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*Monday, June 6th, 2005, 7:00 pm*  
*Howson Branch Library*

**EXECUTIVE COMMITTEE MEETING**

*Please Check Mailing Label for Renewal Date*

Austin, Texas 78763-5722  
P.O. Box 5722

**West Austin Neighborhood Group**



West Austin Neighborhood Group

Organized 1973

*"To preserve our neighborhood  
and protect it from deterioration."*

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# THE NEIGHBOR

P.O. Box 5722 • Austin, Texas 78763-5722

May, 2005

WANG Transportation Summit  
by August "Happy" Harris

On Saturday, April 30, WANG hosted a transportation seminar to address traffic congestion and mobility through greater Central West Austin. This was unique opportunity to hear from each of the entities that affect transportation. Mike Heiligenstein, Executive Director of CTRMA (the Central Texas Regional Mobility Authority), spoke on the regional transportation outlook. Among other things, he noted that for the first time, gas tax no longer covers the current cost of maintenance on Texas roads. He also discussed the increasing cost of roadway construction and the need for alternative financing methods to keep up with the burgeoning population in the Austin metro area. Sid Covington, Chair of the Austin San Antonio Intermunicipal Rail District, spoke on the development of the commuter rail line between Georgetown and San Antonio. As negotiations are moving along with the Union Pacific to move all but local freight off of its right of way through West Austin, the hope is that the system will be fully operational by 2009. He identified projected station locations although nothing has been decided. There will be a station located in Central Austin, likely around 35th Street. They will look to Capital Metro to provide connecting commuter bus routes to move people from the stations to their destinations to move traffic more efficiently. Sam Archer, Public Information Director for Capital Metro, spoke a bit about the agency's All Systems Go initiative including the transit rail line running from Cedar Park to the Convention Center. He also spoke about the development of the rapid bus program that should accelerate certain passenger movement as well as the improvement of bus routes. Joseph Carrizales in Advanced Planning for TxDOT spoke about the design and implementation process that TxDOT goes through in developing road projects. He was not able to address in detail the sound abatement issues that we are concerned with as it applies to MoPac since that is not his primary area. Gordon Derr, Traffic Engineer for the City of Austin spoke on traffic calming. For many in the audience, this was perhaps the more immediate concern as many were affected by neighborhood speeding. Currently, there is no funding available

for either traffic studies or for traffic calming installations such as speed bumps. The City is contemplating a bond election that would provide funding for some improvements. A traffic study must be done before such projects can be funded. Points are awarded city wide by neighborhood to determine where funds would be best utilized. West Austin as a whole is a little further down in the order of priorities. City staff hopes that there will be sufficient funds to implement calming in at least 4 neighborhoods, unfortunately no assurance that it will be one of ours. Derr was asked if calming measures could be privately funded. He indicated that it would have to be part of an overall traffic plan for a neighborhood.

All agreed that it was a good program. The speakers offered to speak again at a later date. WANG is contemplating future seminars based upon neighbor interest and perhaps focusing on specific topics.

WANG would like to thank its speakers and sponsors, Starbucks, who generously provided the coffee and Covenant Financial Solutions LLC, who provided doughnuts and covered our printing costs. A note of thanks also to Casis Elementary School and its staff for their assistance in arranging a location for the seminar.

**West Austin Neighborhood Group  
Minutes of Meeting**

Monday, May 2, 2005, 7:00 PM  
Howson Branch Library

Chair: Erik Cary, President

Attending: Cannatti, Cary, Falk,  
Girardeau, Harris, Katz,  
Keig, Pascoe, Serna, Tollett

Guests and Visitors: Nettie Hage, Pepper Daniel, Nate & Sheila Stark, Philip Chew, Lynn Loo, Lee Combs, FloAnn Randle, J.W. Right, Frances Allen, Steve Nagle, Steve Wolff, Katherine Allen, David Carlander, Sara Madera

Cary called the meeting to order.

*continued next page*

Background Photo of Lime Kiln #PICA24140,  
Austin History Center, Austin Public Library

**Be sure to visit our website at <http://www.deepeddy.com/wang/>!**

Neighbor Presentations:

**Health & Safety:** Peter Freeman with the City of Austin Health and Human Services was to present but that was rescheduled. **Restrictive Covenants:** Nikelle Meade of the law firm Brown McCarroll spoke on restrictive covenants and the application of them within the neighborhoods and the tools available. (For a detailed reference to information presented by Ms. Meade, please go to [www.deepeddy.com/wang](http://www.deepeddy.com/wang). There are more complex tools but they require 100% participation of the affected neighbors. She said that trying to get large parts of neighborhoods was cumbersome and that the method she would discuss primarily focused on smaller unit. She did say that the Legislature had addressed issues related to large long held tracts. 75% of lot owners in a section can change restrictive covenants. The caveat was that lot owners who responded and subsequently objected would be exempted from those restrictions. Those who failed to respond at all, however, would be subject to the new restrictive covenants as would those who elected to participate. Meade said that the ideal situation is to have developers put good restrictions in place when the tracts are originally subdivided. The new restrictive covenants would then apply to all future lot owners as well.

Meade discussed what restrictive covenants could do such as define land use, setbacks, improvements, etc. Because zoning can be changed more easily by the City, she said some people include covenants of land use i.e. single family residence (SFR). There are limitations that covenants can't address such as public policy and the restricted conveyance of property to protected classes of people. Restrictive covenants can be set up for enforcement by homeowners within the subject area. Tollett asked what would constitute waiver of enforceability specifically as it applied to inconsistent application of the restrictive covenants. Meade said that would be a valid defense for the noncompliant homeowner but that it was very difficult to prove waiver.

Cannatti stated to the audience that restrictive covenants were really a tool for like minded neighbors. He stressed that participating homeowners should respect those homeowners who rejected the imposition of the new covenants and not use this process in a contentious manner.

Meade was asked about the subdivision of larger tracts that are found in West Austin. She discussed plat restrictions briefly noting that the original plat would have to be vacated for the specific tract and that the restrictions of the resubdivision would be the prevailing restrictive covenants.

Cannatti asked what sort of costs might be involved for neighbors who wished to create restrictive covenants. Meade said that the costs were nominal if neighbors agreed and knew what they wanted, typically in the \$300 to \$500 range plus filing fees. She noted that in order to be enforceable, restrictive covenants had to be filed with the County Clerk. She was asked where existing restrictive covenants could be found. Typically they are located in the deed, although that may not always be the case. They will be found in the abstract of title that a title company can prepare for \$150 to \$200. She was asked by the audience about amending existing deed restrictions. She said that as long as they don't conflict, they can always supplement them. To another question, she added that participating homeowners do not need to be contiguous.

**Approval of Minutes:**

Cary motioned for an approval of the minutes of the April meeting. Observations were made on Secretary Harris' superlative literary style. A motion was made and seconded and approval was unanimous.

**Communications Committee:** Chairman Pfluger was absent but had reminded contributors via email to submit their portions timely.

**Membership Committee:** No report.

**Liaison Committee:** Chairwoman Pascoe said that there were a number of bills in the legislature that would have a negative impact on neighborhoods as well as environmental issues. She stressed to all that they should immediately contact Senator Barrientos and their House representatives. Specifically, the bills are HJR80, which would provide subsidies for developers; SB1858, which takes away local governments' authority to regulate water quality; and HB2833, which widens the scope of "takings" claims by requiring local governments to compensate property owners more generously for claimed loss of value suffered as a result of regulation or zoning. HB2833 and its companion, SB1647 mandate taxpayer subsidies to developers for profits lost because of government action to protect neighborhoods, schools, and churches to prevent offsite flooding and protect drinking water.

**Nominating Committee:** No report.

**Transportation Committee:** WANG Transportation Summit Chairman Harris reported on the seminar briefly. Mike Heiligenstein, Executive Director of CTRMA, Sid Covington, Chair

of the Austin San Antonio Intermunicipal Rail District, Sam Archer, Public Information Director for Capital Metro, Joseph Carrizales in Advanced Planning for TxDOT and Gordon Derr, Traffic Engineer for the City of Austin all spoke. All agreed that it was a good program. Pascoe noted that the TxDOT presentation was really just a statement of how it undertakes projects. Harris noted that Carrizales was not specifically briefed in some of the more material issues pertinent to our neighborhoods as he had been asked to speak in place of Bob Daigh, who was not available. A brief discussion of traffic calming measures took place. Funds are not currently available for traffic calming. A traffic study must be done before such projects can be funded. Points are awarded city wide by neighborhood to determine where funds would be best utilized. West Austin as a whole is a little further down in the order of priorities. Harris concluded by saying that other seminars, perhaps on specific topics, would be held if the neighborhood indicated an interest and that the speakers had indicated that they would be glad to speak again in the future. Sponsors of the event included Starbucks, who generously provided the coffee and Covenant Financial Solutions LLC, who provided doughnuts and paid for associated printing costs. A note of thanks was given to each of them.

**Historic Committee:** Chairman Bennett was absent. Harris noted that the Heritage Society had recently had its awards luncheon and that the Mayor of Charleston, South Carolina had given a heck of a presentation. It was taped by the City, and though he didn't know when it might be rebroadcast, he strongly recommended seeing it for the Mayor's emphasis on the preservation of the fabric of a neighborhood.

**Infrastructure Committee:** Chairman Katz reported on the fire station on Windsor recapping the background. He indicated that things seem to be moving forward. Also discussed was adding the firemen as honorary members of WANG. All thought that would be wonderful. There was no update on the state school but it appears that any change to the facility will not occur for the time being.

**Zoning Committee:**

1507 Mohle - This house is in Bryker Woods. Basciano was absent. Tollett didn't know whether Bryker Woods' new president, Edward Tasch, was aware of the hearing in Basciano's absence so he said he would let him know. 1401 Possum Trot The homeowners, Nate & Sheila Stark, have requested an increase

in maximum impervious cover from 45% to 58.6%. Mr. Stark presented his case. The property currently has 67% impervious cover and they would actually be reducing that to get to 58.6%. After his presentation, Katz made a motion to not object. Harris seconded the motion. The vote was 9-0 with one abstention in favor of not opposing the Starks' variance request. 3208 Enfield - Tollett did not have a status on the appeal. The current homeowners, Mr. Chew and Ms. Loo, were present and spoke. They said that they were unaware of the controversy when they bought the house in December of 2004 and that nothing was disclosed. They were upset about the nonfunctioning balcony not knowing that it was in violation to begin with. The builder had told them that he would come back later and reinstall a door in place of the window installed apparently to circumvent City restrictions. This was a surprising revelation to ExComm. The homeowners were asked to provide a copy of the agreement with the builder. In the meantime, the builder had continued to send crews over to clean the balcony as it was an ongoing maintenance problem. The homeowners were very upset with the builder. They said that if the balcony were indeed in violation that they wanted him to remove it. Tollett said that the result of the appeal would determine whether anything needed to be done or not.

3221 Gilbert - Harris asked if anything had happened with this house, which had been partially demolished and left in ruins for quite some time. Girardeau reported that nothing save a little site cleaning had been done and that the owners had not been overly responsive. Without it being a clear health danger, the City couldn't do anything. One neighbor, very upset about the property's condition, said that crews had come and cleaned up a little and moved things around on site. One of the homeowners, a realtor, apparently was under some pressure to clean up the site because it was affecting some of her fellow realtors. A portion of the demolished house was moved to 505 Deep Eddy. Mr. Wolff presented pictures of the building which he emphatically asserted was not only a health hazard but an eyesore. Girardeau offered to follow up on the site work as well as the relocated portion of the house. Etheridge House This house is in Pemberton. Harris asked the status of the landmark commission hearing on this Durrett project. Nobody new what happened at the hearing but Tollett said he would follow up. Pascoe said that the neighbors are concerned because they feel the proposed improvements are of a bad design and that they are unhappy with what is happening with this property.

**Treasurers Report:** Treasurer Serna reported that there was \$1436.05 in Checking, \$3,143.53 in Savings, \$1,197.64 in the Oak Wilt Fund and that there were 246 paid members. Serna requested a motion to approve payment to AISD for \$100 for use of Casis for the Transportation Seminar. The motion was made, seconded and was unanimous.

**Old Business:**

4th of July Parade Girardeau reported that he had talked to Kerri Ann Chambless. She told him that no assistance was needed and that there was a complete infrastructure in place to coordinate the parade already. Girardeau will stay in touch with her to see if any assistance in the future is needed. Annual Meeting Cary asked if we needed to get started on planning for the annual meeting. The consensus was that it was never too soon and that we should begin thinking about what we want to do.

**Adjournment:** There being no further new business, Cary adjourned the meeting.

#### **DEEP EDDY POOL CELEBRATION Saturday, June 4th**

Friends of Deep Eddy will unveil the new bathhouse roof at the annual "Start of Summer" pool-side party, complete with food and festivities, Saturday June 4, 2005, from 5-9 p.m. The new roof was completed with the help of a \$42,000 grant through the Austin Convention and Visitors Bureau Heritage Marketing Program. Escobedo Construction completed both the demolition of the old roof and the reconstruction of the new one. Friends of Deep Eddy will be on hand to give guided tours of the central bathhouse structure, the first time this area has been open to the public in a generation. Although the bathhouse is still in need of significant rehabilitation work, the new roof marks the first completed piece of this historic effort. The Friends' fund raising efforts have garnered over \$315,000 of the needed \$1,000,000 to rehabilitate and restore the pool's historic bathhouse.

The event features live music by the Melancholy Ramblers, Grimy Styles, and The Hummingbirds. Additional entertainment will include Fire Mistress Sage. Food and drink will be available for purchase from such locally owned businesses as Jim-Jim's Water Ice,

Thundercloud Subs, Mangia Pizza, Maudie's Café, El Arroyo and others, with most if not all proceeds going into the restoration fund. The fun will also include face painting and balloon animals. Fund-raiser attendees can enjoy swimming in Deep Eddy until 9 p.m. For more information on Deep Eddy Pool—Texas' oldest swimming pool—please visit [www.deepeddy.org](http://www.deepeddy.org).

**Recent Projects of Friends of Deep Eddy**

- Extending the pool's operating season
- Completion of Preservation Plan for rehabilitation of the historic bathhouse
- Recognition of the pool as a historic landmark
- Improving water quality and re-tapping the original well for the pool
- Improvement of parking for pool patrons
- Improving landscaping and addition or replacement of trees

#### **Editor's Note**

This past month WANG was proud to host a special event, the West Austin Transportation Summit. Transportation in its various forms faces all of us on a daily basis and in order to provide you with a complete on the summit the President's Letter is omitted from this issue of The Neighbor. Our board president, Erik Cary, will update you in future issues.

**Join WANG!**  
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