility said. But an energy consultant said the change treats solar customers less like a resource and more like a commodity.

Thousands of pages of arguments have been filed in the ongoing case over the rate proposal, but the Impartial Hearing Examiner (IHE) reviewed all of it before releasing the final recommendations on September 9th. The IHE recommends the City Council approve several pieces of Austin Energy's proposal — such as the Value of Solar methodology and the revenue requirement — but the IHE urged the utility and other participants in the case to "revisit" the rate design itself.

The IHE agreed with the concerns about potential rate shock and said the "proposed increases may exacerbate a known affordability problem in Austin." Austin Energy has argued that its proposed rate design will actually mitigate seasonal rate shock, by stabilizing electric charges from "non-summer to summer." The IHE agreed, but noted that the seasonal rate shock is "less of a concern" than the overall rate shock potentially caused for some customers by the proposal. The IHE agreed that residential customers who fall in the lowest-use categories will be impacted most. The IHE also recommended Austin Energy expand programs such as the Customer Assistance Program (CAP), which assists customers who may be vulnerable to rate shock from increased rates.

Consumer advocate and longtime Austin resident Bill Oakley has been writing about the his rate hike concerns on his blog, Austin Affordability, since the proposal was released. (See <https://austinaffordability.com/>) As a former member of the city's Electric Utility Commission, he's been following these kinds of rate cases for nearly 40 years. Oakley said Austin Energy's proposal indicates the utility's need to re-evaluate its larger business model. As more Austinites work to conserve power and prioritize efficiency, he believes the utility should anticipate selling less power and, instead of raising rates, pull back on its infrastructure and costs. He calls it "growing backwards."

Austin Animal Center (AAC) Limiting Intake, Needs Adopters

As reported by KVUE news, AAC currently has over 700 animals, with 67 dogs living in temporary pop-up crates due to a lack of space to hold extra animals. The AAC will be restricting intakes of animals to emergencies only starting September 13 amid overpopulation issues. The Center will only be taking in emergency cases such as injured dogs, aggressive dogs that present a clear public safety risk or situations where the owner is in an emergency.

The shelter is asking for community members to once again give assistance to their overpopulation problem. During the month of August, the shelter held a "Clear the Shelters" event, wherein 63 cats and 47 dogs were adopted into new homes, but there are still too many animals within the shelter's care.

The center is one of the largest publicly-owned no-kill shelters in the country. With such an overcrowding issue, staff noted without more adoptions and foster-matches in place, the last resort would be to reconsider that status.

AAC is continuing to waive all adoption fees for those interested in adopting a new furry friend. The AAC is open to those who would like to adopt an animal or reclaim their pet Monday through Saturday from 11 a.m. to 7 p.m. Beginning on Sept. 25, the center will extend operational hours to include Sundays.



ANC Calls on City Council to Improve Public Participation

The Austin Neighborhoods Council (ANC) has issued a call for City Council to reform its rules for public participation, calling the current procedures for taking public input “anti-democratic practices that undermine public participation and trust,” according to ANC President Ana Aguirre.

ANC adopted a resolution at their August 24th meeting urging Council and Council candidates to support 10 specific changes to make public participation easier and give citizens more time to consider major Council actions.

ANC First Vice President Barbara McArthur, who was involved in drafting the resolution, told the Austin Monitor the vote was in response to “frustration on the part of the public with participating in city government.” She noted that when Covid-19 kept people isolated, the city adopted rules for remote participation that kept people waiting on the phone for hours during the meeting, only to allow the speaker one minute to make their comments no matter how complicated the issue. In addition, she complained that public input is not taken at the time Council is considering an item, but generally hours before Council votes on it.

On at least one occasion, McArthur said she called and was put on hold for two hours and never got to speak. The

clerk on the other end of the line told her it would be better to address Council in writing. “I think it makes it easier for the City Council when the public’s not there. They don’t have to look anybody in the face when they do certain things,” she continued. “People have a sense that there’s a loss of democracy.” McArthur also said ANC perceives that zoning change applicants receive more favorable treatment than citizens and are able to speak at the time their item comes up and for a longer period of time. “A lot of the public feel that input from the public was not as important as input from special interests,” she said.

ANC’s proposed reforms include:

1. Require Council to adopt and abide by Robert’s Rules of Order.
2. Require meetings to be run in a fair manner and allow challenges to the chair’s rulings to be appealed to a neutral parliamentarian.
3. Require all proposed major ordinances to be heard at publicly convenient, time-certain times.
4. Require equal and fair allocation of time among speakers before Council.
5. Require all substantive proposals to be in writing and released at least seven days in advance for major items and at least two days for minor items.
6. Require Council members to recuse themselves when close personal friends are before Council.
7. Require penalties for ethics and conflict of interest laws.
8. Update and close loopholes in the city’s conflicts of interest laws.
9. Require blind trusts for wealthy council members.
10. Establish an independent ethics commission with real power to effectively and fairly enforce the city’s ethics and campaign finance laws.

(Editors Note: This is a summary of an article by Jo Clifton which appeared in the Austin Monitor on August 31, 2022. Crestview Neighborhood Association is a member of the Austin Neighborhoods Council. If you are in support of ANC’s resolution, you may contact the mayor or council members to let them know by sending an email. Here is a link: <https://www.austintexas.gov/austin-city-council>.)



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What the Third Year of the 1918 Flu Might Teach Us

Or Don't Let Your Guard Down Just Yet

Nearly two years into the 1918 flu epidemic, things were looking bright for 1920. New York had survived three devastating waves of the flu virus. Within a few weeks, however, that optimism began to wane. Before the end of the month, New York City, Chicago and other urban areas would experience a surge in influenza cases.

As the coronavirus pandemic progresses into its third year (and things are looking brighter), the 1918 influenza pandemic might offer some insight into how this chapter of history might draw to a close. But an "ending," when it comes to viruses such as these, is a misleading word. Eventually, experts say, the novel coronavirus is likely to transition from a deadly and disruptive pathogen to a milder, more seasonal nuisance. We might be entering that phase or perhaps what the country experienced a century ago suggests that we could be in for a lot more pain — especially if we let our guard down. But just where we are in the scheme of things is uncertain at this point as there is no way to tell.

The flu virus did not seem so menacing when it began. The first wave in the spring of 1918 was relatively mild. But it returned with a vengeance in the fall, probably having mutated. That second wave burned through patients around the world. During the second wave alone, more Americans were killed by the flu than died in two World Wars, the Korean War and the Vietnam War combined.



By the winter of 1919-1920, Americans were weary of the limitations on daily life. Nearly all of the public health restrictions — such as mask-wearing, social distancing and the closure of schools and churches — had been lifted. A hasty return to public gatherings led to an increase in case numbers. Politicians either blamed people's carelessness for the reemergence of the virus or downplayed the seriousness of it. The fourth wave was not "front-page news" in the way that prior spikes had been even as deaths climbed.

Influenza viruses and coronaviruses are genetically different, so it's not possible to make a one-to-one comparison with the 1918 pandemic. The coronavirus appears to mutate far faster than the 1918 influenza virus. Management of the current pandemic also has benefited from many scientific developments that were not available a century ago, including more-sanitary hospital conditions, better access to clean water, and — perhaps what is most notable — a vaccine.

Still, we can possibly get a glimpse into our future by looking at the past. The 1918 flu virus, after lingering in a deadly form for more than two years, eventually grew milder. With the exception of two major outbreaks in the 1950s and 60s, it is now a seasonal nuisance, although deadly for some.

We can hope that at some point the current pandemic will evolve in a similar fashion to the flu virus's progression. But until we are sure we have reached that point, it is important to continue to be cautious in our behavior and how it affects us and others.

Brentwood Elementary School Carnival

The frighteningly fun Brentwood Halloween Carnival is coming up! This family fun event will be held Saturday Oct. 22, 3:00 – 6:00 pm at Brentwood Elementary School at 6703 Yates Avenue. There is something for everyone with a magic show, haunted house, games with prizes, and yummy treats. Costumes are welcome!

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In Memoriam

Heidi Anna Johnson

A Crestview resident for 20 years, Heidi Anna Johnson, Ph.D., passed away at her home on February 2, 2022.

Heidi, writing under her nom de plume Anna Castle, described herself as “a Texan, a tree-hugger, a bookworm, a dog person, a Trekkie, a history buff, a knitter, and a gardener.” As a child, she spent summers traveling with her family to Indigenous communities throughout Central America and the United States. She loved animals and was passionate about rescuing dogs, planting trees, native landscaping, and nature conservancy. Heidi had many hobbies. She took great pleasure in creating a comfortable home with a native inspired landscape.

Heidi traveled to Mexico as a Fulbright scholar to conduct research on a Zoquean language spoken in San Miguel Chimalapa, Oaxaca, Mexico. She earned her PhD in linguistics from the University of Texas at Austin in 2000.

With her love of words, Heidi launched an award-winning, successful writing career that centered around her love for historical mysteries. Her friends in the writing community and her fans knew her by her pen name Anna Castle. As an independent author, Heidi/Anna published seventeen mystery novels across four series, her most popular being the Francis Bacon Mysteries, as well as a compendium of short stories, and a romance novel. In the Indie Author Society group of local authors, she organized events, moderated group discussions, and taught classes on writing and publishing.

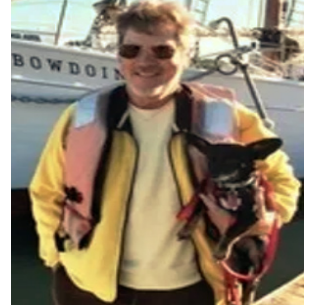
Heidi was a loving daughter and sister and a supportive friend and colleague. She will be missed by all whose lives she touched.



Jonathan Harris Weinstein

Longtime Crestview resident Jonathan Harris Weinstein died on August 6th. He was born in 1955 in Florence, Italy and descended from a long line of broad-minded ministers, artists, and teachers on his mother's side, and studious, argumentative, and hard-working immigrants on his father's. Jonathan lived curiously, passionately, and with great good humor until his last day.

Following high school, Jonathan struck out on his own, landing on his feet in Austin, where he almost immediately started a promising business collecting and selling scrap metal. That effort led, over the next decade, to successful businesses in auto salvage (founding Automotive Recycling Inc.) and commercial real estate in Austin. Jonathan's singular personality, his fascination with all forms of transportation (especially classic Italian sports cars), and his abiding loyalty fostered important lifelong friendships. Tall and handsome, witty and wise, generous and sensible, he made an immediate and strong—usually positive, if slightly bemusing—impression on people. After retiring at the age of 49, Jonathan earned a bachelor's degree in history from the University of Texas at Austin.



Among his lifelong dreams were living near the sea and owning a sailboat. Successfully realizing his dreams, Jonathan and his family spent many happy summers in Castine, Maine, where he ultimately purchased a 1930 Alden ketch he named AFIKOMEN.

Jonathan met his beloved wife, Jacqueline Thomas in Austin; and the two were rarely apart ever after.

Our condolences to his wife, family and many friends.

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