

Original Austin Neighborhood Association (OANA) 10-12-2010

The Board came together around 4 PM at the Regency Apartment’s common room. Those in attendance were Ted Siff, Christie Nalle, Albert Stowell, Richard Hardin, John Horton, Mark Holzbach and Blake Tollett. Board member Perry Lorenz asked to be excused due to a prior commitment. We learned he has a side career as a motion picture actor and is reprising his original role in a sequel to the Texas Chainsaw Massacre.

The minutes from our September 14th meeting, as amended, were by consensus approved and they will be posted on our web page and on the Citicite page.

Treasurer’s Report

Albert reports that there were no new transactions and no changes to OANA’s current bank balance that is \$1,380.53. OANA membership remains unchanged at 114 members.

Planning & Zoning, Chair, Albert Stowell

+++++

**Draft notes from meeting with Cirrus Logic on 9/20/10
By Mark Holzbach**

Place: Cirrus Logic Headquarters, 2901 Via Fortuna, 78746

Cirrus Logic Attendees:

- Jason Rhode, CEO
- Thurman Case, CFO
- Joseph Cahoon, Real Estate Advisor (Owner's Representative)
- Jo-Dee Benson, VP Corporate Communications and Human Resources

OANA and 706 West Ave Association HOA Attendees:

- Mark Holzbach
- Al Stowell
- Joe Bryson

Initial info from May 2010 City of Austin poster on Emerging Projects

“Construction on the 135,000-square-foot office building at W. 6th St. and West Avenue is expected to begin late this year and be completed by the summer of 2012. The new headquarters building for the company’s 350 Austin area workers is expected to be about six stories tall, with a restaurant at street level.”

It was a very cordial meeting. There were renderings of the new building on easels in the building’s lobby (included below), and while Mark, Al, and Joe were viewing them, an employee came to bring them to the upstairs conference room where our meeting was to take place. We

followed the escort, and met the members of Cirrus Logic. We were told that the renderings and site plan are “in process” and may be subject to variations in the final implementation.

After initial introductions we started talking about the site and plans. The expected building completion date is July 2012, and is a concrete structure. They are in the 100-year flood plain, and want to join Austin’s “Great Streets” program but will need special permission because of this. They also will be requesting some other administrative variances to the creek setback requirements related to their balconies. They will be reinforcing the existing retaining wall and upgrading the storm sewer system. The design of the building attempts to give it a visual appeal composed of horizontal layers designed to make the six floors appear as three. The parking garage is separated from the main building on the lower floors, but the top floors over the parking garage will be office space and will bridge across to connect the buildings together. In contrast to a general office building with multi-tenants, Cirrus Logic’s headquarters building will be a single owner occupied building and so they are designing it according to their needs.

There will be a loading dock hidden inside the building, entered by the alley between the office building and the parking structure.

Some of us, residents of 706 West Ave, wanted to find out what is planned for the surface parking lot immediately south of our residence. We were told that this site will be a staging area during construction, and after construction trees will be planted there. We were told that future development may happen on this site, but nothing is currently planned. There had been a rumor that this site might be used for potentially noisy water treatment or cooling tower, and therefore this news came as a relief. We were told that Cirrus Logic was expected to close the following day on the sale of the Cutting Room hair salon house at 702 West Ave. Subsequent conversations have confirmed that the closing went as expected although the Cutting Room will continue operations through December of 2010.

An employee cafeteria would be on the ground floor and would also be open to the public. They would serve breakfast and lunch, and hope to find a way to transform the space into a nice restaurant in the evenings.

There is a small 900 square foot retail space facing West Ave, they are not sure what it will be at this moment. Some of us speculated that it might become a dry-cleaner (not the most desirable type of retail).

We briefly described Molotov’s outdoor music permit application and asked their opinion. Cirrus Logic seemed mostly neutral and possibly slightly in favor of it being granted. They are not currently concerned with noise disturbing their employees because it would likely be after hours.

Mark encouraged Cirrus Logic to join OANA, and with respect to the OANA Parks and Greenspace Committee he expressed hope that Cirrus Logic would be active in issues regarding Shoal Creek greenspace and creek bed.

Al Stowell described Austin's \$90 million Mobility Bond package (proposition #1), and the effort to garner more support for it (described at the website www.getaustinmoving.com). The day after our meeting concluded, we received communication from Cirrus Logic that they had donated \$5000 in support of proposition #1 via Get Austin Moving.

We ended the meeting agreeing that this was a very nice start to our relationships, and we all voiced our intentions to keep in good touch and do everything possible to avoid potential communication problems.

+++++

Our thanks go to Mark and Albert for their work on this.

We discussed the fate of the house at 702 West that is on the north end of the Cirrus property and will have to be either taken down or moved in order for the project to go forward. The house is old, but architecturally is not really unique, and it is unknown if any of its previous owners were of historical significance. That being said the structure probably does not rise to the level necessary for historic preservation en situs. The neighborhood never likes to lose a structure that contributes to its historical fabric so a discussion of moving the structure to a close by site ensued (Note: Cirrus Logic would give the house away and probably pitch in some cash to defray the moving expenses). Richard explained to us that moving a structure is seldom an inexpensive experience. Individual board members are going to check around to see if anyone is interested. In the worst case scenario in the house not being saved we need to remind the Cirrus Logic folks that the house could be deconstructed by an organization such as Habitat For Humanity. These old structures have salvage value.

Albert next reported on the Codes and Ordinances Subcommittee of the Planning Commission meeting he attended on 21 September 2010 concerning Outdoor Entertainment Use permits with specific application to what is going on at 1104 San Antonio. Right now, by definition, an Outdoor Entertainment Use permit can cover anything from a wedding to a circus with elephants to a stock car event. There has been a suggestion from the public and City staff that there might be a need for a more narrow use permit to cover small events. OANA basically told the subcommittee that the initiation of a new use permit definition might be premature at this time but of course we defer to their decision on this. We did ask that any new use category be conditional rather than permitted. The difference is that a conditional use requires a public hearing before a land commission, and a permitted use can be obtained administratively. The subcommittee declined to bring forward to the full Planning Commission the suggested new Outdoor Entertainment, Limited Use, definition, but the subcommittee did emphasize that if such a new use category was brought forward later, it would be a conditional use so those potentially impacted by the proposed use could have a public forum in which to comment.

Albert briefly mentioned that he attended an Austin Neighborhood Council (ANC) meeting on the 22nd of September as an OANA representative and spoke concerning the upcoming transportation bond of which the neighborhood association is on record as supporting.

Albert reports that he has been in communication with the City about the City proposed elimination of the proposed traffic light at the intersection of West 5th and Rio Grande. The pendulum on this is now swinging towards installing the light controlled intersection, and Blake and Albert are tasked again with writing a letter to the City from OANA stating our support for the traffic light. Richard knows some of the property owners and business owners around that intersection and will encourage them to weigh in also on the matter. We don't understand the reasoning behind not having a way to cross West 5th if this is supposed to be a Bike Boulevard that connects directly to the Hike and Bike Trail.

Albert briefly reported on the Downtown Austin Neighborhood Association (DANA) Downtown Living Tour that is coming up on Sunday 24 October.

Emerald City Press Controversy

The next order of business was a discussion of the lawsuit filed by the owners of the Emerald City Press coffee house against board member Perry Lorenz, individually, amongst others, and Ted Siff as Registered Representative of the Original Austin Neighborhood association (OANA).

As this is an ongoing legal matter, discretion in these minutes is called for, but as it touches closely upon our organization, some recitation of the publicly filed Plaintiff's Original Petition is in order.

The Cause Number is D-1-GN-10-003514

The matter was filed in District Court, 200th Judicial District.

The named Plaintiff is Emerald City Press, LLC.

The named Defendants are Perry Lorenz, Waterloo II, Ltd., Shoal Creek Saloon, Inc., West End Alliance Incorporated, and Ted Siff as Registered Representative of the Old Austin Neighborhood Association and Original Austin Neighborhood Association.

Under Causes of Actions:

“Tortious Interference with Existing Contracts

21. Emerald City had a valid “Shared Parking Agreement” with Cheapo Disks. Defendant Lorenz willfully and/or intentionally interfered with that agreement, and his interference proximately caused the Plaintiff's damages. As a result, Plaintiff is entitled to actual damages, mental anguish, lost profits, exemplary damages, interest and court costs.

22. Defendants Perry Lorenz, Shoal Creek Saloon, Inc., West End Alliance Incorporated, and Ted Siff as “Registered Representative” of The Old Austin Neighborhood Association which is now known as the Original Austin Neighborhood Association are jointly and severally liable for Plaintiff's damages under a theory of conspiracy in that these defendant's were members of a combination of two or more persons. The object of combination was to accomplish a lawful purpose by unlawful means. These members had a meeting of the minds on the object or course of action, and at least one of the members committed an unlawful, overt act to further the object

or course of action to wit: Defendant's Lorenz's tortious interference with Plaintiff's shared parking agreement."

Although Perry was not at our meeting he had sent word VIA Ted that reaffirmed his commitment to pay any legal costs incurred by OANA in matters related to Emerald City Press, LLC in their request for variance from the parking requirements necessary to operate a business under the City of Austin Land Development Code (LDC). To that end, Ted asked for authority to sign a Letter of Agreement with the law firm of Graves-Dougherty to answer the allegations put forth in the suit as Registered Representative of OANA. Subject to the reviewing of the document VIA electronic mail and provisioned on a continuing commonality of interests among named Defendants (I.E.-no division of interests), the consensus of OANA board members present was to OK the signing of the letter and to post to our membership through Citicite the fact of this lawsuit.

Membership & Marketing/ Camaraderie Committee, Christie Nalle, Chair

In an effort to lighten up the tone of the meeting somewhat, we began discussions of a social mixer between DANA and OANA for sometime in November. [NOTE: Subsequent to this meeting it was decided on a date of 9 November with the mixer to overlap with our regularly scheduled board meeting on that second Tuesday of the month. The always open to the public board meeting would begin at 4 PM and the mixer would begin at 5 PM.]

We briefly discussed bringing on a new board member but have decided to wait on this due to the above referenced lawsuit.

John briefly touched on Travis County Government's Master Plan and explained that although some offices could be moved north the court system and its attendant administrative and judicial staffs will always be downtown centered around the County Courthouse.

A brief discussion of the Allen House, 1104 San Antonio Street, ensued. Albert as a proximate residential property owner has filed an appeal to the issuance of an Outdoor Music Venue permit at the site. The hearing on the matter before Austin City Council is scheduled for 28 October. The coincidence that Dan Ross, one of the named owners of the Allen House, is representing the Emerald City Press, LLC in its lawsuit against the neighborhood association was noted.

Richard gave an update on the ongoing historic zoning of residential property brougha. Austin appears unique among peer cities in that our historic landmark property tax abatements programs, when allowed, are perpetual whereas in other cities the property tax abatements have a limited life span. John added something to this ongoing discussion that this writer thought unique. John wondered if historic properties could receive some sort of break on their utility bills rather than a property tax abatement as a means of incentiveizing property owners to have their property rezoned historic. This writer knows from personal experience that the original single pane glass casement windows in his historically landmarked homestead leak conditioned air at an alarming rate. Regardless of how this matter shakes out, there does need to be some incentive

for property owners to rezone their property historic as that zoning district restricts previously held property rights.

Ted spoke briefly about the Get Austin Moving proposed bond package.

The OANA Board of Director's meeting adjourned at 5:37 PM.

Our next regularly scheduled open to the public meeting will be at the common room of the Regency Apartments on Tuesday 9 November 2010 beginning at 4 PM.

Blake Tollett, Secretary

OANA