

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, November 17, 2009 4:58 PM  
**To:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William  
**Cc:** Council Executive Assistants  
**Subject:** FW:  
**Attachments:** Notification of ratification election November 17.doc

Mayor and Council,

Marc asked that I forward on his behalf. Let us know if you have any questions.

Thanks,

Rolando

---

**From:** Watts, Larry  
**Sent:** Tuesday, November 17, 2009 2:31 PM  
**To:** Ott, Marc  
**Cc:** McDonald, Michael [APD]; Kerr, Rhoda Mae; Desai, Deven  
**Subject:**

Please see the attached informaton on union ratification and suggested scheduling of Council action on the fire department collective bargaining agreement.

Larry Watts  
Chief Labor Relations Officer  
City of Austin

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Tuesday, October 27, 2009 3:55 PM  
**To:** Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Morrison, Laura; Shade, Randi; Riley, Chris; Spelman, William; Edwards, Sue  
**Cc:** Council Executive Assistants  
**Subject:** EGRSO Director  
**Attachments:** EGRSO Director memo final II.doc; egrso Director final IV.doc



## Memorandum

**DATE:** Oct. 27, 2009  
**FROM:** City Manager Marc Ott  
**TO:** Mayor and Council Members  
**SUBJECT:** Economic Growth and Redevelopment Services Director

After a nationwide search, I am happy to announce the hiring of Kevin Johns, Director of Economic Development for Palm Beach County, Fla., to head our Economic Growth and Redevelopment Services Office.

Kevin will join us on Jan. 11, bringing with him successes in strategic planning, local partnerships and international relationships. He has more than 30 years experience in urban planning and economic development and his abilities to bring community groups together will serve us well in both redevelopment as well as economic initiatives affecting the cultural arts and emerging technologies.

His agency's strategic plan for Palm Beach County brought together 36 public-private partnerships that are expected to generate \$1 billion in net new taxes and 30,000 jobs over the next 10 years.

To generate international investment, he created a Global Capital Market Group composed of private equity firms in South Florida and a 21<sup>st</sup> Century Economic Plan that includes partnerships for a comprehensive trade development system, an inland port, an international finance district, expanded consular activity, trade missions and international business exchanges

I want to thank Rodney Gonzales for serving as Acting Director for the past 16 months and am glad to say he will continue in his former position as Deputy Director. I know he and Kevin will make a great team and the transition will be seamless as we move forward on many important projects.

Marc Ott

City Manager  
City of Austin

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Friday, July 17, 2009 10:04 PM  
**To:** Morrison, Laura  
**Subject:** Fwd: Submitted from City Council web site - cooling stations for homeless in record heat  
**Attachments:** CAF 2734- HSEM- Lead Department- Heat Emergency Planning.pdf; ATT2055775.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** "Latin, Otis" <[Otis.Latin@ci.austin.tx.us](mailto:Otis.Latin@ci.austin.tx.us)>  
**Date:** July 17, 2009 1:55:43 PM CDT  
**To:** "Garza, Rudy" <[Rudy.Garza@ci.austin.tx.us](mailto:Rudy.Garza@ci.austin.tx.us)>, "Lumbreras, Bert" <[Bert.Lumbreras@ci.austin.tx.us](mailto:Bert.Lumbreras@ci.austin.tx.us)>, "Lurie, David" <[David.Lurie@ci.austin.tx.us](mailto:David.Lurie@ci.austin.tx.us)>, "McDonald, Michael [APD]" <[Michael.McDonald@ci.austin.tx.us](mailto:Michael.McDonald@ci.austin.tx.us)>, "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>, "Goode, Robert" <[Robert.Goode@ci.austin.tx.us](mailto:Robert.Goode@ci.austin.tx.us)>  
**Subject:** **RE: Submitted from City Council web site - cooling stations for homeless in record heat**

The attached CAF # 2734 was sent in on July 15, 2009 to address this issue. We are meeting at this present time to finalize the extreme heat plan and will have a completed plan ready for distribution by next Friday.

Otis J. Latin, Sr.

Director,

City of Austin Homeland Security and Emergency Management

512-974-0461 (work)

512-569-4142 (cell)

---

**From:** Garza, Rudy [<mailto:Rudy.Garza@ci.austin.tx.us>]  
**Sent:** Friday, July 17, 2009 1:22 PM  
**To:** Lumbreras, Bert; Lurie, David; Latin, Otis; McDonald, Michael [APD]  
**Cc:** Goode, Robert  
**Subject:** FW: Submitted from City Council web site - cooling stations for homeless in record heat

Bert / Mike

Do you have a response or information you can provide the City Manager to address the point below?  
thanks

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 15, 2009 7:39 PM  
**To:** Garza, Rudy  
**Cc:** Goode, Robert  
**Subject:** Fwd: Submitted from City Council web site - cooling stations for homeless in record heat

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)>  
**Date:** July 15, 2009 4:33:01 PM CDT  
**To:** [REDACTED]  
**Cc:** "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>  
**Subject:** RE: Submitted from City Council web site - cooling stations for homeless in record heat

Anne,

Thank you for contacting me regarding this most serious issue. We have recently been developing a response plan for protecting Austinites in extreme heat situations like we are experiencing now. The plan will include details on precisely when cooling stations are medically needed so I believe the situation is being carefully considered.

I am copying the City Manager on this email to ensure that your concerns about the need for cooling shelters are conveyed to the appropriate staff.

Please feel free to contact me whenever I can be of assistance.

Best regards,  
Laura

Laura Morrison  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

-----Original Message-----

From: [REDACTED]  
[mailto:[REDACTED]]

Sent: Thu 7/9/2009 7:51 AM

To: Leffingwell, Lee; Martinez, Mike [Council Member]; Riley, Chris;  
Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl

Subject: Submitted from City Council web site - cooling stations for  
homeless in record heat

Date/Time Submitted: 0750 hours

From: Anne Peticolas

E-mail address: [REDACTED]

Subject: cooling stations for homeless in record heat

Comments:

Dear Mayor and Council,

I was bothered to hear a spokesman for the City's Office of Emergency Management say it is "not hot enough" to open emergency cooling places for the homeless. I think the record heat belies that and am worried that we will open such places only after someone has died from the heat.

I recall well that in an earlier heat wave (don't recall the year, probably in the 80s) a old black man in East Austin sadly and quickly died on a hot streetcorner. Many of the homeless are not young and are very heat-vulnerable. And this heat is extraordinary. And I think takes its toll on people's bodies more day by day as they endure it. Often, heat deaths and injuries are not properly recorded as such, as told in Eric Klinenberg's book, "Heat Wave: A Social Autopsy of Disaster in Chicago."

I urge you NOT to wait for deaths to happen but to head them off by opening cooling stations and taking other preventive measures to prevent heat deaths and injuries both among the homeless and among other Austin residents NOW.

Sincerely, [REDACTED]

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:42 PM  
**To:** Martinez, Mike [Council Member]; Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; McCracken, Brewster; Leffingwell, Lee  
**Cc:** McDonald, Michael [APD]  
**Subject:** Response to Fire Department Budget Cuts Suggestions  
**Attachments:** Response to to Fire Department Budget Cut Suggestions.pdf

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Friday, February 20, 2009 4:45 PM  
**To:** Bailey, Rich; Barrios, Rossana; Bier, Marti; Cole, Sheryl; Coleman, Glen; Garza, Bobby; Leffingwell, Lee; Levinski, Robert; Martinez, Mike [Council Member]; May, Rachel; McCracken, Brewster; McDonald, Stephanie; Moore, Andrew; Morrison, Laura; Rush, Barbara; Schooler, Larry; Shade, Randi; Watson, Matt; Williams, Nancy; Wilson, Beverly (Council Place 6); Wynn, Will  
**Subject:** Status update for Arts, Culture and Music Management Assistance Project  
**Attachments:** Update Arts, Culture and Music Management Assistance Project.pdf



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Marc A. Ott, City Manager

**DATE:** February 20, 2009

**SUBJECT:** Status update for Arts, Culture and Music Management Assistance Project

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The purpose of this correspondence is to provide you with an update regarding your direction to assess the City functions associated with promotion of live music and determine the feasibility of creating departments of Arts and Culture and/or Music.

In December 2008, I asked my staff to conduct a review for a potential Arts and Culture Department. Subsequently, the Live Music Task Force released their recommendations for your consideration. Based on their recommendations and your direction mentioned above, I then re-directed my staff to modify their project to include an evaluation of a potential Music Department.

We've made good progress on this effort. We've identified all arts, cultural and music activities conducted by the City of Austin and we've completed an assessment of best practices across the country. However, due to the focus on our current economic challenges, we have not had time to complete our analysis regarding the impact a new Department, or Departments of Arts, Culture and Music may have on existing services (many staff members that currently work on these activities also provide other unrelated services) and whether there is duplication in personnel, expenses, etc. that could be eliminated with the creation of a new Department. We also need to complete the determination of direct and indirect costs a new department would incur, such as personnel, facility charges, utilities, telephone costs, property insurance, and inter-departmental charges.

I certainly understand the importance of this analysis and want to devote quality time to thoroughly evaluate the feasibility of creating a new department. In fact, we've been encouraged by several stakeholders to make sure to take the time to assess alternatives completely. With that in mind, I plan to provide my recommendations to you by May 7th. As you know, we will be in our 2010 budget development process at that time and it may be appropriate for you to consider these recommendations as you weigh other needs across the city.

If you have any questions at this point, please feel free to contact Anthony Snipes who is leading this evaluation.

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Friday, February 20, 2009 1:50 AM  
**To:** [REDACTED]; Cole, Sheryl; Leffingwell, Lee; Shade, Randi; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura  
**Cc:** Garza, Rudy; Garza, Bobby; Moore, Andrew; Barrios, Rossana; [REDACTED]  
**Subject:** [REDACTED]; Martinez, Rose Marie  
Re: Link to Luis Jauregui WEB Site

Thank you Frank.

Marc

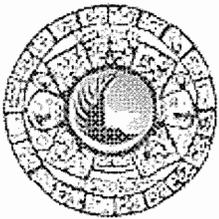
Rose, please print.

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**From:** [REDACTED]  
**To:** Cole, Sheryl; Leffingwell, Lee; Shade, Randi; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura  
**Cc:** Garza, Rudy; Ott, Marc; Garza, Bobby; Moore, Andrew; Barrios, Rossana; [REDACTED]  
**Sent:** Thu Feb 19 16:39:24 2009  
**Subject:** Link to Luis Jauregui WEB Site  
Please see link below and see why Luis Jauregui got builder of the year, we are so proud of him not only for his achievements but also that he lives in our wonderful City of Austin. He has brought national attention to our beautiful City.

Kindest Regards,  
Frank Fuentes  
Chairman, USHCA

[Jauregui, Luxury Custom Home Builder | Architect, Interior Design, Construction](#)



U.S. HISPANIC CONTRACTORS  
ASSOCIATION

### **U.S. HISPANIC CONTRACTORS ASSOCIATION**

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1106 Claydon Lane, Ste 510W • Austin, Texas 78723 • Tel 512.627-5444 • Email [FuentesCon@aol.com](mailto:FuentesCon@aol.com)

For immediate release  
February 16, 2009  
Contact: Frank Fuentes, USHCA Chair, (512) 627-5444

## **U.S. Hispanic Contractors Assoc. Announce 2008 Home Builder and Civil Contractor of the Year Awards**

Austin, Texas architect and builder Luis Jauregui and San Diego, California contractor Frank Marquez are the U.S. Hispanic Contractors Association's (USHCA) 2008 Home Builder and Civil Works Contractor of the Year respectively.

Jauregui and Marquez were selected by their peers, and honored at the USHCA Annual Awards Banquet Tuesday, February 3, during the World of Concrete Annual Convention in Las Vegas. The event was sponsored by Caterpillar.

Frank Marquez is the owner and president of Bonita Pipeline Inc., one of the top general engineering construction and contracting companies in Southern California. Luis Jauregui is the owner and president of Jauregui Architecture Interiors Construction in Austin.

“Both men were selected for the quality and vision of their workmanship in their respective industries. Luis Jauregui’s designs are works of art, and his mastery of his craft is what many of us strive for,” said Frank Fuentes, USHCA Chair. “Frank Marquez is a leader in his field, and the scope of projects he’s worked on is a testament to his knowledge and skill. We are honored to not only have them as members of our association but also as members in our industry.”

The awards banquet was attended by more than 500 members of the USHCA, representing several states. Retired Texas state senator Gonzalo Barrientos acted as emcee, along with Chad Bixby of Caterpillar.



**Standing Left to Right: Chairman USHCA, Frank Fuentes, President/Owner Jauregui Architecture Interiors Construction, Luis Jauregui, President/Owner, Bonita Pipeline, Frank Marquez, Caterpillar Inc, Solutions Marketing Manager, Chad W. Bixby, Retired Texas State Senator, Gonzalo Barrientos**

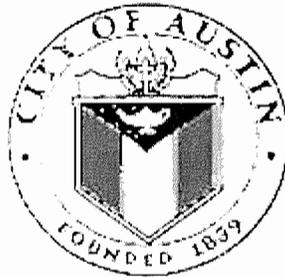
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**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Wednesday, February 18, 2009 3:43 PM  
**To:** Bailey, Rich; Barrios, Rossana; Bier, Marti; Cole, Sheryl; Coleman, Glen; Garza, Bobby; Leffingwell, Lee; Levinski, Robert; Martinez, Mike [Council Member]; May, Rachel; McCracken, Brewster; McDonald, Stephanie; Moore, Andrew; Morrison, Laura; Rush, Barbara; Schooler, Larry; Shade, Randi; Watson, Matt; Williams, Nancy; Wilson, Beverly (Council Place 6); Wynn, Will  
**Cc:** Edwards, Sue; Garza, Rudy; Goode, Robert; Lumbreras, Bert; McDonald, Michael [APD]; Snipes, Anthony  
**Subject:** Transportation Stimulus Fund  
**Attachments:** Transportation Stimulus Fund.pdf



**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Marc A. Ott, City Manager  
**Subject:** Transportation Stimulus Fund  
**Date:** February 18, 2009

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We have just been officially informed by CAMPO staff that only those transportation projects that are **already** in CAMPO's 2030 Long Range Plan and in the Transportation Improvement Plan (TIP) are eligible for Stimulus funding. As a result, the list of 23 transportation projects that Council approved on January 15th for submittal is now narrowed to 5 projects. CAMPO has also informed us that the Transportation Improvement Plan (TIP) cannot be amended to include new projects at this time so there is not a way to qualify the projects that they recently screened out. (We had heard previously that they may consider a TIP amendment).

We continue responding to "moving targets" as more and more information about the stimulus bill develops and tighter criteria are handed down for narrowing the range of potential projects. CAMPO is now requesting that we submit our top three projects by February 20, 2009. The surviving projects on the list will be discussed by the CAMPO Board at a tentatively scheduled meeting on February 27, 2009.

We think we can combine one of our remaining projects into the other projects still remaining...which would leave us with 4 remaining projects. Therefore, we're choosing to resubmit all 4 of those projects. So, the remaining projects are as follows:

- Asphalt Overlay Project Citywide: \$1,500,000
- 20 Traffic Signals (various locations throughout the city): \$2,400,000
- Purchase and install variable message signs on major highways and arterials to manage special events in Central Austin and provide improved driver information: \$5,000,000 (This project will include components of the Computer Technology Project necessary to successfully deploy the variable message signs.)
- Purchase and install vehicle detection stations using toll-tag registration tags, thereby creating a real-time congestion information system accessible by Austin citizens: \$6,000,000 (This project will include components of the Computer Technology Project necessary to successfully deploy the detection system.)

We believe the City is fortunate to still have projects on the list. The same is not true of some of our fellow jurisdictions. We also believe that the survivors are excellent, competitive projects that cut across all geographical areas and income brackets for the City, they will benefit both Austin citizens and regional mobility should any receive funding, all can be implemented swiftly, and they all create jobs. For both the 20 Traffic Signals Project and the Asphalt Overlay Project, the City's requirements are in excess of the funding currently available. The receipt of federal dollars will allow the Public Works and Transportation Departments to accelerate backlogged work, increasing the amount of work "on the street" and creating additional contract and job opportunities. The other two projects, while in the CAMPO Long Range Plan and the TIP, are not currently funded and cannot be implemented without stimulus funding.

Public Works and Transportation Departments' staff are now working on the required package to accompany the City's recommended projects. If you have any questions please let me know.

xc: CMO Team

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Sunday, February 08, 2009 10:09 AM  
**To:** Martinez, Mike [Council Member]  
**Cc:** Leffingwell, Lee; Wynn, Will; Cole, Sheryl; Shade, Randi; Morrison, Laura; McCracken, Brewster; Garza, Bobby; Moore, Andrew; Snipes, Anthony  
**Subject:** Re: Couple of questions and comments regarding stimulus package funding

I'll get an update to all on Monday.

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**From:** Martinez, Mike [Council Member]  
**To:** Ott, Marc  
**Cc:** Leffingwell, Lee; Wynn, Will; Cole, Sheryl; Shade, Randi; Morrison, Laura; McCracken, Brewster; Garza, Bobby; Moore, Andrew  
**Sent:** Thu Feb 05 09:16:02 2009  
**Subject:** Couple of questions and comments regarding stimulus package funding  
**CM Ott,**

**I wanted to ask if you could provide council with the process that is being used for determining your prioritized list for potential stimulus package funds. As you know, the request for \$866,000 for a disc golf course has received much attention, including the article below from the Wall Street Journal. I have not seen or been informed of any submitted project and how they have been vetted. Who on staff is making the determination for the City of Austin's list? Why has council not been a part of these discussions and determinations?**

**Council member Leffingwell and I will be bringing an item from council directing a transparent, citizen input, council driven process for any potential projects that may receive funding via a federal stimulus package. We envision a group similar to a bond oversight committee as the vehicle for public input and ultimately council deciding on the prioritized requests for funding.**

**Any information you can provide would be a big help.**

**Thanks,  
Mike**

<http://online.wsj.com/article/SB123369271403544637.html>

## **Stimulus Brings Out City Wish Lists: Neon for Vegas, Harleys for Shreveport**

*Most Ask for Roads, Sewers, but Some Want the Kitchen Sink -- and a Frisbee Golf Course*

By JENNIFER LEVITZ and PHILIP SHISHKIN

Las Vegas, which by some accounts already glitters, wants \$2 million for neon signs.

Boynton Beach, Fla., is looking for \$4.5 million for an "eco park" featuring butterfly gardens and gopher tortoises.

And Chula Vista, Calif., would like \$500,000 to create a place for dogs to run off the leash.



#### GOPHER TORTOISE

These are among 18,750 projects listed in "Ready to Go," the U.S. Conference of Mayors' wish list for funding from the stimulus bill moving through Congress. The group asked cities and towns to suggest "shovel ready" projects for the report, which it gave to Congress and the Obama administration.

Although the bulk of proposals are roads, sewers and similar projects, some wouldn't require a shovel at all. The mayors group sees a potential 1.6 million new jobs from the projects, though a few of them wouldn't create any.

Some localities are using a kitchen-sink strategy. "Our approach has been to list everything, because we don't know what the final guidelines will be or what the final dollar amount will be," says Greg MacLean, public-works director in Lincoln, Neb.

Among entries on Lincoln's list is a \$3 million environmentally friendly clubhouse for a municipal golf course. "From a public-perception standpoint, I see how it could be an issue," Mr. MacLean says. But, he says, construction would create 54 jobs.

The debate about what is appropriate stimulative spending, now raging in Washington, echoes differences over the Works Progress Administration during the Depression. It built 651,000 miles of roads and 24,300 miles of sewer lines, but was sometimes lambasted because it also paid for murals and battlefield monuments. "That's when the word 'boondoggle' first came into use" in its modern sense, says William Creech, of the U.S. National Archives and Records Administration.

The mayors' \$149 billion project list is just one of many circulating in Washington and state capitals. Massachusetts -- which, like other states, will have a say in distributing the money -- has 4,000 project submissions from 51 towns competing for stimulus money. The San Diego Association of Governments came up with 1,043 possible projects in its region.

With their needs acute, some localities are abandoning boosterism, promoting their community as being more run-down than the next town. In central Maine, Pittsfield Mayor Tim Nichols says the roof on a town-owned theater is rickety, potholes are a "pain in the hiney," and underground pipes are so decrepit "you got sewers backing up in cellars and in lawns." Pittsfield would like about \$6 million from Washington.

In Randolph, Vt., Town Manager Gary Champy says federal money to fix "old and pockmarked" roads in his town would lift the mood of residents, because "they'd feel like the government was working for them." He adds: "This money isn't going to banks."

Shreveport, La., has \$2.3 billion in projects ready to go. Mayor Cedric Glover's priority is repairing roads, but he's also asking \$6 million for three aquatic centers with water slides, which he says would improve quality of life and create construction jobs.

And he would like the U.S. to buy Shreveport eight new Harley-Davidson motorcycles for its cops. This item would produce little local hiring, he acknowledges, but "Harley-Davidson is a great American company. Orders coming from municipalities like ours to a company like that certainly would be stimulative."

The Conference of Mayors report has about a dozen golf-course-related projects. A lot of cities want to use funds to upgrade parks, such as Chula Vista, with its plans for a dog park that would include shading and fountains. San Bernadino, Calif., wants \$1.1 million for park improvements, including a skateboard ramp and two "splash-park installations." City officials in the communities say these aren't their top priorities, but defend the projects as worthwhile.

Austin, Texas, could use \$886,000 to build a 36-hole "disc golf" course, for frisbee tossing. It would be "environmentally and financially sustainable." John Hrncir, government-relations officer, says the project list "was put together on very short notice," and "we are not going to submit anything that is questionable when we seek actual funding."

Heather Boushey, a senior economist with Center for American Progress, a liberal think tank in Washington, D.C., says parks and golf courses shouldn't be deemed frivolous if they create jobs and are seen as long-term investments by their cities. She says the flood of proposals underscores a need for transparency in stimulus spending, which officials have promised.

The stimulus bill the House approved last week provides an array of tax cuts and a heavy dose of spending for new roads and bridges, public safety, expanded jobless benefits, food aid, wider broadband service and renovations for schools and public housing. Congress has said funds will be distributed to local governments through existing federal programs, either directly or through the states. Though the House approved an \$819 billion bill, the final cost will depend on the Senate's vote and on compromises the House and Senate make.

The House bill envisions a board and inspectors general to review the overall spending. It says governors, mayors or others who make funding decisions will have to post details of each project, such as its purpose and cost, on a special Web site, and certify that it's a good use of taxpayer money.

Las Vegas, in seeking stimulus money for neon, says there's a shortage of glitz off its beaten path. "When people think of Las Vegas, they think of the Strip, of Caesar's Palace," says city spokesman Jace Radke, but he says this project would help revitalize a blighted neighborhood.

As for the eco-park envisioned by Boynton Beach, its parks superintendent, Jody Rivers, says the \$4.5 million project would generate jobs, teach residents about environmentally friendly living and highlight nature, such as the "unique gopher tortoises on the site."

Dave Hansen, deputy city manager in Virginia Beach, Va., says localities are seeking funding for "some stuff that's just a Santa Claus wish list." He compiled \$1 billion worth of local projects for inclusion in the mayors' report. He calls that a "Holy Grail" list that town officials have now ranked by priority.

A former colonel in the Army Corps of Engineers, Mr. Hansen says the town's top priorities are replacing a 50-year-old bridge (\$90 million) and building a pumping station to alleviate flooding (\$20 million). Lower on Virginia Beach's list are items like "urban tree canopy protection" for the city (\$3.75 million).

Also, \$1.8 million to build municipal tennis courts. "Is it a bona fide need? Absolutely," Mr. Hansen says. "Do you want to compare it to replacing a 52-year-old school? Well, probably not."

**Write to** Jennifer Levitz at [jennifer.levitz@wsj.com](mailto:jennifer.levitz@wsj.com) and Philip Shishkin at [philip.shishkin@wsj.com](mailto:philip.shishkin@wsj.com)

Printed in The Wall Street Journal, page A1

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Friday, January 16, 2009 10:59 AM  
**To:** All City Employees COACD  
**Cc:** Wynn, Will; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; McCracken, Brewster; Coleman, Glen  
**Subject:** Budget Challenges  
**Attachments:** Budget Challenges.pdf



## MEMORANDUM

**To:** All City Employees  
**From:** Marc A. Ott, City Manager  
**Date:** January 16, 2009  
**Subject:** Budget Challenges

One of the first challenges we faced together when I became your City Manager nearly a year ago was to continue our high level of service while living within our means. We had to find ways to continue to serve our community with about \$8 million less in our 2008 General Fund budget. On the heels of that difficult task, we had to close a \$25 million General Fund gap for the 2009 budget. In both cases, you continued to provide stellar service to our citizens with fewer resources. I am very proud of the way each and every one of you helped us work through these challenges.

Unfortunately, our national economy continues to struggle. The turmoil that we have seen in the global financial markets over recent months and the slowdown in our own economy here in Austin have placed more pressure on our financial situation, right after we just closed the \$25 million budget gap. Sales tax revenue, which accounts for about 25% of our General Fund dollars, has declined about 4% for the first two months of this fiscal year. We also expect lower revenue collections in several other areas, such as development permitting and interest earnings. As you know, I have asked departments to develop a menu of potential cost reductions to present to the City Council, with \$15 million in reductions as a starting point. That means over the last 11 months we have had to close a total gap of about \$48 million.

As we move forward in considering the cost reduction menu, I will do everything I can to avoid employee layoffs and pay cuts...things that are already happening all across the country in both the public and private sectors. To that end, we need to minimize increases in our employment and compensation since that makes up most of our operating costs. Therefore, I've chosen to implement the following:

1. Frankly, in these times it makes no sense to hire a lot of new employees when we could be facing layoffs later in the year. Therefore, I am implementing a rigorous hiring process to help us preserve as many vacancies as possible. Effective today, I have asked the Human Resources Department to place a hold on all vacant positions. If Department Directors have a critical need to fill a position after today, we will be implementing a process for a City Manager's Office review. We will get detailed information out to each Department next week regarding this new process.
2. I have decided to postpone the implementation of phase II of the annual market review, originally scheduled to occur this month. As you may recall, in 2006 the City conducted a comprehensive market review of wages City-wide to help us keep our wages competitive. Adjustments to our pay structure were made at that time. In 2007 we established a review cycle where each year we study at least 1/3 of job titles as well as any position that is hard to fill or has high turnover. The first phase of our market review cycle was implemented in January 2008. We are currently in "phase II" of the market review cycle and the results were scheduled to be implemented this month. However, given the current economic conditions, most organizations are not increasing salaries, while many others are even decreasing wages across the board or eliminating positions entirely. Therefore, due to our continuing financial pressures and taking into account the changing "market", I feel that we must postpone this initiative. However, I do want you to know that I remain dedicated to this important employee compensation program and fully plan to reconsider the situation as conditions improve.

These are extremely difficult challenges and I don't make these decisions lightly. I will keep you all informed as we go forward. I have asked my executive team to meet with their departments over the next few weeks to provide more detail and answer any questions that you may have. I will try to attend as many of those meetings as I can.

Lastly, I want to thank you for your continued dedication to our community and your understanding about the current difficult economic conditions. I am very proud to be working side by side with you to provide the best service to our citizens with seemingly ever decreasing resources.

Xc: Mayor and City Council

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Friday, January 16, 2009 10:59 AM  
**To:** All City Employees COACD  
**Cc:** Wynn, Will; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; McCracken, Brewster; Coleman, Glen  
**Subject:** Budget Challenges  
**Attachments:** Budget Challenges.pdf



## MEMORANDUM

**To:** All City Employees  
**From:** Marc A. Ott, City Manager  
**Date:** January 16, 2009  
**Subject:** Budget Challenges

One of the first challenges we faced together when I became your City Manager nearly a year ago was to continue our high level of service while living within our means. We had to find ways to continue to serve our community with about \$8 million less in our 2008 General Fund budget. On the heels of that difficult task, we had to close a \$25 million General Fund gap for the 2009 budget. In both cases, you continued to provide stellar service to our citizens with fewer resources. I am very proud of the way each and every one of you helped us work through these challenges.

Unfortunately, our national economy continues to struggle. The turmoil that we have seen in the global financial markets over recent months and the slowdown in our own economy here in Austin have placed more pressure on our financial situation, right after we just closed the \$25 million budget gap. Sales tax revenue, which accounts for about 25% of our General Fund dollars, has declined about 4% for the first two months of this fiscal year. We also expect lower revenue collections in several other areas, such as development permitting and interest earnings. As you know, I have asked departments to develop a menu of potential cost reductions to present to the City Council, with \$15 million in reductions as a starting point. That means over the last 11 months we have had to close a total gap of about \$48 million.

As we move forward in considering the cost reduction menu, I will do everything I can to avoid employee layoffs and pay cuts...things that are already happening all across the country in both the public and private sectors. To that end, we need to minimize increases in our employment and compensation since that makes up most of our operating costs. Therefore, I've chosen to implement the following:

1. Frankly, in these times it makes no sense to hire a lot of new employees when we could be facing layoffs later in the year. Therefore, I am implementing a rigorous hiring process to help us preserve as many vacancies as possible. Effective today, I have asked the Human Resources Department to place a hold on all vacant positions. If Department Directors have a critical need to fill a position after today, we will be implementing a process for a City Manager's Office review. We will get detailed information out to each Department next week regarding this new process.
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These are extremely difficult challenges and I don't make these decisions lightly. I will keep you all informed as we go forward. I have asked my executive team to meet with their departments over the next few weeks to provide more detail and answer any questions that you may have. I will try to attend as many of those meetings as I can.

Lastly, I want to thank you for your continued dedication to our community and your understanding about the current difficult economic conditions. I am very proud to be working side by side with you to provide the best service to our citizens with seemingly ever decreasing resources.

Xc: Mayor and City Council

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Friday, January 16, 2009 10:27 AM  
**To:** All Austin Energy Users; All City Employees AUSPS; All City Employees COACD; Aviation Dept; AWU Everyone; ACCD\_Everyone  
**Cc:** Wynn, Will; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; McCracken, Brewster; Coleman, Glen  
**Subject:** Budget Challenges  
**Attachments:** Budget Challenges.pdf



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Xc: Mayor and City Council

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, January 01, 2009 10:55 AM  
**To:** Florance, Christopher; Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Shade, Randi; Morrison, Laura  
**Cc:** Snipes, Anthony; McDonald, Michael [APD]; Garza, Rudy; Goode, Robert; Edwards, Sue; Lumbreras, Bert; Matustik, David; Reeves, Keith; Telles, Reyne  
**Subject:** Re: Thursday Statesman Article - APD budget

Thanks.

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**From:** Florance, Christopher  
**To:** Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Shade, Randi; Morrison, Laura  
**Cc:** Ott, Marc; Snipes, Anthony; McDonald, Michael [APD]; Garza, Rudy; Goode, Robert; Edwards, Sue; Lumbreras, Bert; Matustik, David; Reeves, Keith; Telles, Reyne  
**Sent:** Wed Dec 31 20:56:04 2008  
**Subject:** Thursday Statesman Article - APD budget  
ACM McDonald wants to give you a head's up about an Austin American Statesman article that will be running Thursday about the 2% cost saving exercise.

The Statesman reporter has a copy of a draft memo from Chief Acevedo outlining his thoughts if a cut had to be implemented to the APD budget.

If you have any questions please call Chief McDonald.

Thank you,

Chris Florance  
Public Information Office  
(512) 784-1245

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Monday, January 05, 2009 6:01 PM  
**To:** Morrison, Laura  
**Cc:** Loney, Brenda; Fernandez, Rolando; Snipes, Anthony; Browder, Leslie  
**Subject:** Re: First Night's Stellar City Staff

Thank you CM Morrison.

The staff and I appreciate the positive feedback.

It was a wonderful event.

Marc

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**From:** Morrison, Laura  
**To:** Ott, Marc  
**Cc:** Loney, Brenda; Fernandez, Rolando; Snipes, Anthony; Browder, Leslie  
**Sent:** Mon Jan 05 17:53:59 2009  
**Subject:** First Night's Stellar City Staff  
Marc –

First Night activities in City Hall were a terrific success, and I wanted to send my thanks for the great work of the city staff that were here making it so.

I know I probably only witnessed a small portion of the staff effort, and my thanks and appreciation goes to all of them, but I did want to mention Brenda Loney's amazing patience and capability in managing the performers, the building and maintenance staff that kept up with the throngs, and Rolando Fernandez who went out of his way to try and locate a lost item for one citizen (...who happened to be my husband but Rolando didn't know that till I handed him my card as the contact in case the item is found ☺).

Happy new year,  
Laura

**Laura Morrison**  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Monday, January 12, 2009 1:43 PM  
**To:** [REDACTED]; [REDACTED]; [REDACTED]  
**Cc:** Morrison, Laura; JWiebrand@gables.com; Levinski, Robert; Garza, Rudy; Edwards, Sue  
**Subject:** Re: Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers.

Hello Mr. Lyon,

I am going to ask two my ACMs, Rudy Garza and Sue Edwards to look into your situation to see if we can get a handle on it for you asap.

Keep me advised please.

Marc

Rudy/Sue, please coordinate your efforts and see what we can do to get Mr. Lyon some relief.

Thanks

---

**From:** Doug Lyon  
**To:** Joe Lamy  
**Cc:** Morrison, Laura; Jennifer J. Wiebrand ; Levinski, Robert; Ott, Marc  
**Sent:** Mon Jan 12 13:28:26 2009  
**Subject:** Re: Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers. City of Austin:

Why can no one stop this destruction to our property?

This constuction needs to halt until guidelines are in place.

Our property is being destroyed and NO ONE is helping us. All while EVERY DAY more damage is done to our property.

For the love of Austin and what is right in the world, can someone please help me.

Doug

On Jan 12, 2009, at 1:21 PM, Joe Lamy wrote:

Hi Jennifer,

Below is an email from Doug Lyon on Gable's construction at Pressler. Have you spoken with the city on the water issue? Please advise. Joe

---

**From:** Doug Lyon [mailto:doug@lyonadvertising.com]  
**Sent:** Monday, January 12, 2009 1:17 PM  
**To:** Morrison, Laura

**Cc:** Levinski, Robert; [REDACTED]  
**Subject:** Re: Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers.

Laura,

Our property was flooded today and our water is out AGAIN because a contractor from the development drove over our water line.

No one is seeing the devastation from this or helping.

I have emailed the city 10+ times and each time they come and NOTHING IS HAPPENING.

Does someone have to die from this development for someone to LISTEN AND HELP???? The contractors and developers DO NOT CARE!!!!

PLEASE HELP US!

Doug

On Dec 31, 2008, at 12:20 PM, Morrison, Laura wrote:

Hi [REDACTED]

Sorry to be slow in responding. I've been taking some time off for the holidays. I don't know if you've heard back yet from the mayor's office but wanted to let you know that I have a call in to [REDACTED] who is one of the developers of the 5th and Pressler project and am cc'ing him here. In the message I just left Joe, I let him know that I'd heard from you with this list of significant impacts that the construction is having on your place and asked him to get back with you, and/or me, to see how he can work to get some relief going.

Please keep me posted, and I would be happy to assist further as needed.

Laura

Laura Morrison  
Austin City Council, Place 4  
512 974-2258  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Sun 12/21/2008 11:13 AM  
**To:** Morrison, Laura  
**Subject:** Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers.  
Date/Time Submitted: Sunday, 12/21/08, 1113 hours

**From:** [REDACTED]

**E-mail address:** [REDACTED]

**Subject:** Please help. Our home is being destroyed by destructive developers.

## Comments:

Hi Laura,

I just sent this to the mayor also. After eight months of this. This situation is spiraling out of control and it is very sad and unreal what is happening to our once beautiful building and home because of malicious developers who do not respect or care for the properties around them while they build their massive structures and take over our neighborhood.

Honestly, this development needs to stop immediately until these issues are resolved. There needs to be better oversight of what is transpiring at 6th and Pressler as you read this.

I have a lot of photos to show you also and you can visit our property to see the devastation:

Your Name: Doug Lyon Your e-mail address: [REDACTED] Subject: Please help. Our home is being destroyed by destructive developers. Comments:

Hi Mayor Wynn,

We are at [REDACTED] Right next door to the development under construction at 5th and Pressler (168 apartments and retail).

The construction has been a nightmare that continues to worsen.

Last week their trucks tore off part of our roof after running into it. Friday, we had piles of sand coming out of our faucets in our sink because they had broken the water line for the second time in a couple weeks. We can no longer drink the water.

Our house is covered in dirt. When we went to retrieve our christmas tree from our attic, it was covered in incredibly thick layers of nasty construction dirt.

Yesterday, there was a metal cover with spikes left on the middle of the road.

Our sprinkler system has been torn out of the ground.

Our lawn has been destroyed.

They used rope to tie off bushes in our yard which is killing the landscaping now.

They are ruining our house which was built in 1922 and is a beautiful craftsman style home. No one is stopping them from invading and tearing up our property.

After being refused eight times, they finally got to close the alley and put our neighbor out of business because customers could no longer get to them.

Our business sign has been destroyed.

It is sad.

I hope you can help.

I have lots of pictures.

:(

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Tuesday, January 13, 2009 6:20 AM  
**To:** [REDACTED]; Garza, Rudy  
**Cc:** [REDACTED]; Morrison, Laura; [REDACTED]; Levinski, Robert; Edwards, Sue; McNabb, Dan; Meszaros, Greg; Calhoun, George; Martinez, Rose Marie  
**Subject:** Re: Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers.

Rudy, please see me about this today.

Marc

Rose, please print.

---

**From:** [REDACTED]  
**To:** Garza, Rudy  
**Cc:** Ott, Marc; [REDACTED]; Morrison, Laura; [REDACTED]; Levinski, Robert; Edwards, Sue; McNabb, Dan; Meszaros, Greg; Calhoun, George  
**Sent:** Tue Jan 13 03:19:17 2009  
**Subject:** Re: Council Member Laura Morrison - Please help. Our home is being destroyed by destructive developers.  
Rudy,

I have yet to hear back from you regarding the meeting I missed. I need to know who set up this meeting, when it was and who made the accusations I missed it.

No one from the city of Austin has ever requested a meeting with me until today (Robert Levinski).

Did you take a photo of my roof that is torn off? Did you get a photo of the four-foot piece of sprinkler system that is ripped out of the ground and the numerous other sprinkler system pieces scattered in my yard? Insulation covering our cars? Did you get pictures of the railroad ties torn up by the developers from our property? Pictures of the sand in my sink? Has anyone asked me what damage has taken place? I have these pictures if you don't.

None of these are violations?

Your response is appreciated since you have accused me of not showing up to a meeting.

I need to be invited before I can miss a meeting.

Doug

On Jan 12, 2009, at 2:03 PM, Garza, Rudy wrote:

Additionally, staff set up an appointment to meet [REDACTED] to discuss and review our findings, as well as get any additional information he had, however, [REDACTED] did not show up for the meeting.

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, January 21, 2009 5:43 PM  
**To:** Martinez, Mike [Council Member]; Smith, David [City Attorney]  
**Cc:** Cole, Sheryl; Leffingwell, Lee; McCracken, Brewster; Wynn, Will; Morrison, Laura; Shade, Randi; Barrios, Rossana; Garza, Bobby; Edwards, Sue; Goode, Robert; Garza, Rudy; Buchanan, Kathleen; [REDACTED]; Lloyd, Brent  
**Subject:** Re: You Inquiry re Heartwood

Yes, I'm sure we can get some answers. I'm still out of town. Sue Edwards is acting for me. She will take the lead.

That was one incredibly long e-mail.

Marc

Sue, please keep me advised.

---

**From:** Moore, Andrew  
**To:** Ott, Marc; Smith, David [City Attorney]  
**Cc:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura; Shade, Randi; Barrios, Rossana; Garza, Bobby; Edwards, Sue; Goode, Robert; Garza, Rudy; Smith, David [City Attorney]; Buchanan, Kathleen; [REDACTED]; Lloyd, Brent  
**Sent:** Wed Jan 21 13:28:29 2009  
**Subject:** You Inquiry re Heartwood

Marc,  
Can we get an answer to these questions? Our office has heard from other property owners and Neighborhood advocates on similar issues so if there is something that Council can do to help in terms of amending the code or for process, we would be interested to hear.

Thanks,  
Mike

---

**From:** FuentesCon@aol.com [mailto:FuentesCon@aol.com]  
**Sent:** Sunday, January 18, 2009 4:43 PM  
**To:** Lloyd, Brent  
**Cc:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura; Shade, Randi; Barrios, Rossana; Garza, Bobby; Moore, Andrew; Edwards, Sue; Goode, Robert; Garza, Rudy; Smith, David [City Attorney]; Buchanan, Kathleen  
**Subject:** You Inquiry re Heartwood

Brent,

While I certainly admit not being an attorney, I will submit to you that I do possess a little common sense. Common sense tells me your response is insane and hypocritical. Is the City ever going to be consistent and fair? Allow me to explain some of my frustration. Please note the following:

1. Mr. Rodriguez goes to the One Stop Center to ask if indeed he needs a permit. **The City said no.**
2. On May 5th, 2006 the Code Enforcers for the City went to Mr. Rodriguez' home and wrote down that **No Permit is Needed**. He was told the same. ( project at approx. 50% complete).
3. On June the 2nd, 2006 again Code Enforcers went to Mr. Rodriguez' home and told him that all he needed was an electrical permit. On that same day Mr. Rodriguez immediately complied, obtained the only permit requested of him, and the City of Austin Inspectors **close the case due to compliance**. ( by this time improvements were at approx. 95% complete )
4. On July 29th Mr. Rodriguez receives a letter from the City dated July 27th letting him know for the first time that he is in violation of Fence Height and fill over 4 feet. ( approximately 60 days after your inspectors had been at his home and written down " Case close to compliance " )

5. Your City folks later **falsely testify** at City's commissions that Mr. Rodriguez all along had been told by the City that indeed he was not only violating the items listed on the July letter but that the City had informed him he was indeed in the Flood Plain, as well as in the Water Quality Zone. **The City did not inform him that he was in the Flood Plain and the City did not even know he was in the Flood Plain when they wrote to him on July 27th.**

6. On October 3, 2007, Mr. Rodriguez and his Council make a deal with City and City Attorneys that indeed no more charges or lawsuits will be filed or placed against him if he submits a site plan within 30 days. ( the original request from City was 15 days.) Mr. Rodriguez then again goes to the One Stop Center to see what the process is and he is told to submit a building permit application / site plan which he does within the 30 day limit set by the City and in accordance with the agreement. After the City reviewed, processed and rejects the application / site plan. Mr. Rodriguez then hires an Engineer to continue the process which later included a hydrology study now required by the City. **( I have never heard of anyone taking 30 days or less to complete such process, if anyone within the City has, please let me know so we can give them an award).**

7. The City does not honor its agreement, violates the agreement, and files eight (8) more lawsuits against Mr. Rodriguez after losing the first of two lawsuit against Mr. Rodriguez. **( Note He was found not guilty by Judge )**

These are but a few of the details related to this case. At our last meeting you and I had with some of the City assistant Managers, Ms. Buchanan and an attorney with the City incorrectly stated the no one from the City had agreed to not to continue to press charges or lawsuits. She quickly changed her position or point when I showed her the affidavit of one of your City personal stating where indeed such agreement was made and where it is confirmed that the deal was made on October 3. After that, she changed her position and changed her argument. She argued that a building permit application / site plan was not what they had agreed. Bottom line, a full site plan was submitted after the One Stop Center gave him the proper process and he hired an Engineer.

Which now brings me to your email.

My first observation to your e-mail is that some of the improper actions and abuse taking place is clearly demonstrated by the fact that Mr. Rodriguez' response letter to the City's permit suspension letter was completely ignored. This letter comes months after the permit had already been inspected and approved. **To now suggest that there exists new facts or issues that were never communicated to Mr. Rodriguez shows or demonstrates abuse, injustice and harassment. At the same time, the City's letter to suspend the electrical permit is now given new meaning, especially to simple English language that does not coincide with what is actually stated in the letter from the City. ( please see attachment for copies of letters )**

As I read your email, the City now takes the position that the suspension letter was not a suspension of the electrical permit. Rather, it is now contended that the letter provides for a "notice to suspend" the electrical permit. However, the letter does not state that it is a "notice to suspend". The letter states that it is a "suspension". Now, given the many mistakes and misdirection that the City has previously caused to Mr. Rodriguez (among other things), how is one to know that the City really means it is a "notice to suspend" as opposed to the actual language stated in the letter which states it is a "suspension". Why did the City fail to say it was only a "notice of suspend" instead of a "suspension"? Why would the City add confusion and misdirection by affirmatively stating it is a "suspension" and couple such statements along with a code section that now allegedly means something else (i.e. means a notice to suspend ). It appears that the City has now made another mistake by being vague and ambiguous when it is saying one thing (i.e. "Suspension") and coupling such affirmative suspension statement with something else (i.e. a referenced code section that is now alleged to mean only a "notice of suspension"). The response in your e-mail is completely oblivious to such misdirection and ambiguity. **( It truly makes me sick to my stomach! )**

When Mr. Rodriguez responded and wrote back to the City, he was ignored. In Mr. Rodriguez' letter, he clearly states that he is appealing the "suspension" and the letter which also orders Mr. Rodriguez to remove the electrical fixtures and secure all permits for the retaining wall. Why was Mr. Rodriguez' not corrected if it was not a suspension? Why was Mr. Rodriguez not promptly told that it was only a "notice to suspend". Instead, he was ignored. Ignoring him and not correcting (assuming the City letter was only a notice of suspension as now alleged) him at such time is further troubling for the obvious reasons the City fails to recognize. ( The bottom line, my common sense tells me that you and staff concocted this because the code requires that it hold a hearing. The City failed to hold the required hearing and render the proper due process. By failing to hold the

required hearing within the stated three day time period, the appeal is automatically granted, all the City claims fail, and there is essentially no remaining issue.)

**Again, the code provides that Mr. Rodriguez' appeal shall have a hearing. It is mandatory that an appeal hearing be held once an appeal is made. If such hearing is not held, then the appeal stands and it is automatically granted. Because Mr. Rodriguez' hearing was not given or held, his appeal is therefore automatically granted! This is something very difficult for you to acknowledge or recognize. Even taking your interpretation of the City's letter, Mr. Rodriguez appeal is still granted because he appealed the entire City letter, including the requirement that the remove the electrical fixtures or obtain all the permits for the wall. He did not limit his appeal to the suspension of the electrical permit or solely to the "notice of suspension" of the electrical permit as you contend. His appeal goes to the entire City letter which includes that Mr. Rodriguez remove the electrical fixtures (all of which were already permitted, inspected, and approved). Again, his appeal goes to the entire letter which also includes the City officer's decision to require Mr. Rodriguez to obtain all the proper permits for the wall. Your e-mail response completely avoids and ignores this issue, among many others, making it bias, self serving, response. The City is avoiding responsibility for failing to hold the required hearing.**

**I suppose you did not go into executive session and inform everyone that the City failed to hold the required hearing resulting from Mr. Rodriguez' appeal to the City's entire letter. I suppose you did not inform or advise that the failure to hold the hearing in connection with the appeal to the removal of the electrical fixture and all the permits required for the retaining wall. I also suppose you did not inform everyone that the failure to hold such required hearing renders Mr. Rodriguez' appeal as automatically granted.**

**The City's letter very clearly states that the electrical permit for the work done on the retaining wall was issued, inspected, approved and passed. In fact, the permit passed inspection months prior to the City letter. Why would the City fail to stand behind the issuance, inspection, approval, and passing of its permits? If any of the bases or response in the e-mail is credible, then the main issues that prefaces your response is avoided, ignored, and not addressed. In other words, the City must have the authority to suspend a permit that has lived its life before we can logically entertain the responses provided in your e-mail. The City's error or mistake (i.e. having issued a permit in error and then having inspected and approved it) is ignored and the City fails to take any responsibility for such error or mistake. The City needs to take responsibility for its improper actions and the associated injustices. If the City would do the right thing and take responsibility for its error and for misleading Mr. Rodriguez, then we would not have to entertain any further discussions.**

**As a related issue, there has been no support or authority provided for the City to now go back and suspend a permit that has been issued, inspected, approved and passed. Your entire response is based on the on the unjustified assumption that the City can go back and suspend or notice the suspension of a permit that has already been inspected and approved. Once the permission is given, inspected and approved, the permit has completed it's life. For example, if I give my daughter permission to chew gum. And she later chews the gum, completes chewing the gun, and disposes of the gum. How could I logically suspend the permission to chew the gum once it has been chewed? Hence, how can the City now suspend a permit that has been approved and inspected? It is logically impossible. What's extremely troubling, is that the City permitted Mr. Rodriguez to spend a lot of time and money in completing what the city permitted, inspected and approved. Now, the City wants Mr. Rodriguez to incur all the cost and damages the City has caused and inflicted on Mr. Rodriguez as a result of the City's error. I think the City has failed to see or recognize the unfairness and injustice it has committed (among other things).**

I can go on and on with the many more issues and errors involved. However, what will it take for the City to begin to do the right thing under the circumstances? How much more will it take before the City discerns this entire matter correctly and begins to do the right thing.

**Is the City going to keep pursuing claims and lawsuits against Mr. Rodriguez for the same activities it permits his neighbor or neighbors to do without any of the same claims, lawsuits or consequences against the neighbor? Why would the City permit the neighbor to build their first half of a deck, along with all the electrical fixtures without a permit and not make them go through the same criteria or lawsuits imposed on Mr. Rodriguez? Why is the City treating similar neighbors differently? Why would the City issue a permit to the neighbor (without requiring any of the expensive hydrology studies required of Mr. Rodriguez) and allow the neighbor to build the second half of their deck if such construction is allegedly prohibited in such area as professed by the City? ( Zero Tolerance and a complete prohibition is the direct quote I heard from the City staff ). Why would the City file**

lawsuits against Mr. Rodriguez and not the neighbor when the neighbor was involved in the same construction that forms the bases of the claims and lawsuits against Mr. Rodriguez? (The neighbor agreed to take down their fence so that Mr. Rodriguez can build his; the neighbor requested stucco on their side and arrange with the contractor to perform such work; Once the stucco was placed, the neighbor requested another coat of stucco and went through the construction process again for a second time; and then the neighbor finally signed a statement approving all the work and height of the fence / wall). I am disappointed in the responses or non-responses provided. I expected much more fairness (among other things), and much more accountability from the City. (Clearly some citizens are treated different than others)

I guess my frustration is also as follows:

First the City says he needs NO permit. The City reiterate same answer on paper on May 5. Then, the City tells him that he only needs an Electrical permit followed by " case close to compliance". Once he complies, the City later says, no, you are in violation. He then receives a letter saying electrical permit which had been inspected and approved is suspend. Now, adding to all the misdirection, you are saying in your email that "is suspended" doesn't mean that it is suspended. Rather, the letter stating that the permit is suspended really means it was just a "notice of suspension".

A very Disillusioned and broken hearted Citizen,

Frank Fuentes Chairman,  
Contractors Association

U.S. Hispanic

CC: Board of Directors Hispanic Contractors Association, LULAC, Hispanic Chamber of Commerce, Unidos,

Subject:RE: Your Inquiry re Heartwood  
Date: 1/16/2009 3:54:20 P.M. Central Standard Time  
From: Brent.Lloyd@ci.austin.tx.us  
To: [REDACTED]  
*Sent from the Internet (Details)*

Hi Frank –

Here's what I've learned in response to your questions from last week:

It appears that WPDR never suspended the electrical permit; AMANDA still shows it as active. Additionally, as you probably know, the City dismissed the code enforcement case regarding the electrical permit and has never reactivated it.

Leon Barba's letter cites City Code Section 25-1-417, which provides for a "*notice of intent*" to suspend or revoke a permit. And I think that's what WPDR intended to do here—i.e., give notice that electrical work isn't allowed on an unpermitted structure, but wait until the permitting issues regarding the fence, retaining wall, and fill are finally resolved before taking any final action with regard to the electrical permit.

The letter set a deadline of July 21, 2008, to either obtain the necessary approvals or remove the fixtures. Once that date passed, however, WPDR did not revoke the permit because of the fact that the administrative process (variances/appeals) was still ongoing.

Thanks,

Brent

**Brent D. Lloyd**

Assistant City Attorney

(512) 974-2974

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, January 13, 2009 7:06 PM  
**To:** Lloyd, Brent  
**Subject:** Re: Your Inquiry re Heartwood

Just asking, laymen like me don't know a whole lot so just didn't know what you meant.

Frank

In a message dated 1/13/2009 5:59:56 P.M. Central Standard Time, Brent.Lloyd@ci.austin.tx.us writes:

Just need to finish talking to WPDR and reviewing the matter. Per my message below, we'll have a response ASAP.

**Brent D. Lloyd**

Assistant City Attorney

(512) 974-2974

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, January 13, 2009 5:12 PM  
**To:** Lloyd, Brent  
**Subject:** Re: Your Inquiry re Heartwood

Brent,

What do you mean tie up loose ends?

Frank

In a message dated 1/13/2009 3:47:44 P.M. Central Standard Time, Brent.Lloyd@ci.austin.tx.us writes:

Hi Frank –

There are a couple loose ends we need to tie up before responding to you regarding the appeal issue you raised on Friday. The last couple days have been really busy. But please rest assured that you'll have a response soon, probably in the next day or so.

Thanks,

Brent

*Brent D. Lloyd*

Assistant City Attorney

City of Austin Law Department

P.O. Box 1088

Austin, TX 78767-1088

(512) 974-2974

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**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**

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**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**

---

**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, January 27, 2009 9:55 AM  
**To:** Cole, Sheryl; Wilson, Beverly; Smith, David [City Attorney]  
**Subject:** Re: Acting City Auditor

Ok with me.

---

**From:** Cole, Sheryl  
**To:** Wilson, Beverly; Ott, Marc; Smith, David [City Attorney]  
**Sent:** Tue Jan 27 09:35:57 2009  
**Subject:** FW: Acting City Auditor

Let's do this on the 12th in light of Steve's concerns.

---

**From:** Morgan, Steve  
**Sent:** Tuesday, January 27, 2009 9:31 AM  
**To:** Cole, Sheryl  
**Subject:** Acting City Auditor

Sheryl,

I dealing with some growing uncertainty in my office, partially due to the fact that two of my managers are out of the office right now due to personal family reasons.

Assuming Council will follow the City Auditor's Ordinance and appoint Taylor Dudley as Acting City Auditor, when do you think that will happen? As I'm sure you know, the two Council meetings in February are the 12th and 26th.

Internally in my office beginning after today's AFC meeting, I'm having Taylor start making some of the decisions I would normally make so he can be even more confident and ready. Clearly I've been coaching him for several years and I'll physically be in the office until my actual February 28th retirement.

Thank you for your support.

Steve

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, January 28, 2009 7:38 AM  
**To:** Telles, Reyne  
**Cc:** Matustik, David; Cole, Sheryl; McCracken, Brewster; Morrison, Laura; Wynn, Will; Shade, Randi; Martinez, Mike [Council Member]; Leffingwell, Lee; Snipes, Anthony  
**Subject:** Re: Storm Update PIO 6:00 AM

Thank you Reyne.

---

**From:** Telles, Reyne  
**To:** Ott, Marc  
**Cc:** Matustik, David; Cole, Sheryl; McCracken, Brewster; Morrison, Laura; Wynn, Will; Shade, Randi; Martinez, Mike [Council Member]; Leffingwell, Lee; Snipes, Anthony  
**Sent:** Wed Jan 28 06:18:31 2009  
**Subject:** Storm Update PIO 6:00 AM  
Marc,

As you may know, the Emergency Operations Center was activated at midnight. Approximately a dozen participating agencies were activated here to proactively monitor and respond to the weather conditions, including Austin Police, Street and Bridge, Austin Fire, EMS and AISD and Austin Energy

AISD, ACC, UT the City and County are currently scheduled to run on time, though some busses may be running late.

The City is currently responding to requests to sand roadways and the EOC is monitoring the roadways. Traffic is progressing, though slowly in some areas. Problems seem to be confined to the 183 northern corridor, particularly with regard to the elevated portions of freeways and overpasses. At 5:45 am APD was working 10 accidents as we are working with TXDOT to assure that the roadways associated with the accidents are treated. The Public Information Media Line is being staffed at the EOC, and area newsrooms were called to convey the media hotline phone number. We are facilitating interviews and fielding media calls.

Commuters are asked to use caution on the roadways and allow for extra travel time. Additionally, EMS has responded to an ice related "slip and fall" incident as individuals are asked to use caution when on sidewalks.

A complete situation summary will be issued by Kenneth Neafcy, Emergency Plans Officer, later this morning. For additionally inquiries, please call the EOC Public Information Line at 974-0639 (pvt number).

Thanks.

Reyne Christopher Telles  
Media Relations Manager  
Austin City Hall  
office: (512) 974-7988 ~ pager: (512) 802-9049  
fax: (512) 974-2405 ~ cell: (512) 695-9686  
[reyne.telles@ci.austin.tx.us](mailto:reyne.telles@ci.austin.tx.us)

Communications and Public Information Office  
301 W. 2<sup>nd</sup> Street, 78701

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Thursday, January 29, 2009 2:10 PM  
**To:** [REDACTED]; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Morrison, Laura; Shade, Randi; Wynn, Will  
**Cc:** Duncan, Roger  
**Subject:** Re: Item 20 - Solar array contract with Gemini

Excellent suggestion.

I will pass it on to Roger Dunca,

Thank you,

Marc

---

**From:** [REDACTED]  
**To:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Morrison, Laura; Shade, Randi; Wynn, Will  
**Cc:** Ott, Marc  
**Sent:** Thu Jan 29 10:13:30 2009  
**Subject:** Item 20 - Solar array contract with Gemini  
Dear Council,

The last time I checked, solar panels converted roughly 5% of the sunlight that hits them into electricity. A lot of research is focused on raising this conversion rate.

If you approve this project, I suggest the contract include a clause related to swapping out the original panels if significantly more efficient panels (say, 25% conversion rate) become commercially available before the originals degrade to the point where they need replacing anyway.

The reason for this is per-watt cost. Since the array would be generating a lot more wattage per square foot of city land and the production and delivery costs would be roughly the same, the price per watt should drop considerably. Therefore, the contract should contain language resetting the price per watt after installation of improved panels, so as to reflect this increased efficiency.

Thank you for your time and consideration.  
Keep up the good work.

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Thursday, January 29, 2009 5:24 PM  
**To:** [REDACTED]  
**Cc:** Morrison, Laura; Shade, Randi; Martinez, Mike [Council Member]; Leffingwell, Lee; McCracken, Brewster; Cole, Sheryl; Wynn, Will; [REDACTED]; [REDACTED]  
**Subject:** Re: Animal Shelter Relocation - Budget Impact

Hello Ms. Michel,

Thank you for sharing your perspective re the animal shelter.

As you know, the council has made their decision re this matter. However, I see by this e-mail that you have shared your perspective with them as well. They are the ultimate decision makers.

Thank you for taking the time to share your perspective with us during these difficult times.

Regards,

Marc

---

**From:** Lorri Michel  
**To:** Ott, Marc  
**Cc:** Morrison, Laura; Shade, Randi; Martinez, Mike [Council Member]; Leffingwell, Lee; McCracken, Brewster; Cole, Sheryl; Wynn, Will; Ryan Clinton ; daniel llanes ; Susana Almanza ; Chris Riley ; [REDACTED]  
**Sent:** Thu Jan 29 16:48:36 2009  
**Subject:** Animal Shelter Relocation - Budget Impact  
Marc,

Thank you for attending the ANC meeting last night, updating us on the City's financial crisis and seeking input. Given the need for innovative cost saving ideas, I ask you and the City Council to consider this:

As background: The voters approved a 12 million dollar bond to renovate the current animal shelter or build a new one. Staff decided to build a new one in East Austin without consulting the affected neighborhoods. Since 1997, it has been the City's goal to end the killing of homeless pets (many cities across the country have already achieved this goal). This past year, thanks to the efforts of Austin Pets Alive and their offsite adoption program, Austin has made some wonderful headway in reducing the kill rate, but we still have a long way to go. Last October, the Council voted to move the shelter to East Austin (ratifying staff's previous decision), but only if a satellite adoption center remained at the current site, otherwise, to use Council Member Leffingwell's word, the authorization to move the shelter would be "void".

So, now the plan is to build a new animal shelter, where most Austinites don't want it (KVUE News poll - 85% opposed), where it is further away from most adopters, and where operating costs will increase due to: (1) a loss of volunteers because of the remote site; (2) the costs associated in raising awareness of the new location; and (3) the costs of also maintaining an adoption center at the current location. A recent example of needless expense associated with the relocation is that the City plans on building a new walking/hiking trail for dogs around the new animal shelter (either with tax dollars or donated funds), but gosh, we already have one of best trails at the current location. Further, if we employed and expanded large scale off-site adoption programs (bringing the animals to the people) we could increase revenue to the general fund by increasing adoptions. Adoptions fees are currently \$150 per dog and \$75 per cat, which goes into the general fund according to

current shelter management. Building a new shelter at a more remote location isn't the answer, increasing adoptions is. We can get the same "newness" using the bond money to renovate rather than relocate, save money and adopt out more animals. A convenient and desirable location in a high traffic area makes adoptions easier, as do offsite adoption programs. Bottom line -- Get your product to your customers.

Since the vote to move the shelter is void unless an adoption center also remains open at the current site and given the fact that the new shelter location is further from where most adopters reside, will require additional tax dollars to operate, why don't we simply use the 12 million in bond money to renovate the current shelter (as an aside, I believe public support would be overwhelming creating a great opportunity to increase volunteers).

Let's keep operating costs under control by renovating rather than rebuilding, keep the shelter in the heart of the City, honor neighborhoods and focus on life and cost saving procedures that have been proven to end the killing of homeless pets.

Thank you,

Lorri  
Michel Law Firm, P.C.  
812 San Antonio, Suite 500  
Austin, Texas 78701  
Phone: (512) 477-0200  
Fax: (512) 477-6636  
Cell: (512) 431-9465

*Do justice, love mercy & walk humbly with your God.* Micah 6:8

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Sunday, February 08, 2009 10:09 AM  
**To:** Martinez, Mike [Council Member]  
**Cc:** Leffingwell, Lee; Wynn, Will; Cole, Sheryl; Shade, Randi; Morrison, Laura; McCracken, Brewster; Garza, Bobby; Moore, Andrew; Snipes, Anthony  
**Subject:** Re: Couple of questions and comments regarding stimulus package funding

I'll get an update to all on Monday.

---

**From:** Martinez, Mike [Council Member]  
**To:** Ott, Marc  
**Cc:** Leffingwell, Lee; Wynn, Will; Cole, Sheryl; Shade, Randi; Morrison, Laura; McCracken, Brewster; Garza, Bobby; Moore, Andrew  
**Sent:** Thu Feb 05 09:16:02 2009  
**Subject:** Couple of questions and comments regarding stimulus package funding  
CM Ott,

**I wanted to ask if you could provide council with the process that is being used for determining your prioritized list for potential stimulus package funds. As you know, the request for \$866,000 for a disc golf course has received much attention, including the article below from the Wall Street Journal. I have not seen or been informed of any submitted project and how they have been vetted. Who on staff is making the determination for the City of Austin's list? Why has council not been a part of these discussions and determinations?**

**Council member Leffingwell and I will be bringing an item from council directing a transparent, citizen input, council driven process for any potential projects that may receive funding via a federal stimulus package. We envision a group similar to a bond oversight committee as the vehicle for public input and ultimately council deciding on the prioritized requests for funding.**

**Any information you can provide would be a big help.**

**Thanks,  
Mike**

<http://online.wsj.com/article/SB123369271403544637.html>

## **Stimulus Brings Out City Wish Lists: Neon for Vegas, Harleys for Shreveport**

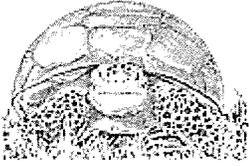
*Most Ask for Roads, Sewers, but Some Want the Kitchen Sink -- and a Frisbee Golf Course*

By JENNIFER LEVITZ and PHILIP SHISHKIN

Las Vegas, which by some accounts already glitters, wants \$2 million for neon signs.

Boynton Beach, Fla., is looking for \$4.5 million for an "eco park" featuring butterfly gardens and gopher tortoises.

And Chula Vista, Calif., would like \$500,000 to create a place for dogs to run off the leash.



#### GOPHER TORTOISE

These are among 18,750 projects listed in "Ready to Go," the U.S. Conference of Mayors' wish list for funding from the stimulus bill moving through Congress. The group asked cities and towns to suggest "shovel ready" projects for the report, which it gave to Congress and the Obama administration.

Although the bulk of proposals are roads, sewers and similar projects, some wouldn't require a shovel at all. The mayors group sees a potential 1.6 million new jobs from the projects, though a few of them wouldn't create any.

Some localities are using a kitchen-sink strategy. "Our approach has been to list everything, because we don't know what the final guidelines will be or what the final dollar amount will be," says Greg MacLean, public-works director in Lincoln, Neb.

Among entries on Lincoln's list is a \$3 million environmentally friendly clubhouse for a municipal golf course. "From a public-perception standpoint, I see how it could be an issue," Mr. MacLean says. But, he says, construction would create 54 jobs.

The debate about what is appropriate stimulative spending, now raging in Washington, echoes differences over the Works Progress Administration during the Depression. It built 651,000 miles of roads and 24,300 miles of sewer lines, but was sometimes lambasted because it also paid for murals and battlefield monuments. "That's when the word 'boondoggle' first came into use" in its modern sense, says William Creech, of the U.S. National Archives and Records Administration.

The mayors' \$149 billion project list is just one of many circulating in Washington and state capitals. Massachusetts -- which, like other states, will have a say in distributing the money -- has 4,000 project submissions from 51 towns competing for stimulus money. The San Diego Association of Governments came up with 1,043 possible projects in its region.

With their needs acute, some localities are abandoning boosterism, promoting their community as being more run-down than the next town. In central Maine, Pittsfield Mayor Tim Nichols says the roof on a town-owned theater is rickety, potholes are a "pain in the hiney," and underground pipes are so decrepit "you got sewers backing up in cellars and in lawns." Pittsfield would like about \$6 million from Washington.

In Randolph, Vt., Town Manager Gary Champy says federal money to fix "old and pockmarked" roads in his town would lift the mood of residents, because "they'd feel like the government was working for them." He adds: "This money isn't going to banks."

Shreveport, La., has \$2.3 billion in projects ready to go. Mayor Cedric Glover's priority is repairing roads, but he's also asking \$6 million for three aquatic centers with water slides, which he says would improve quality of life and create construction jobs.

And he would like the U.S. to buy Shreveport eight new Harley-Davidson motorcycles for its cops. This item would produce little local hiring, he acknowledges, but "Harley-Davidson is a great American company. Orders coming from municipalities like ours to a company like that certainly would be stimulative."

The Conference of Mayors report has about a dozen golf-course-related projects. A lot of cities want to use funds to upgrade parks, such as Chula Vista, with its plans for a dog park that would include shading and fountains. San Bernadino, Calif., wants \$1.1 million for park improvements, including a skateboard ramp and two "splash-park installations." City officials in the communities say these aren't their top priorities, but defend the projects as worthwhile.

Austin, Texas, could use \$886,000 to build a 36-hole "disc golf" course, for frisbee tossing. It would be "environmentally and financially sustainable." John Hrncir, government-relations officer, says the project list "was put together on very short notice," and "we are not going to submit anything that is questionable when we seek actual funding."

Heather Boushey, a senior economist with Center for American Progress, a liberal think tank in Washington, D.C., says parks and golf courses shouldn't be deemed frivolous if they create jobs and are seen as long-term investments by their cities. She says the flood of proposals underscores a need for transparency in stimulus spending, which officials have promised.

The stimulus bill the House approved last week provides an array of tax cuts and a heavy dose of spending for new roads and bridges, public safety, expanded jobless benefits, food aid, wider broadband service and renovations for schools and public housing. Congress has said funds will be distributed to local governments through existing federal programs, either directly or through the states. Though the House approved an \$819 billion bill, the final cost will depend on the Senate's vote and on compromises the House and Senate make.

The House bill envisions a board and inspectors general to review the overall spending. It says governors, mayors or others who make funding decisions will have to post details of each project, such as its purpose and cost, on a special Web site, and certify that it's a good use of taxpayer money.

Las Vegas, in seeking stimulus money for neon, says there's a shortage of glitz off its beaten path. "When people think of Las Vegas, they think of the Strip, of Caesar's Palace," says city spokesman Jace Radke, but he says this project would help revitalize a blighted neighborhood.

As for the eco-park envisioned by Boynton Beach, its parks superintendent, Jody Rivers, says the \$4.5 million project would generate jobs, teach residents about environmentally friendly living and highlight nature, such as the "unique gopher tortoises on the site."

Dave Hansen, deputy city manager in Virginia Beach, Va., says localities are seeking funding for "some stuff that's just a Santa Claus wish list." He compiled \$1 billion worth of local projects for inclusion in the mayors' report. He calls that a "Holy Grail" list that town officials have now ranked by priority.

A former colonel in the Army Corps of Engineers, Mr. Hansen says the town's top priorities are replacing a 50-year-old bridge (\$90 million) and building a pumping station to alleviate flooding (\$20 million). Lower on Virginia Beach's list are items like "urban tree canopy protection" for the city (\$3.75 million).

Also, \$1.8 million to build municipal tennis courts. "Is it a bona fide need? Absolutely," Mr. Hansen says. "Do you want to compare it to replacing a 52-year-old school? Well, probably not."

**Write to** Jennifer Levitz at [jennifer.levitz@wsj.com](mailto:jennifer.levitz@wsj.com) and Philip Shishkin at [philip.shishkin@wsj.com](mailto:philip.shishkin@wsj.com)

Printed in The Wall Street Journal, page A1

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, February 10, 2009 10:59 AM  
**To:** [REDACTED]; Overton, Kerry  
**Cc:** Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl  
**Subject:** Re: Exceptional Customer Service

Amy/Kerry,

Excellent customer service and attention to those who have few resources. Thanks for sharing this example of how important it is to be a compassionate organization as well.

Please thank the staff involved for setting such a good example.

Regards,

Marc

---

**From:** Amy Bene  
**To:** Overton, Kerry  
**Cc:** Ott, Marc; Wynn, Will; McCracken, Brewster; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl  
**Sent:** Tue Feb 10 10:18:19 2009  
**Subject:** Exceptional Customer Service  
Please see attached letter of thanks.

*Rusty Burnett*  
Senior Vice President  
**RAYMOND CONSTRUCTION, INC.**  
8868 Research Blvd. - Suite 500  
Austin, TX 78758  
(P) 512/335-1130  
(F) 512/335-0553  
[www.raymondconstruction.com](http://www.raymondconstruction.com)

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Tuesday, February 10, 2009 2:18 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED].com'; Morrison, Laura;  
Lumbreras, Bert; Lurie, David; Martinez, Rose Marie  
**Subject:** Re: Community Development Commission--Montopolis

Fred, I need to follow up with staff and get back to you.

Marc

Rose, please print.

---

**From:** Fred McGhee  
**To:** Ott, Marc  
**Cc:** [REDACTED]; Gross Larry ; Carpenter Candace ; Morrison, Laura  
**Sent:** Tue Feb 10 14:06:49 2009  
**Subject:** Community Development Commission--Montopolis  
Good Afternoon Mr. Ott,

How are things coming along with your investigation and decision regarding the Montopolis seat on the Community Development Commission? We met a couple of weeks ago regarding the subject and you photocopied the revised city manager rule that you enacted in late 2008/early 2009. If you recall, we requested that the "responsible organization" for the Montopolis neighborhood be our neighborhood association, with EROC as a strong partner in choosing the person to occupy that seat.

The present procedure has the "Neighborhood Center Advisory Board" making the decision for who gets recommended to council.

Looking forward to hearing from you.

Warm Regards,

flm



Fred L. McGhee, Ph.D.  
President, Montopolis Neighborhood Association  
President, Carson Ridge, HOA  
Vice President, Black Austin Democrats  
Precinct Chair, Precinct 407  
<http://www.montopolis-neighborhood.org>



## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, February 17, 2009 4:00 AM  
**To:** [REDACTED]  
**Cc:** Morrison, Laura; Shade, Randi; Wynn, Will  
**Subject:** Re: Housing Repair Funds

Hello Tom,

Thanks for following up with me. I will work with staff to see if we can break the log jam and restart the flow of funds.

These are difficult times indeed. I appreciate your support..

Regards,

Marc

Anthony/Margrette/David,

Let discuss this situation asap. Anthony, please take the lead.

Marc

---

**From:** Tom Spencer  
**To:** Ott, Marc  
**Cc:** Morrison, Laura; Shade, Randi; Wynn, Will  
**Sent:** Fri Feb 13 17:35:36 2009  
**Subject:** Housing Repair Funds  
Dear City Manager Ott,

Thank you for visiting with me following the meeting of the Community Action Network Resource Council today. I appreciated your presentation and the difficult position you and the leaders of our city are facing in these difficult times. We are fortunate to have you leading our City Staff.

I wanted to follow-up with you about the situation I mentioned regarding the housing repair program run by Austin Area Interreligious Ministries (AAIM) and our long-term partnership with the City of Austin. Our program is called Hands on Housing and it is celebrating its 20th anniversary this year. Hands on Housing is one of the largest volunteer-based housing repair programs in the state. Our clients are senior citizens and disabled individuals living in poverty in East Austin. Last year we served over 150 households on the Eastside with repairs ranging from things as simple as fixing a broken door lock to a complete home renovation with a new roof, wheel chair ramps, new bathroom floors, new cabinets, and much more. Hands on Housing is not a fully underwritten program, though we do have significant support for it from several Foundation partners. Because we believe so strongly in the community benefits of Hands on Housing, AAIM subsidizes it from our own general operating revenue by almost \$100,000 per year. Given this financial burden, every funding source we have is crucial to the program's continuation.

As I mentioned, when I approached you today – we have had a long partnership with the city which has been absolutely critical to the success of our program. They city has provided reimbursements for a significant portion of the materials we buy for our projects – things like lumber, roofing materials, and the like. I believe the source of that money was HUD and the city was acting as a steward of the fund (The Materials Rebate Program.)

Last fall we did a major repair campaign in East Austin working on over 63 homes, when we submitted our materials lists to the city we were told that the fund was exhausted. Recently, staff from the Department of Neighborhood Housing

and Community Affairs visited with my staff and let us know that we may still be reimbursed for last year's expenses, however we could not count on these funds in the future. The impact of this on us and the other home repair service providers (Habitat for Humanity, The Urban League, and others) will be huge. We are currently planning our big spring push and may have to make dramatic cuts in the number of people we help if we can't get reimbursements.

**One of the potential answers to this problem would be to tap into the funds that were allocated for housing repairs in the recent City of Austin Housing Bond Package. It is my understanding that 20% of the \$55,000,000 package was supposed to be made available for repairs – that would mean \$11,000,000. However, we have been told that there is a legal question that is holding up the disbursement of that money. I am asking that you please look into whatever is holding up the disbursement of those repair dollars. Please inquire about what is creating this log-jam – those funds could definitely help stimulate some economic activity in the coming years and would ensure the survival of program's like ours. We have a long list of clients waiting for services - folks who are living with leaky roofs, kicked-in doors, and rotting floors. They need our help.**

All of the housing repair service providers are currently working on a coordination plan and are actually creating a new national model for effective cross-agency collaboration thanks to help from HousingWorks and the St. David's Community Health Foundation. We are committed to being effective partners with the city of Austin when it comes to addressing affordable housing needs – especially the needs of our senior citizens and look forward to working with you in this crucial service area.

Respectfully,

--  
Tom Spencer  
CEO, AAIM

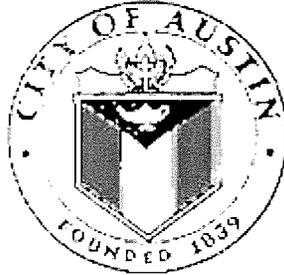
Austin Area Interreligious Ministries  
701 Tillery St.  
Box 8  
Austin, Texas 78702

512.386.9145 office  
512.698.7618 cell  
[www.aimaustin.org](http://www.aimaustin.org)

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Wednesday, February 18, 2009 3:43 PM  
**To:** Bailey, Rich; Barrios, Rossana; Bier, Marti; Cole, Sheryl; Coleman, Glen; Garza, Bobby; Leffingwell, Lee; Levinski, Robert; Martinez, Mike [Council Member]; May, Rachel; McCracken, Brewster; McDonald, Stephanie; Moore, Andrew; Morrison, Laura; Rush, Barbara; Schooler, Larry; Shade, Randi; Watson, Matt; Williams, Nancy; Wilson, Beverly (Council Place 6); Wynn, Will  
**Cc:** Edwards, Sue; Garza, Rudy; Goode, Robert; Lumbreras, Bert; McDonald, Michael [APD]; Snipes, Anthony  
**Subject:** Transportation Stimulus Fund  
**Attachments:** Transportation Stimulus Fund.pdf



**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Marc A. Ott, City Manager  
**Subject:** Transportation Stimulus Fund  
**Date:** February 18, 2009

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We have just been officially informed by CAMPO staff that only those transportation projects that are **already** in CAMPO's 2030 Long Range Plan and in the Transportation Improvement Plan (TIP) are eligible for Stimulus funding. As a result, the list of 23 transportation projects that Council approved on January 15th for submittal is now narrowed to 5 projects. CAMPO has also informed us that the Transportation Improvement Plan (TIP) cannot be amended to include new projects at this time so there is not a way to qualify the projects that they recently screened out. (We had heard previously that they may consider a TIP amendment).

We continue responding to "moving targets" as more and more information about the stimulus bill develops and tighter criteria are handed down for narrowing the range of potential projects. CAMPO is now requesting that we submit our top three projects by February 20, 2009. The surviving projects on the list will be discussed by the CAMPO Board at a tentatively scheduled meeting on February 27, 2009.

We think we can combine one of our remaining projects into the other projects still remaining...which would leave us with 4 remaining projects. Therefore, we're choosing to resubmit all 4 of those projects. So, the remaining projects are as follows:

- Asphalt Overlay Project Citywide: \$1,500,000
- 20 Traffic Signals (various locations throughout the city): \$2,400,000
- Purchase and install variable message signs on major highways and arterials to manage special events in Central Austin and provide improved driver information: \$5,000,000 (This project will include components of the Computer Technology Project necessary to successfully deploy the variable message signs.)
- Purchase and install vehicle detection stations using toll-tag registration tags, thereby creating a real-time congestion information system accessible by Austin citizens: \$6,000,000 (This project will include components of the Computer Technology Project necessary to successfully deploy the detection system.)

We believe the City is fortunate to still have projects on the list. The same is not true of some of our fellow jurisdictions. We also believe that the survivors are excellent, competitive projects that cut across all geographical areas and income brackets for the City, they will benefit both Austin citizens and regional mobility should any receive funding, all can be implemented swiftly, and they all create jobs. For both the 20 Traffic Signals Project and the Asphalt Overlay Project, the City's requirements are in excess of the funding currently available. The receipt of federal dollars will allow the Public Works and Transportation Departments to accelerate backlogged work, increasing the amount of work "on the street" and creating additional contract and job opportunities. The other two projects, while in the CAMPO Long Range Plan and the TIP, are not currently funded and cannot be implemented without stimulus funding.

Public Works and Transportation Departments' staff are now working on the required package to accompany the City's recommended projects. If you have any questions please let me know.

xc: CMO Team

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, February 19, 2009 4:09 AM  
**To:** Morrison, Laura; Edwards, Sue  
**Cc:** Sandoval, Marie; Levinski, Robert  
**Subject:** Re: Site Plan Extensions

CM Morrison,

I trust this resolves the language problem we discussed during our mtg.

Marc

---

**From:** Morrison, Laura  
**To:** Edwards, Sue  
**Cc:** Ott, Marc; Sandoval, Marie; Levinski, Robert  
**Sent:** Wed Feb 18 17:29:31 2009  
**Subject:** Site Plan Extensions  
Sue,

Thank you for resolving the situation with the draft ordinance posted in ZAP's backup information regarding site plan extensions last night. I was able to catch part of the discussion and heard the retraction by staff. Council's direction in the resolution is very specific on what code amendments should be considered, so I appreciate your help with redirecting the conversation.

Thanks again,  
Laura

**Laura Morrison**  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Friday, February 20, 2009 1:50 AM  
**To:** [REDACTED]; Cole, Sheryl; Leffingwell, Lee; Shade, Randi; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura  
**Cc:** Garza, Rudy; Garza, Bobby; Moore, Andrew; Barrios, Rossana; [REDACTED]  
**Subject:** Re: Link to Luis Jauregui WEB Site

Thank you Frank.

Marc

Rose, please print.

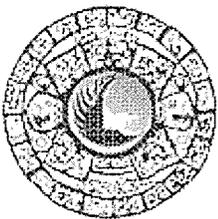
---

**From:** [REDACTED]  
**To:** Cole, Sheryl; Leffingwell, Lee; Shade, Randi; Martinez, Mike [Council Member]; McCracken, Brewster; Wynn, Will; Morrison, Laura  
**Cc:** Garza, Rudy; Ott, Marc; Garza, Bobby; Moore, Andrew; Barrios, Rossana; [REDACTED]  
**Sent:** Thu Feb 19 16:39:24 2009  
**Subject:** Link to Luis Jauregui WEB Site

Please see link below and see why Luis Jauregui got builder of the year, we are so proud of him not only for his achievements but also that he lives in our wonderful City of Austin. He has brought national attention to our beautiful City.

Kindest Regards,  
Frank Fuentes  
Chairman, USHCA

[Jauregui, Luxury Custom Home Builder | Architect, Interior Design, Construction](#)



U.S. HISPANIC CONTRACTORS  
ASSOCIATION

### **U.S. HISPANIC CONTRACTORS ASSOCIATION**

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1106 Clayton Lane, Ste 510W • Austin, Texas 78723 • Tel: 512.627-5444 • Email: [FuentesCon@aol.com](mailto:FuentesCon@aol.com)

For immediate release

February 16, 2009

Contact: Frank Fuentes, USHCA Chair, (512) 627-5444

## **U.S. Hispanic Contractors Assoc. Announce 2008 Home Builder and Civil Contractor of the Year Awards**

Austin, Texas architect and builder Luis Jauregui and San Diego, California contractor Frank Marquez are the U.S. Hispanic Contractors Association's (USHCA) 2008 Home Builder and Civil Works Contractor of the Year respectively.

Jauregui and Marquez were selected by their peers, and honored at the USHCA Annual Awards Banquet Tuesday, February 3, during the World of Concrete Annual Convention in Las Vegas. The event was sponsored by Caterpillar.

Frank Marquez is the owner and president of Bonita Pipeline Inc., one of the top general engineering construction and contracting companies in Southern California. Luis Jauregui is the owner and president of Jauregui Architecture Interiors Construction in Austin.

“Both men were selected for the quality and vision of their workmanship in their respective industries. Luis Jauregui’s designs are works of art, and his mastery of his craft is what many of us strive for,” said Frank Fuentes, USHCA Chair. “Frank Marquez is a leader in his field, and the scope of projects he’s worked on is a testament to his knowledge and skill. We are honored to not only have them as members of our association but also as members in our industry.”

The awards banquet was attended by more than 500 members of the USHCA, representing several states. Retired Texas state senator Gonzalo Barrientos acted as emcee, along with Chad Bixby of Caterpillar.



**Standing Left to Right: Chairman USHCA, Frank Fuentes, President/Owner Jauregui Architecture Interiors Construction, Luis Jauregui, President/Owner, Bonita Pipeline, Frank Marquez, Caterpillar Inc, Solutions Marketing Manager, Chad W. Bixby, Retired Texas State Senator, Gonzalo Barrientos**

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**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Friday, February 20, 2009 4:45 PM  
**To:** Bailey, Rich; Barrios, Rossana; Bier, Marti; Cole, Sheryl; Coleman, Glen; Garza, Bobby; Leffingwell, Lee; Levinski, Robert; Martinez, Mike [Council Member]; May, Rachel; McCracken, Brewster; McDonald, Stephanie; Moore, Andrew; Morrison, Laura; Rush, Barbara; Schooler, Larry; Shade, Randi; Watson, Matt; Williams, Nancy; Wilson, Beverly (Council Place 6); Wynn, Will  
**Subject:** Status update for Arts, Culture and Music Management Assistance Project  
**Attachments:** Update Arts, Culture and Music Management Assistance Project.pdf



## MEMORANDUM

**TO:** Mayor and Council  
**FROM:** Marc A. Ott, City Manager  
**DATE:** February 20, 2009  
**SUBJECT:** Status update for Arts, Culture and Music Management Assistance Project

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The purpose of this correspondence is to provide you with an update regarding your direction to assess the City functions associated with promotion of live music and determine the feasibility of creating departments of Arts and Culture and/or Music.

In December 2008, I asked my staff to conduct a review for a potential Arts and Culture Department. Subsequently, the Live Music Task Force released their recommendations for your consideration. Based on their recommendations and your direction mentioned above, I then re-directed my staff to modify their project to include an evaluation of a potential Music Department.

We've made good progress on this effort. We've identified all arts, cultural and music activities conducted by the City of Austin and we've completed an assessment of best practices across the country. However, due to the focus on our current economic challenges, we have not had time to complete our analysis regarding the impact a new Department, or Departments of Arts, Culture and Music may have on existing services (many staff members that currently work on these activities also provide other unrelated services) and whether there is duplication in personnel, expenses, etc. that could be eliminated with the creation of a new Department. We also need to complete the determination of direct and indirect costs a new department would incur, such as personnel, facility charges, utilities, telephone costs, property insurance, and inter-departmental charges.

I certainly understand the importance of this analysis and want to devote quality time to thoroughly evaluate the feasibility of creating a new department. In fact, we've been encouraged by several stakeholders to make sure to take the time to assess alternatives completely. With that in mind, I plan to provide my recommendations to you by May 7th. As you know, we will be in our 2010 budget development process at that time and it may be appropriate for you to consider these recommendations as you weigh other needs across the city.

If you have any questions at this point, please feel free to contact Anthony Snipes who is leading this evaluation.

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, February 25, 2009 8:50 PM  
**To:** Morrison, Laura; Trimble, Michael; Shade, Randi; Williams, Nancy; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Subject:** Re: Comprehensive Plan - Proposed Plan of Action DRAFT

My thanks to everybody as well. I think we did good work today.

Marc

---

**From:** Morrison, Laura  
**To:** Trimble, Michael; Shade, Randi; Williams, Nancy; Ott, Marc; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Sent:** Wed Feb 25 20:41:21 2009  
**Subject:** RE: Comprehensive Plan - Proposed Plan of Action DRAFT  
Mike and all,

Thanks for your work and quick adjustments on this. We will need some quick action to get word out about a Mar 4 meeting this Friday and we'll be ready to work on that.

Laura

**Laura Morrison**  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

---

**From:** Trimble, Michael  
**Sent:** Wednesday, February 25, 2009 8:31 PM  
**To:** Shade, Randi; Williams, Nancy; Ott, Marc; Morrison, Laura; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Subject:** RE: Comprehensive Plan - Proposed Plan of Action DRAFT

With this in mind, I have attached a revised plan with the April 7 date for the follow-up meeting/forum.

---

**From:** Shade, Randi  
**Sent:** Wednesday, February 25, 2009 8:14 PM  
**To:** Trimble, Michael; Williams, Nancy; Ott, Marc; Morrison, Laura; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Subject:** Re: Comprehensive Plan - Proposed Plan of Action DRAFT

I will be on line soon to review -- too hard to do it via blackberry, but Passover actually begins at sundown on April 8th so there should not be anything planned for that nite.

**From:** Trimble, Michael  
**To:** Williams, Nancy; Ott, Marc; Shade, Randi; Morrison, Laura; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Sent:** Wed Feb 25 20:07:28 2009  
**Subject:** RE: Comprehensive Plan - Proposed Plan of Action DRAFT  
Nancy - Good point. Attached is an updated action plan using the April 8 date.

**Mike Trimble, Director**  
Contract & Land Management Department  
City of Austin  
(512) 974-3442 ofc  
(512) 469-1719 fax  
Email: [michael.trimble@ci.austin.tx.us](mailto:michael.trimble@ci.austin.tx.us)  
Web Site: [www.ci.austin.tx.us/clmd](http://www.ci.austin.tx.us/clmd)

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**From:** Williams, Nancy  
**Sent:** Wednesday, February 25, 2009 3:04 PM  
**To:** Trimble, Michael; Ott, Marc; Shade, Randi; Morrison, Laura; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Cc:** Levinski, Robert; Coleman, Glen  
**Subject:** RE: Comprehensive Plan - Proposed Plan of Action DRAFT

Mike -  
This looks good. My only concern is that April 10 is Good Friday so perhaps that meeting needs to be held earlier - like April 8 or April 7 so we're not holding a meeting on Passover either.  
Nancy

*Nancy N. Williams*  
*Council Member Lee Leffingwell's Office*  
512/974-1400

---

**From:** Trimble, Michael  
**Sent:** Wednesday, February 25, 2009 12:31 PM  
**To:** Ott, Marc; Leffingwell, Lee; Shade, Randi; Morrison, Laura; Edwards, Sue; Guernsey, Greg; Stoll, Garner; Garza, Rudy  
**Subject:** Comprehensive Plan - Proposed Plan of Action DRAFT

Please find attached the proposed action plan. Please let me know if you have any questions.

**Mike Trimble, Director**  
Contract & Land Management Department  
City of Austin  
(512) 974-3442 ofc  
(512) 469-1719 fax  
Email: [michael.trimble@ci.austin.tx.us](mailto:michael.trimble@ci.austin.tx.us)  
Web Site: [www.ci.austin.tx.us/clmd](http://www.ci.austin.tx.us/clmd)

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Sunday, March 01, 2009 9:20 PM  
**To:** Shaw, Margaret; Morrison, Laura  
**Cc:** Fernandez, Rolando; Snipes, Anthony; Britain, Rebecca; Morgan, Anne; Lurie, David; Rodriguez, Patricia [NHCD]; Ramirez, Coby; Boston, Brooke  
**Subject:** Re: FEDERAL 'STIMULUS FUNDS' - Can the Public Trust COA re. ACCOUNTABILITY & TRANSPARENCY?

Thank you.

---

**From:** Shaw, Margaret  
**To:** Ott, Marc; Morrison, Laura  
**Cc:** Fernandez, Rolando; Snipes, Anthony; Britain, Rebecca; Morgan, Anne; Lurie, David; Rodriguez, Patricia [NHCD]; Ramirez, Coby; Boston, Brooke  
**Sent:** Sun Mar 01 19:26:37 2009  
**Subject:** FW: FEDERAL 'STIMULUS FUNDS' - Can the Public Trust COA re. ACCOUNTABILITY & TRANSPARENCY?  
Unless otherwise directed, I will take the lead in gathering information regarding Ms. Chambers' latest concerns and followup with her representative Clint Smith as she requests.

All best!  
MRS

---

**From:** Allissa Chambers [mailto: [REDACTED]]  
**Sent:** Sun 3/1/2009 4:51 PM  
**To:** Ott, Marc  
**Cc:** Morrison, Laura; Shaw, Margaret; Ramirez, Coby; Clint Smith; Clint Smith; AustinitesLobbyingforMunicipalAccountability; Bill Stout; [REDACTED]  
**Subject:** FEDERAL 'STIMULUS FUNDS' - Can the Public Trust COA re. ACCOUNTABILITY & TRANSPARENCY?

*"What Assurance does the Public have of ACCOUNTABILITY (& 'Transparency') by the City of Austin in the use of Federal 'Stimulus Funds'?" -*

Marc Ott  
Austin City Manager

Dear Mr. Ott,

In response to the February 26, '08 letter from the City of Austin, please refer to the attached pdf document entitled " '09-2/28 Ott fr Chambers. Additionally, for the sake of simplicity, I've included as **ONE consolidated attachment** (for convenience) the 5 attendant attachments that are referenced in my '09-2/28 letter addressed to you.

If you have any questions, you may contact my representative Mr. Clint Smith @ his home # 512.445.4129

Cordially,  
Allissa Chambers

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 5:30 AM  
**To:** [REDACTED]; McCracken, Brewster; Cole, Sheryl; Shade, Randi; Morrison, Laura; Leffingwell, Lee; Martinez, Mike [Council Member]; Wynn, Will  
**Cc:** McDonald, Michael [APD]; Kerr, Rhoda Mae  
**Subject:** Re: critical services

Thank you Erin.

I appreciate your perspective and the suggestions. I will ask Chief Kerr and ACM McDonald to evaluate each one.

You certainly do provide a basic and critical service, and you do it extremely well everyday. We all appreciate it.

However, the Department's overtime budget is out of control and I think much of it has to do with 4 person staffing. I understand the importance of achieving that goal, I'm committed to it as well but, if we are going to get there, I expect better financial management and for the Fire Department to contribute to our overall cost reduction efforts during these difficult economic times.

So, I respect your perspective re 4 person staffing and appreciate the suggestions regarding cost reductions.

Marc

---

**From:** erin dempsey  
**To:** McCracken, Brewster; Cole, Sheryl; Shade, Randi; Morrison, Laura; Leffingwell, Lee; Martinez, Mike [Council Member]; Wynn, Will  
**Cc:** Ott, Marc  
**Sent:** Wed Mar 04 14:00:16 2009  
**Subject:** critical services  
Council Members and City Manager,

I'm writing regarding your proposed cuts to our fire service. I'm proud to call Austin home, and proud to be a member of one of the most progressive and effective fire departments in the nation. I've been with AFD six years and in that short time I've responded to countless emergencies that were work-intensive and time-sensitive (fires, vehicle wrecks and pin-ins, child births, cardiac arrests, major gas line breaks, and technical rescues). Those calls require an all hands on deck approach to achieve the best possible outcome- making sure everyone involved in the emergency (victims, bystanders, and responders) gets to go home to their families.

Studies have shown that increasing staffing from 3 to 4 overwhelmingly increases efficiency and safety. Despite this, the City of Austin has been delinquent in putting 4 personnel on each fire unit. Reversing our already stunted progress to save a meager 1/100th of the \$20 million dollar budget shortfall is a bad idea that prioritizes non-essential services over essential ones. If libraries are more important than fire trucks, why don't librarians have to report to duty on ice days and holidays like firefighters do? Because checking out books or doing internet job searches is not as important as having a fully-equipped fire truck respond when your house is burning or your loved one is dying.

There is no dispute that libraries, parks, activity centers, artworks, etc are valuable public services, but they are not critical. To argue that we should cut front-line fire staffing in order to preserve library hours is backwards, regardless of Austin's budget traditions. That is not to say that AFD should be immune to budget cuts. But with front-line staffing cuts, we're not talking about trimming the fat, we're talking about cutting out the heart. Here is a list of other cuts within AFD that could, and should be made first:

- suspend the LBJ Fire Academy
- Demote the six positions that were prematurely promoted for Station 45, which isn't even under construction yet.
- Furlough cadet class 112 (which was also hired to staff Station 45), rehire them as positions become available.
- AFD currently exceeds our continuing education requirements. This is a good thing, but not as good having 4 firefighters on operations units. Scale back our Education Services division, and redeploy some of those uniformed personnel back onto the street.
- Redeploy our 3 Field Medical Officers and 3 Field Training Officers back onto the street.
- Suspend medical assessments for fire department personnel under the age 30. This may allow us to reduce staff at Wellness, producing further savings.
- Consider the savings if we lay-off our Wellness doctor and psychologist.

Thanks for your time and service to our city, please reconsider your priorities.

Erin Dempsey

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:42 PM  
**To:** Martinez, Mike [Council Member]; Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; McCracken, Brewster; Leffingwell, Lee  
**Cc:** McDonald, Michael [APD]  
**Subject:** Response to Fire Department Budget Cuts Suggestions  
**Attachments:** Response to to Fire Department Budget Cut Suggestions.pdf

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:54 PM  
**To:** Morrison, Laura  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Subject:** Re: Comp Plan Meeting

CM Morrison,

Thank you very much for the thoughtful sentiments re the staff's efforts. I know they appreciate it as I do.

My thanks to you and CM Shade for your leadership and guidance. The staff and I look forward to our partnership with you on this very important undertaking. With your help, I'm confident that we will be successful in developing a new comp plan that will serve our city well for many years to come.

Many thanks to you and CM Shade.

Marc

---

**From:** Morrison, Laura  
**To:** Ott, Marc  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Hockmuller, Mike; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Sent:** Thu Mar 05 15:09:42 2009  
**Subject:** Comp Plan Meeting  
Marc,

We had a very successful meeting last night with the public on the comprehensive plan consultant finalists. Over 50 people attended and we gathered important feedback and suggestions for more information that would be helpful in our deliberation.

In addition to expressing my thanks to all the staff that worked to make it happen (including Marie Sandoval; from NPZD Greg Guernsey, Garner Stoll, Mark Walters, Caleb Gutshall and Greg Glaxton; from PIO Nicole Sherbert; from Contracts Mike Trimble; from Organizational Development Mike Hockmuller), I wanted you to know what an extraordinary job they did in putting it together. We were on a very quick timeline as you know, but they brought professional expertise as well as attention to the finest details, which really allowed the meeting to be the success that it was.

Thank you, also, for supporting our efforts to enhance our decision making in this.

Laura

**Laura Morrison**  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:59 PM  
**To:** Martinez, Mike [Council Member]; Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; McCracken, Brewster; Leffingwell, Lee  
**Cc:** McDonald, Michael [APD]  
**Subject:** Re: Response to Fire Department Budget Cuts Suggestions

Understood Mike.

Together we will figure out something. Let's keep working on it.

Marc

---

**From:** Martinez, Mike [Council Member]  
**To:** Ott, Marc; Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; McCracken, Brewster; Leffingwell, Lee  
**Cc:** McDonald, Michael [APD]  
**Sent:** Thu Mar 05 19:53:24 2009  
**Subject:** RE: Response to Fire Department Budget Cuts Suggestions

Thanks Marc,

I agree that Wellness and Safety are very high priorities. But it just doesn't make sense to invest in the health, wellness and safety of our firefighters while sending them to work on a fire truck with substandard staffing and placing them and our citizens at greater risk. I believe we can find a healthy and reasonable balance among our many priorities.

I look forward to continuing the work to find the savings necessary without undoing a unanimously adopted policy by council.

Thanks,

Mike

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**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:42 PM  
**To:** Martinez, Mike [Council Member]; Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; McCracken, Brewster; Leffingwell, Lee  
**Cc:** McDonald, Michael [APD]  
**Subject:** Response to Fire Department Budget Cuts Suggestions

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 8:03 PM  
**To:** Morrison, Laura  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Subject:** Re: Comp Plan Meeting

Your right!

Didn't mean to leave you out CM Leffingwell. We certainly look forward to your leadership throughout the project development process as well.

Marc

---

**From:** Morrison, Laura  
**To:** Ott, Marc  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Sent:** Thu Mar 05 20:00:01 2009  
**Subject:** RE: Comp Plan Meeting  
Plus CM Leffingwell who worked on this with us to make it happen...

---

**From:** Ott, Marc  
**Sent:** Thursday, March 05, 2009 7:54 PM  
**To:** Morrison, Laura  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Subject:** Re: Comp Plan Meeting

CM Morrison,

Thank you very much for the thoughtful sentiments re the staff's efforts. I know they appreciate it as I do.

My thanks to you and CM Shade for your leadership and guidance. The staff and I look forward to our partnership with you on this very important undertaking. With your help, I'm confident that we will be successful in developing a new comp plan that will serve our city well for many years to come.

Many thanks to you and CM Shade.

Marc

---

**From:** Morrison, Laura  
**To:** Ott, Marc  
**Cc:** Sandoval, Marie; Gutshall, Caleb; Claxton, Gregory; Stoll, Garner; Sherbert, Nicole; Walters, Mark; Hockmuller, Mike; Guernsey, Greg; Trimble, Michael; Hockmuller, Mike; Leffingwell, Lee; Shade, Randi; Levinski, Robert; Edwards, Sue; Matthews, Douglas; Coleman, Glen; Williams, Nancy  
**Sent:** Thu Mar 05 15:09:42 2009  
**Subject:** Comp Plan Meeting

Marc,

We had a very successful meeting last night with the public on the comprehensive plan consultant finalists. Over 50 people attended and we gathered important feedback and suggestions for more information that would be helpful in our deliberation.

In addition to expressing my thanks to all the staff that worked to make it happen (including Marie Sandoval; from NPZD Greg Guernsey, Garner Stoll, Mark Walters, Caleb Gutshall and Greg Glaxton; from PIO Nicole Sherbert; from Contracts Mike Trimble; from Organizational Development Mike Hockmuller), I wanted you to know what an extraordinary job they did in putting it together. We were on a very quick timeline as you know, but they brought professional expertise as well as attention to the finest details, which really allowed the meeting to be the success that it was.

Thank you, also, for supporting our efforts to enhance our decision making in this.

Laura

**Laura Morrison**

Austin City Council, Place 4

512-974-2258

512-974-1886 (Fax)

[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)

<http://www.ci.austin.tx.us/council/morrison.htm>

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Monday, March 09, 2009 9:38 PM  
**To:** Contreras, Mary  
**Cc:** Council Executive Assistants; Council Executive Secretaries; Martinez, Rose Marie; Snipes, Anthony; Mills, Bruce; Stevenson, Anita; Desai, Deven; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Morrison, Laura; Shade, Randi; Wynn, Will  
**Subject:** Re: Hearing on SB 764, our Meet and Confer bill for non-civil service employees

I plan on attending.

Sent from my iPhone

On Mar 9, 2009, at 8:56 AM, "Contreras, Mary" <[Mary.Contreras@ci.austin.tx.us](mailto:Mary.Contreras@ci.austin.tx.us)> wrote:

Please see email from John Hrcir. Thanks. Mary Contreras, 974-2246

While it is not yet officially posted, SB 764, our Meet and Confer bill for non-civil service employees, is set to be heard in Senate IGR Committee on Wednesday, March 11, at 9:30, in the Capitol Extension in room E 1.028. Senator Watson's office says the bill can be the first or second bill to be heard and we should keep our presentation short, ten minutes or so. Please let me or Rod Ellis know if you plan to attend, so we can coordinate our presentation and stay within the recommended time limit. Thanks,

John Hrcir

Government Relations Officer

City of Austin

Office: 512-974-2285

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Tuesday, March 24, 2009 2:04 AM  
**To:** John Maltabes  
**Cc:** Magana, David; Poppitt, Ed; Koehn, Ron; [REDACTED]; [REDACTED]; Coleman, Glen; Shade, Randi; Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; McCracken, Brewster; [REDACTED]; Martinez, Rose Marie  
**Subject:** Re: Eagle Feather Drive

Dear Mr. Maltabes,

You have my attention. I will come see for myself.

Marc

Rose, see me re the arrangements.

Sent from my iPhone

On Mar 23, 2009, at 4:02 PM, "John Maltabes" [REDACTED] > wrote:

Dear David,

You just don't get it do you. This has been going on since last July and it still is not fixed. The fact that you had Ron Kuehn respond via telephone and not in writing, until I asked, was just another data point for me. You don't want to document the poor quality of this work.

Your "preventative maintenance" screwed up our street as well as many others in our neighborhood. The fact that you started measuring aggregate loss after the majority was gone, and still more came off 8 months later is still disturbing. You did not do any analysis until I asked you to. You were supposed to be the experts, now I know you are not.

Time for the gloves to come off.

If this job was done by a private contractor you would have made them do it over in response to complaints. The fact that it is done by a city crew means that we just have to accept it. No that is not right. The work is SHODDY and you and your department are not brave enough to admit that you screwed up this paving job. No process has 100% yield, and from what I see around the city your chip and seal has about a 10% yield.

You and Ron keep on talking about all the money you are saving taxpayers of Austin by doing this process. YOU NEVER ASKED IF WE WERE WILLING TO PAY MORE FOR BETTER STREETS.

If you haven't figured it out yet, I am pissed.

It is time to have an independent firm or agency audit the quality of work done in the City of Austin. This is especially important with the arrival of new stimulus money.

I think it is time for a review before the City Council on the quality of work we are getting from the Street and Bridge Department, and maybe some personnel changes are in order.

This has ruined the quality of life on our street and in our neighborhood, and YOU are responsible.

Have you got my drift now, or was I too subtle?

Dear Mark Ott and City Council Members... the ball is in your court.

John Maltabes  
4512 Eagle Feather Drive  
Austin, TX 78735  
[REDACTED]  
512 636-2922

On Mar 23, 2009, at 3:03 PM, Magana, David wrote:

In response to your request of Ron Koehn on March 20th, I am submitting the following information regarding the results of sweeping Eagle Feather Drive.

Weekly sweeping of Eagle Feather Drive began February 11, 2009 and ended March 11th. The purpose of the weekly sweepings was to identify possible treatment options if results reflect an increase or consistent loss of aggregate.

The sweeping was performed at the same time, on the same day each week, with the amount of aggregate charted. In the last five weeks the amount of aggregate loss declined, except for the sweepings collected on March 4th. On March 4th, the amount of sweepings collected increased. It was noted that the amount of material swept contained increased levels of fine material that is not normally used as part of a seal coat application. On March 18th, and while the road was being swept, Ron ascertained the condition of Eagle Feather Drive and determined that the seal coat appeared tight and well bonded. He noted locations where aggregate had been scuffed due to an increase of sweeping operations along the gutter and the pivoting motion of vehicles pulling out of, or into, driveways. On March 20th, I made the same observations.

As a result, and while the missing aggregate along the gutter and at some drive approaches create bare spots that are undesirable, Eagle Feather Drive does not warrant full resurfacing. The cul-de-sac and the 90 degree bend are scheduled to be slurry sealed as part of the 2009 Slurry Seal contract and is scheduled to occur this summer.

However, due to your concerns of Eagle Feather Drive we will continue to monitor the amount of aggregate loss by continuing to sweep Eagle Feather Drive every two weeks. The next scheduled sweeping will occur on March 25th.

Thank You,

David V. Magaña, P.E.  
Street & Bridge Division Manager  
Phone: (512) 974-7042  
Pager: (512) 802-3254

---

**From:** Magana, David  
**Sent:** Friday, February 06, 2009 5:03 PM  
**To:** [REDACTED]  
**Cc:** Poppitt, Ed; Koehn, Ron; [REDACTED]  
**Subject:** Eagle Feather Drive

Dear Mr. Maltabes,

Thank you for allowing us to meet with you and your neighbors on January 28<sup>th</sup> at the Travis Country Community Center. You afforded us the opportunity to provide information about the City's Seal Coat Program and allowed for an open forum discussion regarding the seal coat treatment placed on Eagle Feather Drive on July 2, 2008.

After the meeting, we researched different sources of information and found that the best practice for seal coat quality and testing for in-place quality control is done by visual inspection. No references were found for a pull-off adhesion test as being a practice by any Public Works agency. Our research resulted in plenty of references that would improve a seal coat program, most of which we perform as part of our operation. For example, adhering to rolling procedures and patterns were mentioned many times for improving seal coat quality with minimal loss of aggregate. As part of the research, we did find that the Texas Department of Transportation (TxDOT) has an "Aggregate Retention Test" (TxDOT, Tex-216-F) for determining the adherent quality of aggregate surface treatments. We will seek the services of a consultant regarding any lab tests they can perform on the in-place seal coat treatment and share our findings with the consultant.

To begin assessing the amount of aggregate loss on Eagle Feather Drive, we started the process of sweeping on a weekly basis. The sweeping will be performed at the same time and on the same day each week. The amount of loose aggregate will be measured and charted after each sweeping operation. The chart will allow the determination of an increase, consistent or declining loss of aggregate. The sweeping operation will continue through the end of February and probably into the first week of March.

If the chart reflects an increase or a consistent loss of aggregate, we plan to treat Eagle Feather Drive with a "Road Over Coat" to allow the aggregate to be sealed in place. The "Road Over Coat" is a material that must be applied in cooler weather for it to cure within a reasonable period of time (45 minutes minimum). Subject to weather conditions, the schedule of this treatment will be between March 1<sup>st</sup> and March 15<sup>th</sup>.

In the event the chart reflects a declining loss of aggregate, the roadway will be considered stable and a slurry seal treatment on the cul-de-sac and the 90 degree bend will be performed. The Street & Bridge Division does not have equipment to perform a slurry seal treatment and it is therefore done by contract. As part of the process a contractor will place notices two days prior to treating the road. The work is currently scheduled for June 2009, and is subject to City Council awarding the contract.

We are also in the process of re-evaluating the best treatments on residential streets which can be considered as part of future street preventative maintenance programs citywide. For example, we are considering what the impacts are for applying a slurry seal treatment in lieu of a seal coat treatment on residential roads.

I will contact you in March, shortly after we have completed charting the results of the sweeping operation to discuss our options. I want to thank you for bringing this matter to our attention and for ensuring we are doing all we can to provide an acceptable product to you and your neighbors. If you wish to discuss this matter further, please feel free to contact me at 974-7042 between 7:30 am and 5:00 pm, Monday through Friday. Also, please feel free to call the Street and Bridge Division directly at 974-8777 at any time to submit a service request. An alternate number for submitting service requests which is available to you and your neighbors 24 hours, seven days a week, is 3-1-1.

Thank you,

David V. Magaña, P.E.  
Street & Bridge Division Manager  
Public Works Department  
Office: (512) 974-7042  
Pager: (512) 802-3254

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Friday, March 27, 2009 6:40 PM  
**To:** Linda Yeatts  
**Cc:** Wynn, Will; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Cole, Sheryl; Morrison, Laura; Shade, Randi; McDonald, Michael [APD]; Fernandez, Rolando; Martinez, Rose Marie  
**Subject:** Re: APD Budget cuts CAFcomplaint presentation 3.26.09

Thank you for the information. We will give it every consideration.

Mike, please follow up.

Marc

Rose, please print.

Sent from my iPhone

On Mar 26, 2009, at 4:36 PM, "Linda Yeatts" [REDACTED] wrote:

> Thank you for your time today to express continued escalation of  
> violent crime in Austin and concern by neighborhood groups about  
> budget reductions targeting APD. Attached is an electronic copy of my  
> presentation with questions pertaining specifically to pages 3 and 4.  
>  
> I look forward to working with you to make Austin a safe and  
> prosperous city.  
>  
> (See attached file: Crime and APD Budget in 32609.ppt)  
>  
> Sincerely,  
>  
> Linda Yeatts  
> 512-779-2092  
>  
>  
> <Crime and APD Budget in 32609.ppt>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, April 18, 2009 9:43 PM  
**To:** Lorri Michel  
**Cc:** Lumbreras, Bert; Morrison, Laura; Martinez, Mike [Council Member]; Shade, Randi; Leffingwell, Lee; [REDACTED]; Martinez, Rose Marie  
**Subject:** Re: cats to be euthanized - KXAN News

Thanks

Rose, please print.  
Sent from my iPhone

On Apr 17, 2009, at 10:37 AM, "Lorri Michel" <[REDACTED]> wrote:

Marc, This story demonstrates the need for Austin to have a real foster program like the cities that have ended the killing of homeless pets.

[http://www.kxan.com/dpp/news/local/Abandoned\\_cats\\_need\\_a\\_home\\_immediately](http://www.kxan.com/dpp/news/local/Abandoned_cats_need_a_home_immediately)

Lorri

Michel Law Firm, P.C.

812 San Antonio, Suite 500

Austin, Texas 78701

Phone: (512) 477-0200

Fax: (512) 477-6636

Cell: (512) 431-9465

*Do justice, love mercy & walk humbly with your God.* Micah 6:8

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Friday, April 24, 2009 8:26 AM  
**To:** [REDACTED]  
**Cc:** Wynn, Will; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Shade, Randi; McCracken, Brewster; [REDACTED]; KTBC; [REDACTED]; [REDACTED]; KEYE; [REDACTED]; [REDACTED]; Crystal Cotti; [REDACTED] Smith, David [City Attorney]; Martinez, Rose Marie  
**Subject:** Re: LIVE MUSIC

Mr. Nelson,

I will ask our City Attorney, David Smith to respond to your question.

Marc

David, please respond to Mr. Nelson's question asap.

Marc

Rose, please print.

Sent from my iPhone

On Apr 24, 2009, at 6:52 AM, "[REDACTED]" <[REDACTED]> wrote:

TO: The Mayor of Austin, the Austin City Council and the Austin City Manager

FROM: Freddie of Freddie's Place

SUBJECT: Live Music

When I addressed the Council yesterday, I voiced a question that remains unanswered. I would appreciate it if someone would enlighten me.

According to Council Members, the February 26<sup>th</sup> Ordinance # 28 was passed because you found some ancient land development codes (25-2-583 and 25-2-808) which "trumped" all else and that those codes contain the following wording:

25-2-583-(K) The noise level of live music may not exceed 70 decibels, measured at the property line. *(Applies in a community recreation (CR) district)*  
25-2-808-(B)-(3) Live entertainment is permitted if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises. *(Applies to restaurants)*

The following paragraphs are contained in Ordinance 28:

(D) A person may use sound equipment at an outdoor music venue with an occupancy capacity of 600 or fewer people located in the Warehouse District or Sixth Street District, that produces sound as measured at any point along the property line of the permitted venue not greater than 85 decibels between 10:00 a.m. and 2:00 a.m.

(F) Use of sound equipment at an outdoor music venue associated with a restaurant use is subject to the decibel limits prescribed under Section 25-2-808 (Restaurants and Cocktail Lounges) and the hours of operation prescribed under Subsections (C)(1)-(3) of this section.

#### QUESTIONS:

1) Does paragraph (D) above from Ordinance 28 apply to “restaurants” in the special districts with outdoor live music? (as example Stubbs, The Belmont, Cedar Door, among others)

2) If the answer is YES, why were you able, with a stroke of your pen, to exempt those restaurants from those old land use codes and not others outside those special districts? I thought those old land use codes trumped all ordinances.

I would appreciate some enlightenment and I remain available to discuss this matter at your convenience. Something needs to be worked out on this matter so we can resume “responsible” live music at Freddie’s and not have it be stopped at other venues. Thank you...

Regards,

Fred Nelson aka Freddie

---

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**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Monday, April 27, 2009 8:04 AM  
**To:** [REDACTED]  
**Cc:** Wynn, Will; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; McCracken, Brewster; Smith, David [City Attorney]; Edwards, Sue  
**Subject:** Re: (no subject)

I will certainly pass this question on to our City Attorney and staff as well.

Marc

David, please note the additional question.

Thanks

Marc

Sent from my iPhone

On Apr 27, 2009, at 5:53 AM, [REDACTED] <[REDACTED]> wrote:

TO: Marc Ott, Austin City Manager  
cc: The Mayor of Austin and the Austin City Council

FROM: Freddie of Freddie's Place

SUBJECT: Live Music

Mr. Ott,

I appreciate your quick response to my email dated 042409 and your forwarding it to your legal department. There is one other legal consideration to this issue that needs to be examined.

The city seems hell bent on convincing restaurants to re-classify themselves as cocktail lounges in order to skirt around Ordinance 20080226-028. The City even "paved the way" for this to happen with the passage of item 50 at the 042309 City Council meeting.

With regard to Restaurants & Cocktail Lounges, the City's Zoning definitions states:

**DEFINITIONS:**

- 1. **Restaurant:** an establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption or in a ready-to-consume state. Restaurants are further classified as General, Limited, or Drive-In/Fast Food. Only a Restaurant-General may serve alcoholic beverages. At least 51% of the gross income must be derived from the sale of prepared food.*
- 2. **Cocktail lounge:** a business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Uses such as billiard parlors, dance halls, and live music venues may be included in this category if alcohol sales exceed 49% of the gross revenue.*

My lawyer took a look at this and came to the same conclusions as I did: In accordance with the City's definitions, restaurants (which have live music venues) cannot be reclassified as a cocktail lounge unless their alcohol sales exceed 49% of their total sales.

The TABC defines the difference between a Restaurant and Cocktail Lounge the same as the City. All of the restaurants in question hold a Food & Beverage Certificate from the TABC which indicates they are a restaurant with food sales in excess of 51% of their total sales.

Aside from the legal ramifications, why would the City want to be seen to be encouraging the establishment of 15-20 additional cocktail lounges in the heart of the city?

Regards,

Fred Nelson aka Freddie

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**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Friday, May 08, 2009 10:00 AM  
**To:** Johns, Bobby  
**Cc:** McDonald, Michael [APD]; AAFFA Austin TX; Morrison, Laura; Cole, Sheryl; Martinez, Mike [Council Member]; Leffingwell, Lee; Shade, Randi; McCracken, Brewster; Martinez, Rose Marie  
**Subject:** Re: Welcome to FIRE 20/20's E-Newsletter; Actualizing Research

Thank you Bobby.

Rose, please print.

Sent from my iPhone

On May 8, 2009, at 9:16 AM, "Johns, Bobby" <[Bobby.Johns@ci.austin.tx.us](mailto:Bobby.Johns@ci.austin.tx.us)> wrote:

We were a large part of Fire 20/20. While others are finding it useful we are moving farther away from it and farther away from diversifying the AFD. This was an excellent consulting tool that had little cost to the City of Austin; it also began to drive the way we recruit in Community Outreach. Please read this info on Dan Haden and Fire20/20 paying special attention to the **read more** section. **Again this was a consultant on how to recruit for diversity and cultural safety.** Thank You.

---

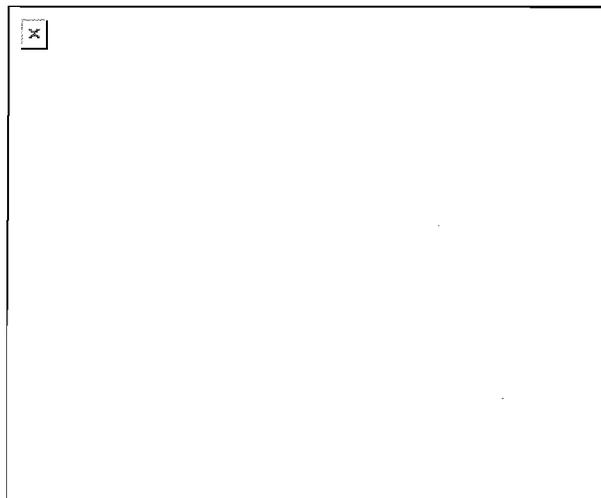
You're receiving this email because of your relationship with FIRE 20/20. Please [confirm](#) your continued interest in receiving email from us.

You may [unsubscribe](#) if you no longer wish to receive our emails.



**Quarterly E-Newsletter** April 2009

## Focus on Leadership Actualizing Research



Dan Haden is a 26-year career firefighter with Toronto Fire Services—Canada's largest fire service with more than 3,000 members and the fifth largest in North America.

Currently seconded as an officer to the Recruitment and Community Outreach Section, Dan is leading the implementation of its three-year human rights, access, equity, and diversity action plan.

The action plan's framework is based on FIRE 20/20's Multicultural Health & Safety Research Report, which was funded by a 2005 DHS Fire Prevention & Safety Research Grant, and 'The National Report Card on Women in Firefighting' that was prepared for The International Association of Women in Fire & Emergency Services (iWomen).

Dan discovered FIRE 20/20's research and iWomen's and is making them integral to Toronto Fire Services' human rights initiatives. FIRE 20/20 has in turn discovered an extraordinary leader.

[Read more >>](#)

## Articles

### **Recommitment Spurred by The Recession**

Tough times test our values. And these are tough times! When departments are faced with staff reductions, station closures and wage concessions, recruiting and retaining diversity goes way down the list of priorities. For some departments, it may completely disappear. Likewise, prevention, which is under-funded and under-staffed in the best of times, suffers a similar fate.

On behalf of FIRE 20/20's Board, I asked Larry Sagen our Executive Director why it's important for the fire service to stay focused on diversity. I also asked Larry to share how his background and experience shape his perspective.

Chief Robert Oliver, Redmond Fire Department  
Vice President, FIRE 20/20 Board

### **Three Core Principles for Bringing About Effective Change**

Hanley Brite, CEO of Authentic Connections is the developer and lead facilitator of FIRE 20/20's workshop, Mastering Change in The Fire Service Workforce™. This workshop is a customized version of his program, Masterful Change Agent™. In this article, Hanley shares the three core principles that masters of change adhere to.

## Recent and Upcoming Events

### **South Carolina State Firefighters' Association Engages FIRE 20/20's Services**

Of the 16,000 firefighters in South Carolina, 13,500 are volunteers. The numbers of volunteers are declining—a problem that is nationwide. The South Carolina State Firefighters' Association has hired FIRE 20/20 to help develop and implement a new statewide recruitment and retention program. Expanding South Carolina's volunteer base to include more women and minorities is also a key objective.

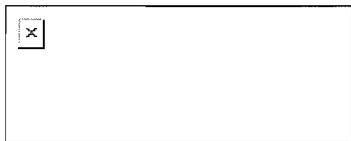
### **FDIC**

**April 20-25**  
**Indianapolis Convention Center & Lucas Oil Stadium**  
**Indianapolis, Indiana**

On Friday, April 24<sup>th</sup> at FDIC, Division Chief Cheryl Horvath of the Northwest Fire/Rescue District in Tucson who is also President of the International Association of Women in Fire and Emergency Services led the session *Recruiting & Retaining Women in The Fire Service*. Larry Sagen was a co-presenter and enthusiastic supporter!

### **2009 iWomen International Conference** **May 13-17** **Omaha Hilton** **Omaha, Nebraska**

*Growing The Next Generation: Successful Girls' Summer Camps and High School Cadet Programs* is the topic of a presentation on Friday, May 15<sup>th</sup> by Andrea Speranza, Founder and Director of Camp Courage; Florencio Soliz, Assistant Chief (ret).



In-kind sponsor, DiversityInc, publishes a monthly magazine and has a website that “provides news, resources and commentary on the role of diversity in strengthening the corporate bottom line.” While we’re from the non-profit, public service world, we have found new learning and pearls of wisdom and had ah-hah moments! Take advantage of a FIRE 20/20 sponsored electronic subscription—at no cost—to DiversityInc magazine at <http://www.diversityinc.com/fire2020>.

Visit us online, anytime at <http://www.fire2020.org>

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FIRE 20/20 | Larry Sagen | 1011 Shore Dr. | Bremerton | WA | 98310

Email Marketing by



## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, May 14, 2009 4:04 AM  
**To:** Shade, Randi  
**Cc:** John Keel; Wilson, Beverly (Council Place 6); Scales, Carla; Jones, Christine; Blackstone, Deanne; Desai, Deven; Diaz, Elaine; Corpus, Grace; Morrison, Laura; Byram, Roberta (HRD); Martinez, Rose Marie; Cole, Sheryl; Long, Tara; Cody Smith  
**Subject:** Re: Additional City Auditor Information

I did, and look forward to this special week every year. :)

I probably shouldn't be working at this hour.

Marc

Sent from my iPhone

On May 12, 2009, at 11:01 AM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

> Thanks and who knew this week is Internal Audit Week:-)

>

> <http://www.iaaaustin.org/files/IAWMayor2009.pdf>

>

>

> -----

> Randi Shade

> Austin City Council

> Council Member Place 3

> (512) 974-2255 (phone)

> (512) 974-1888 (fax)

> <http://www.ci.austin.tx.us/council/shade.htm>

>

> -----Original Message-----

> From: John Keel [<mailto:johnkeel.cpa@sao.state.tx.us>]

> Sent: Tuesday, May 12, 2009 10:32 AM

> To: Wilson, Beverly (Council Place 6); Scales, Carla; Jones,

> Christine; Blackstone, Deanne; Desai, Deven; Diaz, Elaine; Corpus,

> Grace; Morrison, Laura; Ott, Marc; Shade, Randi; Byram, Roberta (HRD);

> Martinez, Rose Marie; Cole, Sheryl; Long, Tara

> Cc: Cody Smith

> Subject: Additional City Auditor Information

>

> Please see the attached information.

>

> JMK

>

>

> This message contains information which may be confidential,  
> privileged, or otherwise exempt from open records. Unless you are the  
> addressee (or authorized to receive for the addressee), you may not  
> use, copy, or disclose to anyone the message or any information  
> contained in the message. If you have received the message in error,  
> please advise the sender by reply e-mail and delete the message.

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, May 21, 2009 8:16 AM  
**To:** Shade, Randi  
**Cc:** Canally, Greg; Morrison, Laura  
**Subject:** Re: Stimulus meeting held today

Thank you. We will add them.

Sent from my iPhone

On May 21, 2009, at 8:11 AM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Ditto greg's comments. I am sorry about Lori not knowing about this but with the turnout we had plus all the co-sponsoring govt entities and CAN efforts this event was clearly very well publicized and Heidi and the others on City staff who helped should be proud of their outreach. In the future though we can certainly add Neighborhood Planning teams, and we should let Lori know that.

-Randi

PS. Because this meeting was announced at our council meeting last week as well as at the CDC meeting I am surprised Lori missed it as I think I remember her being present....

---

**From:** Canally, Greg  
**To:** Ott, Marc  
**Cc:** Morrison, Laura; Shade, Randi  
**Sent:** Thu May 21 08:00:27 2009  
**Subject:** Re: Stimulus meeting held today

marc. yesterdays meeting was very succesful. over 200 people representing non profits to listen to a colaborative effort from all the governmental entities - federal, state, local. and non profits were the focus of the meeting, it was not a general public meeting. given that, we had CAN organize the outreach. very positive feedback from the attendees.  
greg

Sent from my iPhone

On May 21, 2009, at 4:28 AM, "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)> wrote:

FYI. Why was this sent to Heidi?

Sent from my iPhone

Begin forwarded message:

**From:** "Lori C-Renteria" <[REDACTED]>  
**Date:** May 20, 2009 11:39:03 PM CDT  
**To:** <[Heidi.Gerbracht@ci.austin.tx.us](mailto:Heidi.Gerbracht@ci.austin.tx.us)>  
**Cc:** "Rep. Lloyd Doggett" <[lloyd.doggett@mail.house.gov](mailto:lloyd.doggett@mail.house.gov)>, "Marc Ott" <[marc.ott@ci.austin.tx.us](mailto:marc.ott@ci.austin.tx.us)>, <[REDACTED]>, "Ruby Roa" <[REDACTED]>, "Karen Paup" <[REDACTED]>, "john Limon" <[REDACTED]>

[REDACTED] "Martha Cotera"  
[REDACTED], "Laura Morrison"  
[REDACTED], "Lee Leffingwell"  
[REDACTED], "Mayor Pro Tem Brewster  
McCracken" <brewster.mccracken@ci.austin.tx.us>, "Mayor Will  
Wynn" <will.wynn@ci.austin.tx.us>, "Mike Martinez"  
<mike.martinez@ci.austin.tx.us>, "Randi Shade"  
<randi.shade@ci.austin.tx.us>, "Sheryl Cole"  
<sheryl.cole@ci.austin.tx.us>, "Comm. Gerald Daugherty"  
<gerald.daugherty@co.travis.tx.us>, "Comm. Margaret Gomez"  
<margaret.gomez@co.travis.tx.us>, "Comm. Ron Davis"  
<ron.davis@co.travis.tx.us>, "Comm. Sarah Eckhardt"  
<sarah.eckhardt@co.travis.tx.us>, "Judge Sam Biscoe"  
<sam.biscoe@co.travis.tx.us>

**Subject: Stimulus meeting held today**

Dear policy makers:

We were really disappointed to learn that we may have missed a meeting that was supposedly held today at Rosewood with Congressman Doggett's Office, agencies, and non-profits to discuss stimulus money. We got this info from a post at the CentralEastAustin yahoo group site and are not sure the meeting actually took place today.

We would think the City Manager's Office would have included an invitation to Neighborhood Planning Teams' leaders to participate since we are the eyes and ears for policy makers as far as the needs for - and delivery of - city services and infrastructure needs.

Sabino, who chairs our East Cesar Chavez Planning Team and chairs the Austin Community Development Commission, did not get notice of the meeting held today.

We hope we didn't miss such an important opportunity. Please add us to your notice list should any more opportunities arise to provide input on any new funding from any new source that the public can comment on.

Sabino 'Pio' and Lori Renteria, 478-6770

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, May 21, 2009 8:17 AM  
**To:** Canally, Greg  
**Cc:** Morrison, Laura; Shade, Randi  
**Subject:** Re: Stimulus meeting held today

Excellent!

Sent from my iPhone

On May 21, 2009, at 8:00 AM, "Canally, Greg" <[Greg.Canally@ci.austin.tx.us](mailto:Greg.Canally@ci.austin.tx.us)> wrote:

marc. yesterdays meeting was very succesful. over 200 people representing non profits to listen to a colaborative effort from all the governmental entities - federal, state, local. and non profits were the focus of the meeting, it was not a general public meeting. given that, we had CAN organize the outreach. very positive feedback from the attendees.  
greg

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**To:** <[Heidi.Gerbracht@ci.austin.tx.us](mailto:Heidi.Gerbracht@ci.austin.tx.us)>  
**Cc:** "Rep. Lloyd Doggett" <[lloyd.doggett@mail.house.gov](mailto:lloyd.doggett@mail.house.gov)>, "Marc Ott" <[marc.ott@ci.austin.tx.us](mailto:marc.ott@ci.austin.tx.us)>, <[REDACTED]>, "Ruby Roa" <[REDACTED]>, "Karen Paup" <[REDACTED]>, "John Limon" <[REDACTED]>, "Martha Cotera" <[REDACTED]>, "Laura Morrison" <[REDACTED]>, "Lee Leffingwell" <[REDACTED]>, "Mayor Pro Tem Brewster McCracken" <[brewster.mccracken@ci.austin.tx.us](mailto:brewster.mccracken@ci.austin.tx.us)>, "Mayor Will Wynn" <[will.wynn@ci.austin.tx.us](mailto:will.wynn@ci.austin.tx.us)>, "Mike Martinez" <[mike.martinez@ci.austin.tx.us](mailto:mike.martinez@ci.austin.tx.us)>, "Randi Shade" <[randi.shade@ci.austin.tx.us](mailto:randi.shade@ci.austin.tx.us)>, "Sheryl Cole" <[sheryl.cole@ci.austin.tx.us](mailto:sheryl.cole@ci.austin.tx.us)>, "Comm. Gerald Daugherty" <[gerald.daugherty@co.travis.tx.us](mailto:gerald.daugherty@co.travis.tx.us)>, "Comm. Margaret Gomez" <[margaret.gomez@co.travis.tx.us](mailto:margaret.gomez@co.travis.tx.us)>, "Comm. Ron Davis" <[ron.davis@co.travis.tx.us](mailto:ron.davis@co.travis.tx.us)>, "Comm. Sarah Eckhardt" <[sarah.eckhardt@co.travis.tx.us](mailto:sarah.eckhardt@co.travis.tx.us)>, "Judge Sam Biscoe"

<[sam.biscoe@co.travis.tx.us](mailto:sam.biscoe@co.travis.tx.us)>

**Subject: Stimulus meeting held today**

Dear policy makers:

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Sabino 'Pio' and Lori Renteria, 478-6770

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Thursday, May 21, 2009 9:14 PM  
**To:** Telles, Reyne  
**Cc:** Wynn, Will; McCracken, Brewster; Cole, Sheryl; Morrison, Laura; Shade, Randi; Martinez, Mike [Council Member]; Leffingwell, Lee; Sabana, Anna; Matthews, Douglas; Riley, Chris; Spelman, Bill  
**Subject:** Re: APD Update

Council Members elect Riley and Spelman please see the attached FYI.

Sent from my iPhone

On May 21, 2009, at 9:01 PM, "Telles, Reyne" <[Reyne.Telles@ci.austin.tx.us](mailto:Reyne.Telles@ci.austin.tx.us)> wrote:

Chief Michael McDonald has asked me to convey the sad news that an Austin Police Officer has died in Belton, Texas. It initially appears that this was a suicide. The investigation continues at this hour and we are not releasing the name of the individual as the family has not been notified.

Reyne Christopher Telles

Media Relations Manager

Austin City Hall

office: (512) 974-7988 ~ pager: (512) 802-9049

fax: (512) 974-2405 ~ cell: (512) 695-9686

[reyne.telles@ci.austin.tx.us](mailto:reyne.telles@ci.austin.tx.us)

Communications and Public Information Office

301 W. 2<sup>nd</sup> Street, 78701

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Saturday, May 23, 2009 8:23 AM  
**To:** George Cofer  
**Cc:** Wynn, Will; Cole, Sheryl; Morrison, Laura; Shade, Randi; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster  
**Subject:** Re: Walk For a Day article in today's SW Austin Community Impact newspaper

Thank you George.

Sent from my iPhone

On May 22, 2009, at 11:48 AM, "George Cofer" [REDACTED] wrote:

Dear Mayor Wynn, Council Members and Mr. Ott,

Here's a link to an article about Walk For a Day from today's Southwest Austin Community Impact newspaper.

<http://www.impactnews.com/southwest-austin/news/4501-plans-for-35-mile-hike-and-bike-trail-take-a-new-turn>

On behalf of Hill Country Conservancy, I extend ongoing thanks to you for your support of this regional trail system, and best wishes for a peaceful Memorial Day weekend. george

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Saturday, May 23, 2009 8:55 AM  
**To:** Morrison, Laura  
**Cc:** Browder, Leslie; Van Eenoo, Ed  
**Subject:** Re: media calls

Hello CM,

Yesterday all departments were required to submit their budget reduction recommendations to the budget office for technical review. This review may result in some changes relative to verification of projected savings and other technical matters.

Once that's completed all reduction recommendations will be assembled into a master menu and provide to the CC, posted online, and provided for my review as well. So, essentially it will be available to everyone when I see it for the first time. The information will not be released until then which should be soon. I don't have the schedule in front of me so I don't have dates for you right now. You should already have the schedule in material provided to Council previously.

I will copy Leslie. She can provide additional info regarding the schedule.

Sorry for the delay. I was out of the office yesterday.

Marc

Sent from my iPhone

On May 22, 2009, at 3:12 PM, "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)> wrote:

Marc – I've gotten several media requests about the budget events going on right now and I am not at all informed of what's happening today. I may have missed some info but needless to say it's a difficult position to be in.

Could you please point me to any information I may have missed or provide some background on the timeline and events for the budget particularly around what's happening today?

Thanks,

Laura

Laura Morrison

Austin City Council, Place 4

512-974-2258

512-974-1886 (Fax)

[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)

<http://www.ci.austin.tx.us/council/morrison.htm>

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Monday, May 25, 2009 11:36 AM  
**To:** Hrncir, John  
**Cc:** Ellis, Rod; Snipes, Anthony; Beaver, Chester; Alofsin, Patricia; Mitchell, Jamie; Cooke, Heather; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; McCracken, Brewster; Morrison, Laura; Shade, Randi; Wynn, Will  
**Subject:** Re: HJR 14, eminent domain

Thanks John. Glad to hear about the improved language.

Marc

Sent from my iPhone

On May 25, 2009, at 11:00 AM, "Hrncir, John" <[John.Hrncir@ci.austin.tx.us](mailto:John.Hrncir@ci.austin.tx.us)> wrote:

City Manager Ott,

I know you are particularly interested in the proposed constitutional amendment regarding the use of eminent domain. Of the many proposed constitutional amendments related to this issue, HJR 14 is the most viable. HJR 14 as amended in Senate State Affairs is improved significantly. Here is the latest version, and I think Austin can live with it. The language requiring the governmental entity to enjoy and occupy the property has been removed. It is consistent with our ordinance, but I still have some concerns that it will lead to increased litigation. So if it dies as a collateral victim of the partisan battle raging in the House, I will not grieve.

The next step for the HRJ is for it to be voted on by the full Senate, then if it gets 2/3 vote there, will go back to the House for concurrence with the new language--or not. If the House does not concur, the bill will go to a conference committee. Time is now working against it, even if the House concurs. The proposed language new to the Constitution is underlined:

Bill Number: TX81RHJR 14

Date: 05-23-2009

SENATE COMMITTEE SUBSTITUTE

A JOINT RESOLUTION

9 proposing a constitutional amendment to prohibit the taking of  
10 property for transfer to a private entity for certain purposes.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 SECTION 1. Section 17, Article I, Texas Constitution, is  
13 amended to read as follows:

14 Sec. 17. (a) No person's property shall be taken, damaged  
15 or destroyed for or applied to public use without adequate

16 compensation being made, unless by the consent of such person; and,  
17 when taken, except for the use of the State, such compensation shall  
18 be first made, or secured by a deposit of money; and no irrevocable  
19 or uncontrollable grant of special privileges or immunities, shall  
20 be made; but all privileges and franchises granted by the  
21 Legislature, or created under its authority shall be subject to the  
22 control thereof.

23 (b) In this section, "public use" does not include the  
24 taking of property by the State or a political subdivision of the  
25 State for transfer to a private entity for the primary purpose of  
26 economic development or enhancement of tax revenues.

27 SECTION 2. This proposed constitutional amendment shall be  
28 submitted to the voters at an election to be held November 3, 2009.  
29 The ballot shall be printed to permit voting for or against the  
30 proposition: "The constitutional amendment to prohibit the taking  
31 of property for transfer to a private entity for the primary purpose  
32 of economic development or enhancement of tax revenues."

John Hrcir  
Government Relations Officer  
City of Austin  
Office: 512-974-2285

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Friday, May 29, 2009 7:36 PM  
**To:** Snipes, Anthony  
**Cc:** Rush, Barbara; Morrison, Laura  
**Subject:** Re: Question

Anthony is correct.

Sent from my iPhone

On May 29, 2009, at 3:46 PM, "Snipes, Anthony" <[Anthony.Snipes@ci.austin.tx.us](mailto:Anthony.Snipes@ci.austin.tx.us)> wrote:

Barbara,

You should never listen to City Hall rumors! (smile) I am unaware of any memo that the City Manager will be sending out on today regarding layoffs, furloughs, or pay cuts. The City Manager is actually in meetings until 5:00 p.m. If there is such a pending announcement and I am incorrect, Mr. Ott will communicate that to Council Member Morrison. Have a great weekend!

---

**From:** Rush, Barbara  
**Sent:** Friday, May 29, 2009 3:38 PM  
**To:** Snipes, Anthony  
**Cc:** Ott, Marc; Morrison, Laura  
**Subject:** Question

Anthony,  
Laura heard a rumor today that Marc may be sending out information to personnel at 4:30 concerning the possibility of layoffs, furloughs and pay cuts. She asked that I inquire about it.

Thanks,  
Barbara

**Barbara Rush**  
Community Outreach & Policy Advisor  
Office of City Council Member Laura Morrison  
512-974-2258 (Main)  
512-974-1625 (Direct)  
512-974-1886 (Fax)  
[Barbara.Rush@ci.austin.tx.us](mailto:Barbara.Rush@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, June 13, 2009 10:32 AM  
**To:** [REDACTED]  
**Cc:** Wynn, Will; Bailey, Rich; Morrison, Laura; Rush, Barbara; Leffingwell, Lee; Williams, Nancy; Schooler, Larry; Martinez, Mike [Council Member]; Garza, Bobby; Shade, Randi; Bier, Marti; McCracken, Brewster; Barrios, Rossana; Cole, Sheryl; Wilson, Beverly (Council Place 6); Lurie, David; Pulliam, Dorinda; Martinez, Rose Marie  
**Subject:** Re: Budget Cuts Menu Please Consider

Hello Ms. Medicus,

I appreciate your perspective and the time you took to share it with us. I will share your letter with my budget and executive team. Let me know if you have additional suggestions.

Regards,

Marc

Sent from my iPhone

On Jun 13, 2009, at 9:28 AM, [REDACTED] <[REDACTED]> wrote:

Karen L. Medicus, CFRE  
Senior Director, ASPCA Mission: Orange  
Community Outreach

ASPCA®  
36 Pillow Road  
Austin, TX 78745

[REDACTED]  
512-358-7005 office  
512-358-0449 fax  
512-970-1791 cell

[www.aspca.org](http://www.aspca.org)  
[www.aspcapro.org](http://www.aspcapro.org)

The information contained in this e-mail, and any attachments hereto, is from The American Society for the Prevention of Cruelty to Animals® (ASPCA®) and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying or use of the contents of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.

<CityCouncilCOA.June 12.docx>

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Saturday, June 13, 2009 7:22 PM  
**To:** [REDACTED]  
**Cc:** Wynn, Will; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Shade, Randi; McCracken, Brewster; [REDACTED]; KTBC [REDACTED]; [REDACTED]; KEYE; [REDACTED]; [REDACTED]; Crystal Cotti; [REDACTED] Smith, David [City Attorney]  
**Subject:** Re: LIVE MUSIC AT OUTDOOR VENUES

Hello Mr. Derfnoslen,

I'm sorry about the lack of a timely response. I will contact our City Attorney again and request a response asap.

Marc

David, please advise as to whether you received my initial request. Please respond to the attached asap.

Thank you.

Marc

Sent from my iPhone

On Jun 12, 2009, at 12:47 PM, [REDACTED] > wrote:

FROM: Freddie of Freddie's Place

SUBJECT: Live Music

Dear Mr. Ott,

I sent two emails (May 24<sup>th</sup> & 25<sup>th</sup>) to the you and the City Council to which you responded (your emails of May 24<sup>th</sup> & 27<sup>th</sup>) that you were forwarding my emails to the City Attorney, David Smith and requested that he respond to the questions contained in those emails. I have not heard anything from the City since then.

### **THE QUESTION FROM THE MAY 24th EMAIL:**

According to Council Members, the February 26<sup>th</sup> Ordinance # 28 was passed because they found some ancient land development codes (25-2-583 and 25-2-808) which "trumped" all else and that those codes contain the following wording:

25-2-583-(K) The noise level of live music may not exceed 70 decibels, measured at the property line. *(Applies in a community recreation (CR) district)*

25-2-808-(B)-(3) Live entertainment is permitted if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises. (*Applies to restaurants*)

The following paragraphs are contained in Ordinance 28:

(D) A person may use sound equipment at an outdoor music venue with an occupancy capacity of 600 or fewer people located in the Warehouse District or Sixth Street District, that produces sound as measured at any point along the property line of the permitted venue not greater than 85 decibels between 10:00 a.m. and 2:00 a.m.

(F) Use of sound equipment at an outdoor music venue associated with a restaurant use is subject to the decibel limits prescribed under Section 25-2-808 (Restaurants and Cocktail Lounges) and the hours of operation prescribed under Subsections (C)(1)-(3) of this section.

#### QUESTIONS:

- 1) Does paragraph (D) above from Ordinance 28 apply to “restaurants” in the special districts with outdoor live music? (as example Stubbs, The Belmont, Cedar Door, among others)
- 2) If the answer is YES, why were you able, with a stroke of your pen, to exempt those restaurants from those old land use codes and not others outside those special districts? I thought those old land use codes trumped all ordinances.

#### **THE QUESTION FROM THE MAY 25th EMAIL:**

The city seems hell bent on convincing restaurants to re-classify themselves as cocktail lounges in order to skirt around Ordinance 20080226-028. The City even “paved the way” for this to happen with the passage of item 50 at the 042309 City Council meeting.

With regard to Restaurants & Cocktail Lounges, the City’s Zoning definitions states:

#### DEFINITIONS:

1. *Restaurant: an establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption or in a ready-to-consume state. Restaurants are further classified as General, Limited, or Drive-In/Fast Food. Only a Restaurant-General may serve alcoholic beverages. At least 51% of the gross income must be derived from the sale of prepared food.*
2. *Cocktail lounge: a business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. Uses such as billiard parlors, dance halls, and live music venues may be included in this category if alcohol sales exceed 49% of the gross revenue.*

Therefore, in accordance with the City’s definitions, restaurants (which have live music venues) cannot be reclassified as a cocktail lounge unless their alcohol sales exceed 49% of their total sales.

The TABC defines the difference between a Restaurant and Cocktail Lounge the same as the City. All of the restaurants in question hold a Food & Beverage Certificate from

the TABC which indicates they are a restaurant with food sales in excess of 51% of their total sales.

I would appreciate enlightenment about the above questions and I remain available to discuss this matter at your convenience.

Regards,

Fred Nelson aka Freddie

---

Download the [AOL Classifieds Toolbar](#) for local deals at your fingertips.

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, June 24, 2009 7:05 PM  
**To:** Garza, Rudy  
**Cc:** Meszaros, Greg; Morrison, Laura; Leffingwell, Lee  
**Subject:** Re: Water Distribution

Rudy,

My thanks to you, Greg, and to you Laura, for your thoughtfulness and leadership.

Marc

Sent from my iPhone

On Jun 24, 2009, at 3:35 PM, "Garza, Rudy" <[Rudy.Garza@ci.austin.tx.us](mailto:Rudy.Garza@ci.austin.tx.us)> wrote:

Marc

I spoke to Greg M. about the plan for distributing water to the homeless. You might not be aware that I have worked with the Mobile Loaves and Fishes organization for many years. The primary program is delivery of food to the homeless out where they are, on the streets, under bridges, parks, etc. Mobile Loaves has 4,000 active volunteers, 7 trucks, and goes out 365 days a year. The organization is funded by donations and fundraisers. They have the relationships, experience, people and trucks which go out every night in the streets of Austin. If you are interested, I could get us on a call with the CEO/President and ask him if they would distribute water for us as part of their daily run. Because the organization cannot afford to buy individual bottled water, what we have done is filled large coolers and allow folks to fill cups, jugs, etc with cold water. We do provide either a small milk or juice as supplies lasts to everyone that comes to the trucks. I would love to show you their website to get some quick info on who they are. Thanks

Rudy

<http://www.mlfnw.org/site/PageServer>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Saturday, June 27, 2009 8:11 AM  
**To:** Morrison, Laura  
**Cc:** Leffingwell, Lee; Garza, Rudy; Sherbert, Nicole; Matthews, Douglas; Buchman, Kevin; Meszaros, Greg; Lurie, David; Riley, Chris; Rush, Barbara  
**Subject:** Re: Help Us Keep Austin Cool: Give Water

Thank you for your leadership Laura.  
Marc

Sent from my iPhone

On Jun 26, 2009, at 12:43 PM, "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)> wrote:

Marc and Lee –

Yesterday's water campaign was a great success and a great example of partnership with Mobile Loaves and Fishes (MLF). AWU provided over 10,000 bottles of water at a cost of ~\$4500. I just spoke with Alan Graham with MLF and he said that they distributed about 3000 bottles of ice cold water yesterday. Additionally, he said it was a terrific example of the power of their use of social media. The twitter stream was buzzing (excuse the mixed metaphor) and generated over 120 'micro donations' on their site in one day, totaling approximately \$3000 that they will use to buy more water. 95 of those donations yesterday were first time donors which shows another significant element of the outreach. They plan to continue with this campaign through the heat wave.

This exercise pointed out for us that we lack a response plan for severe heat and I would like to ensure that we develop one, so that we can have clear guidelines in place for triggers of a response and the actions that are needed. I think our partnership with MLF can be an effective component of that since they have the infrastructure in place for quickly mobilized outreach. Alan is certainly interested in participating.

This wouldn't have happened without such terrific and fast action on the part of staff from many departments and I sincerely appreciate their efforts.

Laura

Laura Morrison

Austin City Council, Place 4

512-974-2258

512-974-1886 (Fax)

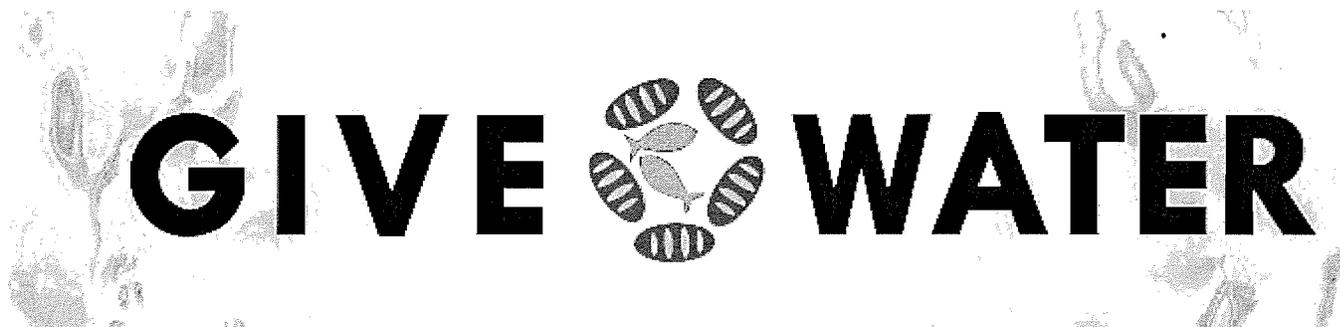
---

**From:** Garza, Rudy  
**Sent:** Thursday, June 25, 2009 10:09 AM  
**To:** Morrison, Laura; Ott, Marc  
**Subject:** FW: Help Us Keep Austin Cool: Give Water

This is the campaign MLF is kicking off with the City's help.

---

**From:** Alan Graham [<mailto:info@mlfnow.org>]  
**Sent:** Thursday, June 25, 2009 10:02 AM  
**To:** Garza, Rudy  
**Subject:** Help Us Keep Austin Cool: Give Water



**Dear Rudy,**

**The temperature is climbing here in Austin—yesterday brought a record-breaking high of 105°F! Don't let dehydration climb with it; help us Keep Austin Cool this summer instead.**

**Here's how:**

- **Donate virtual cases of water at [www.mlfnow.org/water](http://www.mlfnow.org/water), \$5 will buy a whole case!**
- **Bring cases of water to the St. John Neumann commissary ([www.mlfnow.org/directions](http://www.mlfnow.org/directions)) for distribution on our trucks.**
- **Volunteer your time and vehicle to fight dehydration on the streets. Find out how by [emailing us](#).**

**We'll be out on the streets this afternoon with 3 MLF catering trucks full of ice cold water for the homeless. We have also started stocking our regularly scheduled meal trucks with additional water to make sure we fight dehydration every day.**

## Help Us Keep Austin Cool

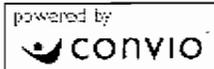
Even if your friends aren't in Austin they can help us beat the heat down here, please [forward this message](#) along. **We need all the water we can get for this record-breaking summer.**

Thanks!

**-The Mobile Loaves & Fishes Team**

[Click here to view this message as HTML in your browser.](#) | [Click here to forward this message.](#)

[Click here to change your email preferences.](#)



**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 01, 2009 7:30 PM  
**To:** Morrison, Laura  
**Cc:** Duncan, Roger; Rush, Barbara; Smith, David [City Attorney]; Leffingwell, Lee; Nathan, Mark; Shade, Randi  
**Subject:** Re: ReSEND ...FW: Pecan Street Project Organizational Documents

Sent from my iPhone

On Jul 1, 2009, at 5:11 PM, "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us > wrote:

> Corrected version ...

>

>

>

> Marc,

>

>

>

> As we discussed, attached are the draft documents dealing with  
> creation of a non-profit organization for the Pecan Street Project.  
> These will of course need review and consideration by our legal  
> department prior to adoption by Council in some form.

>

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> Approval, ASAP, was suggested of course as the desired timeline  
> although we certainly have time constraints we'll have to adhere to.

>

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> One issue that will need to be addressed is the structure that  
> includes the Executive Director as a member of the Board of Directors.  
> I understand that this is outside the norm for non- profits. I have a  
> level of discomfort with it and have not had an opportunity to hear  
> why we would want to take this approach with  
> PSP. I spoke with Roger who suggested that he did not think this  
> was a good idea. I also spoke with an attorney who previously was  
> with the AG's office in the Charitable Trust area who said that this  
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> Thank you for your assistance in getting our Law Dept's review.

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> All of the positions addressed by Article III are to be elected by  
> a majority vote of the Board. I have specifically added the Chairman  
> of the Board to Section 1 of Article III to remove any concern of  
> whether this provision applies to him/her in addition to the other  
> officers listed under Article III.

> 2. Is it intended that the person(s) representing a  
> Member be different from the Director(s) designated by the Member?  
> There are different provisions for Member/Director meetings, notices,  
> etc. but there does not appear to be a real difference between a  
> “Member” and a “Director” in the document

> The members are the entities listed in Article I, Section 1. The  
> members have discretion to designate individuals to serve as  
> directors, such initial directors being listed in Article II,  
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> he member’s discretion, this may or may not be the director they des  
> ignate — for notices and other communications. For example, it is a  
> n anticipated that a notice will be sent to each member near the end of  
> their designated director’s term. Accordingly, a member may wish t  
> o specify a contact person other than the director.

> 3. Form of notices is certainly a hodge podge:  
> Member meetings- written or personal notice required (so who is the  
> member designate if not the Director); BOD meetings -- no notice  
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> the meeting?), and any form of notice is OK for BOD special meetings.

> The notice section is fairly standard among nonprofit  
> corporations that have members. Because the members are entities,  
> and because those entities may designate a contact person who is  
> different than the director, we believe it will be helpful to make  
> sure that notice is sent in a more traditional way. As to Board  
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> 4. Indemnification. I'm assuming this is structured  
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> tate agency we can not commit the credit of the state for the benefi  
> t of a third party (Art III, Sections 49-50, State Constitution). A  
> ssuming the potential obligation to pay/reimburse directors/employee  
> s of the corporation for costs/judgments associated with their corpo  
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>  
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> belongs to the corporation, not the members, and runs in favor of  
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> 5. Repeated reference to "appropriate officers"  
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> ..“

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> We have changed this to say that they are “authorized, e  
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> er the direction and supervision of the Treasurer or Assistant Treas  
> urer, to establish a suitable system of accounting records for the C  
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> b. Current language: Appropriate officers may “procure and  
> retain in their custody such other books, records, materials and sup  
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> s they shall determine are necessary or appropriate in connection wi  
> th the organization of the Corporation or the conduct of its busines  
> s; provided however, that the foregoing authorization shall not appl  
> y to any single expenditure or series of substantially related expen  
> ditures in excess of \$50,000, unless otherwise provided by the Board  
> . Such amount shall be adjusted annually, on January 1 of each year  
> , by a percentage equal to the then-current Consumer Price Index . . .

>  
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>  
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> c. Current language: “appropriate officers of the Corporati  
> on are hereby authorized, empowered and directed, for and on behalf  
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> and filed, all such agreements, certificates, instruments, and other  
> documents that they shall determine are necessary or appropriate to  
> effectuate and carry out the purposes and intent of any of the  
> foregoing resolutions, provided however, that this provision shall  
> not be interpreted to extend the authority of any such officers  
> beyond that granted in the foregoing resolutions . . .

>  
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>  
> Bill

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> \_\_\_\_\_  
>  
> From: Juan M. Sanchez [mailto:  
> <blocked::mailto: > ]  
> Sent: Monday, June 29, 2009 9:37 AM  
> To: Edgar, Thomas F  
> Cc: Fenves, Gregory L; Ekerdt, John G; Catlett, William R  
> Subject: Fwd: Pecan Street Project Organizational Documents



> Please find revised drafts of the (1) certificate of formation,  
> (2) bylaws and (3) organizational consents of directors for the  
> Pecan Street Project. Please let me know if you have any questions  
> or comments.

>  
> In addition, please feel free to circulate these drafts to your  
> respective legal departments, and revert any comments to me and  
> Steve at some point next week, if possible.

>  
> <<Pecan Street certificate of formation AUS01 554280 4.DOC>>  
> <<Pecan Street Project Bylaws AUS01 554041 4.DOC>> <<Written Consent  
> of Directors of Pecan Street Project AUS01 554429 2.DOC>>

> I hope everyone has a great weekend.

> Best Regards,

> Wes

>  
> Wesley Watts  
> Baker Botts L.L.P.  
> 98 San Jacinto Blvd.  
> Austin, TX 78701  
> (512) 322-2596 (direct line)  
> (512) 657-5466 (mobile)  
> (512) 322-3607 (fax)

>  
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> reply and destroy all copies of the original message. Thank you.

>  
> <AUS01-#554429-v3-Written Consent of Directors of Pecan Street  
> Project.DOC>

> <AUS01-#554041-v5-Pecan Street Project Bylaws.DOC>

> <AUS01-#554280-v4-Pecan Street certificate of formation.DOC>

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 01, 2009 8:34 PM  
**To:** Morrison, Laura  
**Cc:** Duncan, Roger; Rush, Barbara; Smith, David [City Attorney]; Leffingwell, Lee; Nathan, Mark; Shade, Randi; Martinez, Rose Marie  
**Subject:** Re: Pecan Street Project Organizational Documents

Thank you Laura.

Rose, please print.

Sent from my iPhone

On Jul 1, 2009, at 5:10 PM, "Morrison, Laura" <Laura.Morrison@ci.austin.tx.us > wrote:

> Marc,  
>  
>  
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> As we discussed, attached are the draft documents dealing with  
> creation of a non-profit organization for the Pecan Street Project.  
> These will of course need review and consideration by our legal  
> department prior to adoption by Council in some form.  
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> Approval, ASAP, was suggested of course as the desired timeline  
> although we certainly have time constraints we'll have to adhere to.  
>  
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> One issue that will need to be addressed is the structure that  
> includes the Executive Direction as a member of the Board of  
> Directors. I understand that this is outside the norm for non-  
> profits. I have a level of discomfort with it and have not had an  
> opportunity to hear why we would want to take this approach with  
> PSP. I spoke with Roger who suggested that he did not think this  
> was a good idea. I also spoke with an attorney who previously was  
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> size=2 width="100%" align=center tabIndex=-1>

>  
> From: Edgar, Thomas F [mailto: [REDACTED]]  
> Sent: Tuesday, June 30, 2009 8:31 AM  
> To: Watts, Wesley; [REDACTED]  
> John.Baker@austinenergy.com ; [REDACTED]  
> [REDACTED]; Roger.Duncan@austinenergy.com ;  
> [REDACTED]; laura.morrison@ci.austin.tx.us; Barchas, Isaac  
> D; [REDACTED] Webber, Michael E;  
> Rachel.May@ci.austin.tx.us ; karl.rabago@austinenergy.com  
> Cc: Tyndall, Steven; [REDACTED]  
> Subject: RE: Pecan Street Project Organizational Documents

>  
> here are comments from UT's attorney; note his reference to PEC  
> which should be one of our benchmarks for what can go wrong; also  
> there is reference to a "minute book" for the secretary to keep, but  
> should that be "minutes book"?

>  
> Tom  
>  
>  
>

> Juan,  
>

> I do have a few questions/comments (see below). If you would  
> like to talk further on Wednesday, I'm available between 10 and 2.

>  
> In the By Laws:  
>

- > 1. What is the method by which the Chairman of the Board of Directors is selected?
- >
- >
- >
- > All of the positions addressed by Article III are to be elected by a majority vote of the Board. I have specifically added the Chairman of the Board to Section 1 of Article III to remove any concern of whether this provision applies to him/her in addition to the other officers listed under Article III.
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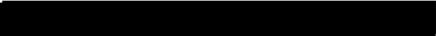
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>  
>  
> Bill

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> From: Juan M. Sanchez [mailto:  
> <blocked::mailto:  
> Sent: Monday, June 29, 2009 9:37 AM  
> To: Edgar, Thomas F  
> Cc: Fenves, Gregory L; Ekerdt, John G; Catlett, William R  
> Subject: Fwd: Pecan Street Project Organizational Documents

>  
> Tom,



>  
> <<Pecan Street certificate of formation AUS01 554280 4.DOC>>  
> <<Pecan Street Project Bylaws AUS01 554041 4.DOC>> <<Written Consent  
> of Directors of Pecan Street Project AUS01 554429 2.DOC>>

>  
> I hope everyone has a great weekend.

>  
> Best Regards,

>  
> Wes

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> Wesley Watts  
> Baker Botts L.L.P.  
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> <AUS01-#554280-v4-Pecan Street certificate of formation.DOC>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, July 09, 2009 11:39 PM  
**To:** [REDACTED]  
**Cc:** Martinez, Rose Marie  
**Subject:** Re: Connect - racial divide along IH-35

Thank you for sharing your insight with me.

Regards,

Marc

Rose, please print.

Sent from my iPhone

On Jul 8, 2009, at 1:35 PM, [REDACTED] > wrote:

>  
> Date/Time Submitted: Wednesday, 7/8/09, 1335 hours  
> From: josh farley  
> E-mail address: [REDACTED]  
> Subject: racial divide along IH-35  
> Comments:  
> Mr. Ott,  
>  
> In a recent appearance you asked why Austin was so sharply racially  
> divided along IH-35. The answer is found in the City's 1928 Master  
> Plan, done by a Dallas engineering firm. The Plan, an explicitly  
> racist document, identified a "Negro problem", that is,  
> black families living in and around white families. The proposed  
> solution was the "seperate but equal" idea to encourage  
> black people to live in east Austin (east of East Ave. now IH-35),  
> where they could be provided their own schools, parks and other public  
> facilities. In the 1960's this heinous doctrine was implemented via  
> the Urban Renewal program which was used to forcibly acquire the  
> properties of black families living west of IH-35 between the Capitol  
> and UT. In the 1970's, the City Council requested the staff develop a  
> "Redevelopment Plan" which would again use Urban Renewal  
> eminent domain powers to acquire black properties along the east side  
> of IH-35 and sell them to their white real estate developer friends  
> for condo and office projects. This pernicious scheme was thankfully  
> exposed and the Redevelopment Plan never implemented. Welcome to the  
> Jim Crow South.  
> Best Regards,  
> Josh Farley  
>

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, July 09, 2009 11:46 PM  
**To:** [REDACTED]  
**Cc:** Martinez, Rose Marie  
**Subject:** Re: Cultural Divide - I-35

Hello John,

I appreciate your thoughtful comments and willingness to support our efforts. This issue is challenging to the point of almost feeling overwhelming. But, I just can't ignore it.

I am interested in hearing your thoughts. Scheduling something in the immediate short-term may be difficult given the budget work going on right now.

I will have Rose contact you.

Regards,

Marc

Sent from my iPhone

On Jul 8, 2009, at 6:23 PM, "JCFleming" [REDACTED] > wrote:

Hi Marc

In my role as Chairman of BiG Austin, each time I visit the BiG offices I travel to the East side of I-35. And, it brings to mind the couple of meetings we have had about small businesses and the Path to Success for those less fortunate.

In a recent conversation I learned that you challenged city employees to be eliminate the cultural divide between East and West of I-35. And, I recalled your passion during our last meeting a few weeks ago, about helping people move from the "Cost to the contribution side of the revenue rolls" by helping them help themselves.

I wanted to let you know that I'm willing to meet with you and others to discuss steps to make this happen. I do not have the city management or political experience but I have had years of global corporate change and turnaround experience and with 25 years living in a variety of mixed cultures I understand cross-cultural communication and change processes. And, perhaps more important I'm willing to learn more to see where I can help.

If I can support you in this effort it would be my pleasure.

Cheers

John

John C. Fleming

Board Chair Business Investment Growth (Austin)

512-310-5755

512-656-9011 cell

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 15, 2009 1:33 PM  
**To:** Leffingwell, Lee  
**Cc:** Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Riley, Chris; Morrison, Laura; Spelman, William; Shade, Randi; Garza, Bobby; Moore, Andrew; [REDACTED] Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
**Subject:** Re: USHCA Press Release KLBJ

I join the Mayor in the same regard.

Marc

Sent from my iPhone

On Jul 15, 2009, at 9:08 AM, "Leffingwell, Lee" <[Lee.Leffingwell@ci.austin.tx.us](mailto:Lee.Leffingwell@ci.austin.tx.us)> wrote:

Thanks to Mike for addressing this outrageous comment so promptly. Please be assured that you have my full support, and that I condemn this "on air" remark, and the underlying sentiment it represents in the strongest terms.

LL

-----Original Message-----

**From:** Martinez, Mike [Council Member]  
**Sent:** Tue 7/14/2009 11:07 PM  
**To:** [REDACTED]; Cole, Sheryl; Riley, Chris; Leffingwell, Lee; Morrison, Laura; Spelman, William; Shade, Randi  
**Cc:** Garza, Bobby; Moore, Andrew; [REDACTED]; Ott, Marc; Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
**Subject:** RE: USHCA Press Release KLBJ

we are sending out a statement soon and we understand Don will provide a public apology at 10am tomorrow on air.

Mike

---

**From:** [REDACTED]  
**Sent:** Tue 7/14/2009 11:02 PM  
**To:** Cole, Sheryl; Riley, Chris; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Spelman, William; Shade, Randi  
**Cc:** Garza, Bobby; Moore, Andrew; [REDACTED] Ott, Marc; Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
**Subject:** USHCA Press Release KLBJ

NEWS RELEASE

For immediate release

July 15, 2009

Contact: Frank Fuentes, Chairman, U.S. Hispanic Contractors Association, (512) 627-5444

USHCA Demands Apology from KLBJ 590 Radio Show

Comments Offensive to Large Portion of Population

Austin, Texas - The U.S. Hispanic Contractors Association (USHCA) is condemning the extremely bigoted and damaging remarks made by Don Pryor of KLBJ 590 The Todd and Don Show Tuesday July 14, and is demanding an apology.

"In this day and age, it is disheartening to know that prejudice and ignorance continues to thrive in Austin, one of the most progressive cities in the United States," said Frank Fuentes, Chairman of the USHCA. "While we applaud and appreciate Mr. Jeffries' attempts to squash the diatribe by Mr. Pryor, we are demanding an apology from Mr. Pryor and the leadership of KLBJ."

While Mr. Pryor commented that he was "using humor cloaked in racism," the comments have nonetheless had a negative impact on the community. "In my opinion, local radio programs have a responsibility to the local communities they serve, and it is unfortunate that The Todd and Don Show, especially Don Pryor, chose to divide this community by playing on people's fears and anxieties during these difficult economic times. Failing to have a meaningful conversation on any issue does our community a disservice," said Fuentes.

The USHCA is questioning the wisdom of The Todd and Don Show sponsors in supporting radio personalities with such blatant disregard for the courageous men and women who risk life and limb in the daily performance of tasks critical to the infrastructure of the very country in which Mr. Pryor obviously prefers they do not inhabit. "We are beyond offended by the repetitive use of the term "wetback" by Mr. Pryor. The USHCA will discuss the possibility of a boycott of KLBJ 590 and any sponsors supporting KLBJ 590 programming" Fuentes said.

Annual Hispanic consumer buying power in Austin totals nearly \$9 billion, \$154 billion in the State of Texas and more than \$990 billion nationwide. Fuentes added, "The USHCA cannot and will not support any individual, company or media outlet that disparages its culture or the majority of its workforce."

###

to listen to today's PODCAST from the Todd and Don show please click on link below.

Tuesday, July 14, 2009 <<http://www.590klbj.com/podcast/index.aspx>>

Today, July 14, 2009, 6 hours ago <<http://www.590klbj.com/podcast/index.aspx>>

Illegal aliens or undocumented workers?

07-14-09.mp3 <<http://media.590klbj.com/Podcasts/1226/07-14-09.mp3>>

---

Can love help you live longer? Find out now <<http://personals.aol.com/articles/2009/02/18/longer-lives-through-relationships/?ncid=emlweuslove00000001>> .

<clip\_image001.gif>

<clip\_image003.jpg>

<image001.png>

<image002.png>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 15, 2009 4:05 PM  
**To:** Martinez, Mike [Council Member]  
**Cc:** Leffingwell, Lee; Shade, Randi; Morrison, Laura; Cole, Sheryl; Spelman, William; Riley, Chris; Nathan, Mark; Garza, Bobby; Moore, Andrew; [REDACTED]; McDonald, Michael [APD]  
**Subject:** Re: Austin Fire Department Female FireFighter Physically Assaulted By Fellow AFD Member  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I will look into it asap.

Sent from my iPhone

On Jul 15, 2009, at 4:01 PM, "Martinez, Mike [Council Member]" <[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)> wrote:

CM Ott,

Please provide a response as soon as possible. This is very disturbing.

Mike

---

**From:** AAFFA Austin TX [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** Wednesday, July 15, 2009 3:58 PM  
**To:** undisclosed-recipients  
**Subject:** Austin Fire Department Female FireFighter Physically Assaulted By Fellow AFD Member

Dear City Official,  
Please see attached statement from our association concerning this matter. Thank you.

Bobby Johns  
AAFFA President  
PO Box 14942  
Austin, TX 78761-4942  
Office 512.857.6469  
Fax 320.386.0348  
[www.aaaffa.org](http://www.aaaffa.org)

---

Insert movie times and more without leaving Hotmail®. [See how.](#)

<COA.pdf>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, July 16, 2009 9:30 AM  
**To:** [REDACTED]  
**Cc:** Lettingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Riley, Chris; Morrison, Laura; Spelman, William; Shade, Randi; Garza, Bobby; Moore, Andrew; [REDACTED]; Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
**Subject:** Re: USHCA Press Release KLB

Your welcome.

Sent from my iPhone

On Jul 16, 2009, at 12:08 AM, [REDACTED] <[REDACTED]> wrote:

Marc,

Your supportive response means a lot to us.

Thank you,

Frank Fuentes

In a message dated 7/15/2009 1:33:32 P.M. Central Daylight Time, [Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us) writes:

I join the Mayor in the same regard.

Marc

Sent from my iPhone

On Jul 15, 2009, at 9:08 AM, "Leffingwell, Lee" <[Lee.Leffingwell@ci.austin.tx.us](mailto:Lee.Leffingwell@ci.austin.tx.us)> wrote:

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**Cc:** Garza, Bobby; Moore, Andrew; [REDACTED]; Ott, Marc; Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
**Subject:** RE: USHCA Press Release KLB

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Mike

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From: [REDACTED]  
Sent: Tue 7/14/2009 11:02 PM  
To: Cole, Sheryl; Riley, Chris; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Spelman, William; Shade, Randi  
Cc: Garza, Bobby; Moore, Andrew; [REDACTED]; [REDACTED]; Ott, Marc; Garza, Rudy; Goode, Robert; Edwards, Sue; McDonald, Michael [APD]; Snipes, Anthony; Lumbreras, Bert  
Subject: USHCA Press Release KLBJ

## NEWS RELEASE

For immediate release

July 15, 2009

Contact: Frank Fuentes, Chairman, U.S. Hispanic Contractors Association,  
(512) 627-5444

### USHCA Demands Apology from KLBJ 590 Radio Show

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"In this day and age, it is disheartening to know that prejudice and ignorance continues to thrive in Austin, one of the most progressive cities in the United States," said Frank Fuentes, Chairman of the USHCA. "While we applaud and appreciate Mr. Jeffries' attempts to squash the diatribe by Mr. Pryor, we are demanding an apology from Mr. Pryor and the leadership of KLBJ."

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Illegal aliens or undocumented workers?

07-14-09.mp3 <<http://media.590klbj.com/Podcasts/1226/07-14-09.mp3>>

---

Can love help you live longer? [Find out now.](#)

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Friday, July 17, 2009 10:10 PM  
**To:** Spillar, Rob  
**Cc:** Leffingwell, Lee; Goode, Robert; Morrison, Laura  
**Subject:** Re: Transportation Dept News - Austin On-Street Parking Goes Green and High Tech

Great job by you and your staff Rob.

Thank you

Marc

Sent from my iPhone

On Jul 17, 2009, at 1:32 PM, "Spillar, Rob" <Robert.Spillar@ci.austin.tx.us > wrote:

> On behalf of the Transportation Department, I want to thank each of  
> you for your help in launching the new pay stations here in Austin.  
> This is a key element towards upgrading our city's parking system and  
> gaining the status of the best managed city in the USA.

>  
> Marc, thank you for your early foresight in realizing that our parking  
> system needed to be upgraded and modernized and for your support of  
> the high-tech solution that we have chosen.

>  
> Thank you all for your continued support.

>  
> \_\_\_\_\_  
> Robert Spillar, P.E.  
> Austin Department of Transportation

>  
>  
> \_\_\_\_\_

>  
> From: Villalon, Karla  
> Sent: Friday, July 17, 2009 11:31 AM  
> To: Austin Transportation Department Employees  
> Subject: Transportation Dept News - Austin On-Street Parking Goes  
> Green and High Tech

>  
>  
> Kudos to Parking Management! Steve Grassfield, Morris Poe and the  
> entire Parking team have launched a new era in parking for the City  
> of Austin with the installation of our first parking pay station!  
> This has been a many months long effort to modernize our parking  
> system. See the photos below of the press conference this morning with  
> Mayor Leffingwell. See also an instructional video using the attached  
> link on how to use the new pay stations. The video was produced by our



>  
> “There’s no more fumbling around your purse or floorboard for change  
> to feed the meters. Now you can use your credit or debit card to pay  
> for parking,” said Robert Spillar, Director, Austin Transportation  
> Department.

>  
> During the inauguration of the pay stations, the City will employ  
> workers with the Texas Industries for the Blind & Handicapped (working  
> in conjunction with Goodwill Staffing Services) to serve as parking  
> ambassadors to educate and assist the public during the introductory  
> period of the new pay stations.

>  
>  
>  
> Recent City Council action on the new parking ordinance included an  
> incentive to reduce carbon emissions of motorists in the urban core.  
> Now two-wheeled vehicles, including motorcycles, mopeds and scooters  
> will be allowed to park for free for up to 12 hours per day in parking  
> areas at all City of Austin meters and pay stations.

>  
>  
>  
> Simple to Use

>  
>  
>  
> The new pay stations will have easy on screen instructions in multiple  
> languages. Customers will be prompted through four easy steps.

>  
>  
>  
> 1) Insert coins or credit/debit card to start payment.

>  
> 2) For credit cards, press the blue (+) button to add time. There  
> will be a

>  
> 15-minute minimum time purchase. The meter will display amount  
> paid so far.

>  
> 3) When done, press the green "print" button to print out the  
> receipt.

>  
> Your expiration time and date will be printed in large text on  
> the receipt.

>  
> 4) Remove adhesive sticker and use to affix receipt to inside of  
> windshield on

>  
> side closest to street. Make sure it is high enough to be visible  
> to enforcement.

- >
- >
- >
- > City of Austin residents, visitors and the municipality will reap numerous advantages with the new pay stations' functionality.
- >
- >
- >
- > Pay Station Customer Benefits
- >
- >
- >
- > \* Payment flexibility – Stations accept Master Card, Visa, and debit cards or coins
- >
- > \* Instructions in multiple languages – English, Spanish and Chinese
- >
- > \* Printed receipts provide a convenient record of expenses for business purposes
- > \* Receipt can multi-task - allows the user to take the remaining time on the ticket to another parking spot with City of Austin meters
- > \* Longer parking time – customers can pay for up to three hours at most locations and up to five hours at other locations versus the current two-hour limit
- > \* Credit card safety – the built-in security features provide for an instantaneous credit card transaction and does not store the card information to prevent fraud
- >
- >
- >
- > Pay Station City Benefits
- >
- >
- >
- > \* Solar power – pay stations run on solar power, have batteries lasting three years
- > \* Aesthetically pleasing – the new pay stations will replace 8 -11 meters with one station, cleaning up the sidewalks for pedestrians and eliminating the picket fence look of single space meters.
- > \* Greater efficiency – the new technology will notify the City electronically when the units need maintenance or the coin boxes are full – reducing field checks and coin collection trips.
- > \* Increased parking availability - parallel parking spaces will not need to be defined so cars can squeeze into a block as space allows. Cities normally see a 10-15% increase in parking availability.
- > \* No more broken meters – customers can obtain a parking receipt from any pay station. The City will save time on repairs and have a predictable revenue stream.
- > \* Made in Texas – the electronics for the machines are assembled

> in Plano, TX, a plus for the Texas economy, with just the housing un  
> its coming from France.

>

> Recycling and Reuse of Old Meters

>

>

>

> There is lot of interest in the recycling of the old single space  
> parking meters. Once the old meters are removed from service, the  
> City of Austin will inventory the supply and establish their condition  
> for reuse, recycling or sale. Some of the meters will be held in  
> reserve to replace areas that will continue to have single space  
> meters.

>

>

>

> The recycling effort will involve both creative reuse of the meters  
> for charitable purposes and re-selling through surplus sales.  
> Approximately 500 meters will be available for the recycling program.  
> The meter poles will be sold for scrap metal.

>

>

>

> Councilmember Randi Shade will lead the effort to recycle/reuse the  
> old meters with input from the community. An announcement about the  
> recycling effort will be forthcoming in the next month.

>

>

>

> New Bicycle Racks Downtown

>

>

>

> As the old parking meters poles were often used to lock up bicycles  
> in the downtown area, the City has been anticipating the meter  
> removal and planned ahead. Working with the Bicycle Advisory  
> Council and the Downtown Austin Alliance, the City will finalize  
> locations for new bicycle rack installations to occur in the same  
> timeframe for which the poles would be removed.

>

>

>

> History/ Background

>

>

>

> An Austin Transportation Department analysis of the current Parking  
> Meter System in Summer 2008 found the system to be in failing  
> condition. Approximately 3,800 single space meters, with expected  
> operational life of 10 years, had been in service 13 plus years.

> More than 18,000 meter failures were predicted for 2008-2009,  
> increasing city staff labor costs to repair meters and forfeiting  
> hundreds of thousands of dollars in revenue to the City.  
>  
>  
>  
> The City Council on March 5 approved the replacement of 3,800 single-  
> space meters with pay-and-display (Pay Stations) and authorized a  
> purchase of up to 750 stations for \$8,399,743. The City will use  
> parking revenue from the Pay Stations to pay off the purchase in  
> approximately eight years. The new pay stations have an expected  
> operational life of 15 years.

>  
>  
>  
> The Parking ordinance passed by the City Council on June 11  
> maintains the existing fees and hours of operation previously  
> established. Free parking privileges are continued for former  
> Prisoners of War, Pearl Harbor survivors, and Purple Heart  
> recipients. (State law provides free meter parking privileges for  
> persons with a disability.)

> # # #

>  
>  
>  
>  
>  
> Karla Taylor Villalon  
> Public Information Manager  
> Austin Transportation Dept.  
> 512.974.7246

>  
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> <att4bb68.JPG>  
> <att54114.JPG>  
> <PICT6239.JPG>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, July 18, 2009 7:18 PM  
**To:** Morrison, Laura  
**Subject:** Re: Submitted from City Council web site - cooling stations for homeless in record heat

Thanks Laura.

I have very much appreciated your support and leadership on this matter.

Marc

Sent from my iPhone

On Jul 18, 2009, at 11:59 AM, "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)> wrote:

Thx Marc. It's exciting to see we're making improvements to our disaster readiness by adding this component.

It should be done just when the "cold front" hits us this weekend :) but we'll be ready for another round of real heat.

---

**From:** Ott, Marc  
**Sent:** Fri 7/17/2009 10:04 PM  
**To:** Morrison, Laura  
**Subject:** Fwd: Submitted from City Council web site - cooling stations for homeless in record heat

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** "Latin, Otis" <[Otis.Latin@ci.austin.tx.us](mailto:Otis.Latin@ci.austin.tx.us)>  
**Date:** July 17, 2009 1:55:43 PM CDT  
**To:** "Garza, Rudy" <[Rudy.Garza@ci.austin.tx.us](mailto:Rudy.Garza@ci.austin.tx.us)>, "Lumbreras, Bert" <[Bert.Lumbreras@ci.austin.tx.us](mailto:Bert.Lumbreras@ci.austin.tx.us)>, "Lurie, David" <[David.Lurie@ci.austin.tx.us](mailto:David.Lurie@ci.austin.tx.us)>, "McDonald, Michael [APD]" <[Michael.McDonald@ci.austin.tx.us](mailto:Michael.McDonald@ci.austin.tx.us)>, "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>, "Goode, Robert" <[Robert.Goode@ci.austin.tx.us](mailto:Robert.Goode@ci.austin.tx.us)>  
**Subject:** RE: Submitted from City Council web site - cooling stations for homeless in record heat

The attached CAF # 2734 was sent in on July 15, 2009 to address this issue. We are meeting at this present time to finalize the extreme heat plan and will have a completed plan ready for distribution by next Friday.

Otis J. Latin, Sr.

Director,

City of Austin Homeland Security and Emergency Management

512-974-0461 (work)

512-569-4142 (cell)

---

**From:** Garza, Rudy [<mailto:Rudy.Garza@ci.austin.tx.us>]  
**Sent:** Friday, July 17, 2009 1:22 PM  
**To:** Lumbreras, Bert; Lurie, David; Latin, Otis; McDonald, Michael [APD]  
**Cc:** Goode, Robert  
**Subject:** FW: Submitted from City Council web site - cooling stations for homeless in record heat

Bert / Mike

Do you have a response or information you can provide the City Manager to address the point below? thanks

---

**From:** Ott, Marc  
**Sent:** Wednesday, July 15, 2009 7:39 PM  
**To:** Garza, Rudy  
**Cc:** Goode, Robert  
**Subject:** Fwd: Submitted from City Council web site - cooling stations for homeless in record heat

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)>  
**Date:** July 15, 2009 4:33:01 PM CDT  
**To:** [REDACTED]  
**Cc:** "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>  
**Subject:** RE: Submitted from City Council web site - cooling stations for homeless in record heat

Anne,

Thank you for contacting me regarding this most serious issue.  
We have recently been developing a response plan for protecting Austinites in extreme heat situations like we are experiencing now. The plan will include details on precisely when cooling stations are medically needed so I believe the situation is being carefully considered.

I am copying the City Manager on this email to ensure that your concerns about the need for cooling shelters are conveyed to the appropriate staff.

Please feel free to contact me whenever I can be of assistance.

Best regards,  
Laura

Laura Morrison  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

-----Original Message-----

From: [REDACTED]  
Sent: Thu 7/9/2009 7:51 AM  
To: Leffingwell, Lee; Martinez, Mike [Council Member]; Riley, Chris; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl  
Subject: Submitted from City Council web site - cooling stations for homeless in record heat

Date/Time Submitted: 0750 hours

From: Anne Peticolas

E-mail address: [REDACTED]

Subject: cooling stations for homeless in record heat

Comments:

Dear Mayor and Council,

I was bothered to hear a spokesman for the City's Office of

Emergency

Management say it is "not hot enough" to open emergency cooling places for the homeless. I think the record heat belies that and am worried that we will open such places only after someone has died from the heat.

I recall well that in an earlier heat wave (don't recall the year, probably in the 80s) a old black man in East Austin sadly and quickly died on a hot streetcorner. Many of the homeless are not young and are very heat-vulnerable. And this heat is extraordinary. And I think takes its toll on people's bodies more day by day as they endure it. Often, heat deaths and injuries are not properly recorded as such, as told in Eric Klinenberg's book, "Heat Wave: A Social Autopsy of Disaster in Chicago."

I urge you NOT to wait for deaths to happen but to head them off by opening cooling stations and taking other preventive measures to prevent heat deaths and injuries both among the homeless and among other Austin residents NOW.

Sincerely, Anne Peticolas 5730 Abilene Trail Austin, Texas 78749

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, July 18, 2009 7:33 PM  
**To:** Jennifer Walker  
**Cc:** Riley, Chris; Morrison, Laura; Shade, Randi; bill.spellman@ci.austin.tx.us; Cole, Sheryl; Martinez, Mike [Council Member]; Leffingwell, Lee; Ballas, Marisa; Rush, Barbara; Coleman, Glen; Amy Everhart  
**Subject:** Re: Water Conservation/Drought Management success story

Thank you Jennifer.

Sent from my iPhone

On Jul 17, 2009, at 12:21 PM, "Jennifer Walker" [REDACTED] wrote:

Hello,

Here is a short/interesting article from KSAT in San Antonio yesterday. It really demonstrates what can be accomplished with a good water conservation/drought management program in place. I always like to have real world examples to back up what we are working for here in Austin and thought that I would share this. Our water supply situation is inherently different than what San Antonio faces (for now), but a successful and robust water conservation program is what every city should to have in place to support growth and to be environmentally and fiscally responsible. I am pleased to be working with any of you to keep moving Austin towards that goal.

Thanks,

Jennifer Walker

SAWS Says Conservation Efforts Helping

By Trevor Zickgraf | KSAT.com

POSTED: Thursday, July 16, 2009

UPDATED: 7:20 pm CDT July 16, 2009

SAN ANTONIO -- San Antonio Water System officials announced Thursday that water conservation efforts helped San Antonio use 23 percent less water this June than they did in June of 2008.

The announcement came even as the Edwards Aquifer remains dangerously close to stage three conservation levels. The water company also reported that the conservation efforts have worked especially well on the weekends, when SAWS customers are only allowed to water lawns by hands. SAWS official Anne Hayden said the dip in water usage shows that residents understand the dire straights San Antonio is in when it comes to the drought.

"There is enough water for businesses and residents in San Antonio," Hayden said. "But we have to use what we have wisely."

Hayden added that the water conservation has also yielded positive results in attempts to conserve energy since reduced pumping has led to reduced energy usage. San Antonio entered stage one water restrictions April 10 and moved to stage two restrictions last month. Since that time, the aquifer has been close to stage three levels several times this month.

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\*\*\*\*\*

Jennifer Walker

Water Resources Specialist

Sierra Club, Lone Star Chapter

Office: 512.477.1729

Cell: 512.627.9931

[http\\texas.sierraclub.org](http://texas.sierraclub.org)

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Monday, July 20, 2009 5:42 PM  
**To:** Spelman, William  
**Cc:** Garza, Rudy; Meszaros, Greg; Morrison, Laura; Beekley, Taja; Rush, Barbara; Martinez, Rose Marie  
**Subject:** Re: WTP4 questions

CM Spelman,

I have discussed your request for additional info with Rudy and asked that he expedite his responses to you.

He will do his best to respond prior to Thursday.

Marc

Rose, please print.

Sent from my iPhone

On Jul 20, 2009, at 11:32 AM, "Spelman, William" <[William.Spelman@ci.austin.tx.us](mailto:William.Spelman@ci.austin.tx.us)> wrote:

Please see attached memo regarding WTP4.

Thank you.

<water demand questions 20 jul 09.doc>

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Tuesday, July 28, 2009 12:16 PM  
**To:** [REDACTED]  
**Cc:** Cole, Sheryl; Riley, Chris; Morrison, Laura; Shade, Randi; Spelman, William; Brossette, Julie; Leffingwell, Lee; Martinez, Mike [Council Member]; Woltenberg, Kendall  
**Subject:** Re: Petland

I'll see what I can find out.

Marc

Kendall, please follow up.

Sent from my iPhone

On Jul 28, 2009, at 10:04 AM, [REDACTED] wrote:

Dear Mr. Ott:

I am really angry to learn from KXAN News that the City of Austin has allowed Petland to flagrantly disregard ORDINANCE NO. 20080228-057. By my calculation, the maximum fines for over a year's worth of violation well exceeds \$200,000. This, and the fees that remain unpaid, are due to the public who asked for this ordinance.

At a time when the city budget is experiencing cuts in every area, as a taxpayer and diligent voter, I want to know why the city attorney has not pursued legal action to collect the fees and fines due from Petland.

Respectfully yours,

[REDACTED]

cc: Mayor, Council, City Attorney

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Tuesday, July 28, 2009 8:19 PM  
**To:** Browder, Leslie  
**Cc:** Cole, Sheryl; Long, Tara; McDonald, Stephanie; Canally, Greg  
**Subject:** Re: RE:

Thank you Leslie. That was the right response. They need to let us do the work. When we have options and a recommendation, then we can advise the Council.

Marc

Sent from my iPhone

On Jul 28, 2009, at 5:36 PM, "Browder, Leslie" <[Leslie.Browder@ci.austin.tx.us](mailto:Leslie.Browder@ci.austin.tx.us)> wrote:

We're planning to brief Marc on the research we have done when he returns from vacation next week.  
Leslie

---

**From:** Cole, Sheryl  
**Sent:** Thursday, July 23, 2009 4:56 PM  
**To:** Long, Tara  
**Cc:** McDonald, Stephanie; Browder, Leslie; Ott, Marc  
**Subject:**

Will you set up a meeting with Bill Newman, Leslie Browder, and Betty Dunkerly and Robert Spillar regarding Transportation financing? If Robert can't make it is okay as long as Stephanie visits with him before our meeting. Mayor Leffingwell is committed to a 2010 bond election and I need to understand the feasibility.

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Sunday, August 02, 2009 6:15 PM  
**To:** [REDACTED]  
**Cc:** Leffingwell, Lee; Riley, Chris; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl; Spelman, William; Edwards, Sue  
**Subject:** Re: Intoxicated - City of Austin Master Plan meeting on Thursday evening

[REDACTED]  
Mrs. Burns

Thank you for bringing this to my attention and the Council's as well. We all agree that such behavior is unprofessional and completely unacceptable.

We will investigate it immediately and take appropriate action based on what is determined.

I'm sorry that this encounter caused you to decide not to participate in the mtg. However, I do encourage you to make sure we hear your perspective.

Marc

Sue, let's discuss a course of action asap.

Sent from my iPhone

On Aug 2, 2009, at 5:57 PM, "Debbie Burns" <burnsdebbie@live.com> wrote:

August 1, 2009

Dear Mr. Ott,

I hesitated sending you this memo, but after some thought I just feel its in your best interest to know certain things that are happening at public meetings.

I attended a Master Plan Public meeting this past Thursday July 30<sup>th</sup> on Barton Springs Road and was shocked and appalled to see your staff intoxicated.

I attended the meeting because of my interest in the master plan and the affect it might have in my neighborhood – University Hills. When I arrived I observed unusual behavior at the

registration table. I noticed in particular an African American woman, with glasses and slacks who greeted me with slurred speech and who smelled of alcohol.

I was embarrassed for this individual, the City of Austin and the individuals around her who were trying to calm and distract her from speaking to me and the other guests any further. My concerns were quickly confirmed when I was greeted inside of the meeting room. There were several talking about the same issue, 'the drunk manager'. I chose not to stay for the meeting because I could not see how anyone in this condition would be taking my opinion seriously.

With the City's budgetary woes you have so many other issues at hand and when your staff comes intoxicated to public meetings I personally find it offensive, unprofessional and unacceptable.

Sincerely,

A black rectangular box redacting the signature of the sender.

A Very Concerned Citizen

University Hills

---

Get free photo software from Windows Live [Click here.](#)

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Monday, August 03, 2009 9:15 AM  
**To:** Martinez, Mike [Council Member]  
**Cc:** [REDACTED] Leffingwell, Lee; Riley, Chris; Shade, Randi; Morrison, Laura; Cole, Sheryl; Spelman, William; Hensley, Sara  
**Subject:** Re: Intoxicated - City of Austin Master Plan meeting on Thursday evening

Sure. Staff is working on it.

Sent from my iPhone

On Aug 3, 2009, at 8:49 AM, "Martinez, Mike [Council Member]" <[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)> wrote:

CM Ott,

Can we please get a follow up as soon as you find any information regarding this incident.

Thank you,  
Mike

---

**From:** Debbie Burns [mailto:[burnsdebbie@live.com](mailto:burnsdebbie@live.com)]  
**Sent:** Sunday, August 02, 2009 5:57 PM  
**To:** Ott, Marc  
**Cc:** Leffingwell, Lee; Riley, Chris; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl; Spelman, William  
**Subject:** Intoxicated - City of Austin Master Plan meeting on Thursday evening

August 1, 2009

Dear Mr. Ott,

I hesitated sending you this memo, but after some thought I just feel its in your best interest to know certain things that are happening at public meetings.

I attended a Master Plan Public meeting this past Thursday July 30<sup>th</sup> on Barton Springs Road and was shocked and appalled to see your staff intoxicated.

I attended the meeting because of my interest in the master plan and the affect it might have in my neighborhood – University Hills. When I arrived I observed unusual behavior at the registration table. I noticed in particular an African American woman, with glasses and slacks who greeted me with slurred speech and who smelled of alcohol.

I was embarrassed for this individual, the City of Austin and the individuals around her who were trying to calm and distract her from speaking to me and the other guests any further. My concerns were quickly confirmed when I was greeted inside of the meeting room. There were several talking about the same issue, ‘the drunk manager’. I chose not to stay for the meeting because I could not see how anyone in this condition would be taking my opinion seriously.

With the City’s budgetary woes you have so many other issues at hand and when your staff comes intoxicated to public meetings I personally find it offensive, unprofessional and unacceptable.

Sincerely,

 Mrs. Debbie Burtis

A Very Concerned Citizen

University Hills

---

Get free photo software from Windows Live [Click here.](#)

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Friday, August 07, 2009 12:58 PM  
**To:** Morrison, Laura  
**Cc:** Leffingwell, Lee; Nathan, Mark; Rush, Barbara; Levinski, Robert; Williams, Nancy; Snipes, Anthony; McDonald, Michael [APD]; Martinez, Rose Marie  
**Subject:** Re: Staff Briefing Slides

Sounds good. I'll see if we can work it out.

Marc

Anthony, you guys begin to think this through and be prepared to discuss with me next week.

Thanks

Sent from my iPhone

On Aug 7, 2009, at 11:12 AM, "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)> wrote:

Hello Marc,

I wanted to follow up and reinforce our quick discussion yesterday about staff briefings and the idea that our council discussion during a meeting could be more productive if we were able to see the slides ahead of time. I realize there is a timing issue with regard to when they are finalized but I hope there is a way we can make this a practical approach. Of course if our agenda system had a field for posting backup in the staff briefing items we could make them available to the public also, another benefit.

Laura

**Laura Morrison**  
Austin City Council, Place 4  
512-974-2258  
512-974-1886 (Fax)  
[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)  
<http://www.ci.austin.tx.us/council/morrison.htm>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, August 15, 2009 8:40 PM  
**To:** Shade, Randi  
**Cc:** bkelsey@capcog.org; Morrison, Laura; Riley, Chris; Leffingwell, Lee; Nathan, Mark  
**Subject:** Re: important PSP updates

Fantastic!

Sent from my iPhone

On Aug 14, 2009, at 5:09 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Brian -- sorry to have missed you earlier, but speaking of the CAPCOG grant for PSP ..... This is fantastic news.

-Randi

----- Original Message -----

**From:** Brewster McCracken <[brewster.mccracken@capcog.org](mailto:brewster.mccracken@capcog.org)>  
**To:** Isaac Barchas <[isbarchas@capcog.org](mailto:isbarchas@capcog.org)>; Jose Beceiro <[jbeceiro@capcog.org](mailto:jbeceiro@capcog.org)>; Duncan, Roger; Tom Edgar <[tedgar@capcog.org](mailto:tedgar@capcog.org)>; Jim Marston <[jmarston@capcog.org](mailto:jmarston@capcog.org)>; Shade, Randi; Colin Rowan <[crowan@capcog.org](mailto:crowan@capcog.org)>; Coleman, Glen <[gcoleman@capcog.org](mailto:gcoleman@capcog.org)>  
**Sent:** Fri Aug 14 16:52:20 2009  
**Subject:** important PSP updates

The Pecan Street Project received some positive news in the last few hours.

First, Senator Cornyn's office informed CAPCOG that the Department of Commerce EDA grant has been approved. The total grant award is \$442,854 - \$300,000 of that amount will go to PSP.

Second, the following have all agreed to serve on a technical review and advisory committee for the Mueller Demonstration Project: Bluebonnet, ERCOT, Pedernales Electric Coop and San Antonio CPS.

I won't bombard you, but these are significant positive developments that I wanted to make sure you knew about.

Brewster

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Saturday, August 15, 2009 8:54 PM  
**To:** [REDACTED]  
**Cc:** Community Feedback; Tom Mason; Morrison, Laura; Spelman, William; Riley, Chris; Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Shade, Randi  
**Subject:** Re: Stage 2 water restrictions

Thank you Dale, appreciate your support.

Marc

Sent from my iPhone

On Aug 15, 2009, at 7:48 AM, Dale Bulla <dalebulla@earthlink.net> wrote:

> Marc,  
>  
> Thank you, thank you, thank you. Finally the COA is taking this  
> drought seriously. I am glad we did not wait until Barton Springs was  
> completely dry to act. I am sure the community will respond when they  
> are finally told they must sacrifice a bit if we are to weather this  
> difficult period of global climate change. You are to be  
> congratulated for taking bold action. Even though my water  
> consumption is very low, I will try to find additional ways to  
> conserve and spread the word to my neighbors.

>  
> Sincerely,

>  
> Dale Bulla  
> 345-9528

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Monday, August 17, 2009 8:20 AM  
**To:** Jennifer Walker  
**Cc:** Leffingwell, Lee; Riley, Chris; Morrison, Laura; Shade, Randi; Spelman, William; Martinez, Mike [Council Member]; Cole, Sheryl; Ballas, Marisa; Everhart, Amy; Rush, Barbara; Coleman, Glen; Wilson, Beverly; Moore, Andrew; Gerbracht, Heidi; Martinez, Rose Marie  
**Subject:** Re: Statesman: Drought will force some tough choices

Thank you Jennifer.

Rose, please print.

Sent from my iPhone

On Aug 16, 2009, at 9:58 PM, "Jennifer Walker" [REDACTED] wrote:

I though that you all might be interested in this op-ed that I had in the Statesman this Saturday. Let me know if you have any questions.

Thanks,  
Jennifer

**Commentary, Austin American Statesman**

## **Walker: Drought will force some tough choices**

### **Jennifer Walker, Local contributor**

Saturday, August 15, 2009

After the 1930s and the construction of the massive Highland Lakes, our water supply seemed more or less infinite. Today, with our regional population topping 1.6 million, it is becoming very clear that the reservoirs do indeed have a bottom.

The last two summers have been some of the hottest and driest ever. Lakes Travis and Buchanan were full in the fall of 2007; today they are at less than 50 percent of capacity. And because both rainfall and water flowing into the lakes are at a record low, this problem is likely to get worse before it gets better.

This drought needs to serve as a wake-up call. It is time for a paradigm shift in the way we use and think about water.

In the coming decades, Central Texans are going to make hard choices about the future of our water resources. Austin residents are facing the first of these questions as the city debates whether to build another water treatment plant, at a cost of a half-billion dollars, or to attempt to postpone the plant with an aggressive conservation program. The potential for postponing the water treatment plant is just one of many reasons the city should concentrate on water conservation.

It may come as a surprise that even though Central Texas has been in an "exceptional" drought — the worst category — since last summer, the Lower Colorado River Authority did not ask its customers for mandatory drought management measures until this week, when the lakes fell to a combined storage of 900,000 acre-feet.

Summer is nearly over, and a huge opportunity for water savings has been lost. In most Texas cities, water use dramatically increases during the summer because of lawn watering. The Texas Water Development Board estimates that about half of this water is wasted to over-watering or runoff. Watering restrictions reduce this waste.

It would be logical for water providers in Central Texas to implement drought management measures whenever we are in a significant drought instead of waiting for artificial trigger points to be hit. A wait-and-see approach might have been enough at one time, but Central Texas' growth rate combined with climate change means we need to be more cautious.

Unfortunately, scientists are telling us that summers like this one could become more common. A 2007 Columbia University study found that "there is a broad consensus amongst climate models that the levels of aridity of the recent multiyear drought, or the Dust Bowl and 1950s droughts, will, within the coming years to decades, become the new climatology of the American Southwest." Yikes.

Recently, the LCRA gave a preview of the options for expanding the region's water supply beyond the Highland Lakes. It is not a pretty picture. All the options except conservation were very expensive and had significant environmental downsides. We will be better off using water wisely year in and year out and doubling down on our conservation efforts during droughts.

Conservation does work. Over the past 25 years, Los Angeles has grown by about 1 million people without increasing the amount of water it uses. In San Antonio, total water use fell between 1993 and 2004 even though the city's service area grew by more than 200,000 people. And total water use in Austin has remained fairly steady over the past decade despite a population increase of around 200,000.

Working together, we can change the way we use water without sacrificing our quality of life. This is not just about avoiding the controversial water treatment plant; it is about making sure that we have the water we need so that Central Texas can remain a vibrant place to live and do business.

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Walker is water resources specialist of the Sierra Club, Lone Star Chapter.

\*\*\*\*\*

Jennifer Walker  
Water Resources Specialist  
Sierra Club, Lone Star Chapter  
Office: 512.477.1729  
Cell: 512.627.9931  
<http://texas.sierraclub.org>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, August 20, 2009 5:24 AM  
**To:** Spillar, Rob  
**Cc:** Leffingwell, Lee; Martinez, Mike [Council Member]; Riley, Chris; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl; Goode, Robert  
**Subject:** Re: New parking meter system update

Thanks Rob.

Sent from my iPhone

On Aug 19, 2009, at 2:18 PM, "Spillar, Rob" <[Robert.Spillar@ci.austin.tx.us](mailto:Robert.Spillar@ci.austin.tx.us)> wrote:

*Just a follow up note from yesterday's memo to you to let you know our new notice or warning in lieu of a ticket process is already in progress.*

*Best regards,*

*Rob Spillar*

### **From Infact Daily Today (Whispers):**

**A funny thing happened on the way back from the forum . . .** *In Fact Daily's* editor was on the way to the RECA economic outlook forum on Tuesday when she encountered the **new parking meter system**. She found it difficult to read the instructions on the kiosk but observed others had placed their stickers on the outside of the windshield close to the curb and followed suit. Upon returning, she found what appeared to be a parking ticket along with the sticker on the windshield. This really seemed unfair, especially with 10 minutes left on the meter. Once again, eyesight proved to be a problem, so she put on her glasses and called the number on the ticket as advised by attorney David Hartman, who was passing by. It turned out that once she had her glasses on, the editor could see it was in fact **a warning—not a ticket—and that it was a warning to place the sticker on the inside of the windshield where no one could steal it**. But, never one to pass up a story, she talked to Transportation Department employee Arthur Gonzales, whose job it is to field such calls. Gonzales said the city is in the process of printing up bigger labels to put on the parking kiosks so those with less than perfect eyesight can see where to put the parking stickers. Asked how many people had called to complain, Gonzales said city employees had just been too busy to sit down and review the number of calls they had received . . .

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, August 27, 2009 3:41 PM  
**To:** Nathan, Mark; Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William  
**Subject:** Community connecting effort

Mayor and Council,

In my continuing effort to connect with the community, I've been meeting with neighborhood associations and community service groups to increase transparency and community involvement in city government. I've also opened up the budget process to engage the community in developing my recommendation and recently introduced a weekly City Manager's Update.

Continuing this "connecting effort", I will be visiting the Dove Springs neighborhood in Southeast Austin tomorrow, Friday, August 28. I will be accompanied by a few community leaders and members of my management team. My goal is to walk a portion of the neighborhood in an effort to hear from residents from this area and learn more about the neighborhood's assets and challenges.

I plan on doing such walks in other parts of our community.

Thanks,

Marc

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, September 12, 2009 10:12 AM  
**To:** Edwards, Sue  
**Cc:** Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Cole, Sheryl; Spelman, William; Morrison, Laura; Riley, Chris; Browder, Leslie; Van Eenoo, Ed; Canally, Greg; McDonald, Michael [APD]; Goode, Robert; Garza, Rudy; Lumbreras, Bert; Martinez, Rose Marie  
**Subject:** Re: Central Texas Economy In Perspective

Thank you Sue.

Rose, please print. Thanks

Sent from my iPhone

On Sep 11, 2009, at 4:32 PM, "Edwards, Sue" <[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)> wrote:

FYI

Sue

Sue Edwards  
Assistant City Manager  
City of Austin  
Phone: 512-974-7820  
Fax: 512-974-2833  
[sue.edwards@ci.austin.tx.us](mailto:sue.edwards@ci.austin.tx.us)

---

**From:** Bob Roberts [<mailto:> [REDACTED]]  
**Sent:** Friday, September 11, 2009 3:22 PM  
**To:** Bob Roberts  
**Subject:** Central Texas Economy In Perspective

**Pulling data from the Federal Reserve Bank of Dallas, Beverly Kerr has again produced an excellent and well reasoned look at the Austin and Texas economies. This time she highlights the leading indicators in employment and industry that show whether our economy is expanding or shrinking. Their data can be interpreted to show the start of an expansion by September 2010.**

**This monthly "Economy in Perspective" comes from the @theChamber newsletter. Here's a link for this issue:**  
**<http://app.e2ma.net/campaign/26685.b71e0b38b319b6bb45298b758ce181cd>**

**Bob**

**Central Texas Economy In Perspective**  
by Beverly Kerr, Chamber Vice President of Research

Regional business cycle indicators indicate improvement in recent months.

The Federal Reserve Bank of Dallas' [Texas Business Cycle Index](#) combines movements in payroll employment, the unemployment rate, and gross state product to summarize the course of the state's economy. The index is designed to distinguish between expansion and recession. The monthly percent change in the index dropped into negative territory in August 2008 (several months before the Dallas Fed pegs [Texas' recession](#) to have begun).

<image001.gif>

A slightly different mix of measures, nonagricultural employment, the unemployment rate, inflation-adjusted wages, and inflation-adjusted retail sales, are aggregated by the Dallas Fed into the [Metro Business Cycle Index](#) to indicate the direction of each of Texas' individual metro economies. Austin's index was increasing at a decreasing rate through 2007 and the monthly percent change became negative after the first quarter of 2008.

While the Business Cycle Indexes for both Texas and Austin remain in negative territory, as the graph shows, the pace of decline has slowed, giving the trend line an upward turn, and perhaps signaling that the end of the downturn is in sight.

If you were to assume that the slope of the trend line stays constant, Austin's economy would be expanding again by September 2010. While this may be farther off than may be hoped for, it would still mean this period of contraction (as indicated by this index) would be several months shorter duration for Austin than the previous one, as well as being less deep.

<image002.gif>

Another index, the [Texas Index of Leading Indicators](#), is the Dallas Fed's barometer of the future of the state's economy. The index is a composite of [eight indicators](#) that tend to change direction before the overall economy does. The leading index edged up 1.5% in April--its first positive reading following 11 consecutive months of declines. This was followed by a 3.8% increase in May and a moderate decline of less than 1% in June. The index remains 4.6% above the low it reached in March. The second quarter's gain was broad-based, with 6 of the 8 indicators showing positive movements.

With the September 1 release of the [third quarter issue](#) of *Southwest Economy*, the Dallas Fed revises Texas' job loss estimates for 2009 originally projected in the [first quarter's issue](#). The previous -2.8% (296,000 jobs) estimate has been revised to -2.0 (212,000 jobs), a significant improvement. The authors note that recent changes in the Texas Leading Index suggest employment will bottom out during the third quarter and then begin a gradual increase leading to a mild rebound in job growth next year to about 1% to 1.5% (the 30-year average for Texas job growth is 2.8%).

<image003.gif>

**Bob Roberts**  
Senior Vice President

<image006.jpg>  
100 Congress Avenue  
Austin, TX 78701

cell: 512.775.5111 | office: 512.322.8709 | fax: 512.472.3101

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Thursday, October 01, 2009 1:44 AM  
**To:** Garza, Rudy  
**Cc:** [REDACTED] Cole, Sheryl; Riley, Chris; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Spelman, William; Shade, Randi; Nathan, Mark; Williams, Nancy; Everhart, Amy; Curtis, Matt; Jackson, Janet; Williamson, Laura; Garza, Bobby; Moore, Andrew; Leff, Lewis; Ballas, Marisa  
**Subject:** Re: USHCA\_OSHA safety training marathon

Likewise Frank. We want to continue to support your safety efforts.

Great work on your part.

Marc

Sent from my iPhone

On Sep 30, 2009, at 8:53 PM, "Garza, Rudy"  
<[Rudy.Garza@ci.austin.tx.us](mailto:Rudy.Garza@ci.austin.tx.us)> wrote:

> Thanks for your leadership with the training. I look forward to us  
> continuing to work with you on any future training.

>  
> Rudy

>  
> \_\_\_\_\_  
>

> From: [REDACTED]  
> To: Cole, Sheryl; Riley, Chris; Leffingwell, Lee; Martinez, Mike  
> [Council Member]; Morrison, Laura; Spelman, William; Shade, Randi  
> Cc: Nathan, Mark; Williams, Nancy; Everhart, Amy; Curtis, Matt;  
> Jackson, Janet; Williamson, Laura; Garza, Bobby; Moore, Andrew; Leff,  
> Lewis; Ballas, Marisa; Ott, Marc; Garza, Rudy  
> Sent: Wed Sep 30 20:44:56 2009  
> Subject: USHCA\_OSHA safety training marathon

>  
>  
> Mayor and Council,  
>  
> I would like to take this opportunity to thank our City Manager Marc  
> Ott and Assistant City Manager Rudy Garza. Because of their help, we  
> were able to train more than 200 construction laborers the OSHA 10  
> hour safety class. The training was provided for free to the  
> construction laborers in English and in Spanish.  
> Please see attachment for PDF article.

>  
> Thank you and God Bless,

> Frank Fuentes  
> Chairman, USHCA

Martha Limon  
Chair USHCA de Austin

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>  
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> <OSHCTrainingArticle\_Page\_1.jpg>

> <OSHCTrainingArticle\_Page\_2.jpg>

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Wednesday, October 07, 2009 10:00 PM  
**To:** Michael von Ohlen  
**Cc:** Leffingwell, Lee; Riley, Chris; mike.martine@ci.austin.tx.us; Shade, Randi; Morrison, Laura; Spelman, William; Cole, Sheryl; robet.goode@ci.austin.tx.us; Edwards, Sue; Lumbreras, Bert; McDonald, Michael [APD]; Snipes, Anthony; victoria.l@ci.austin.tx.us; Meszaros, Greg; Trimble, Michael; jim.smit@ci.austin.tx.us; Lazarus, Howard; Hensley, Sara; bryon.johnson@ci.austin.tx.us; roger.duncan@ci.austin.tx.us; Garza, Rudy; [REDACTED]; [REDACTED]; [REDACTED] Martinez, Rose Marie  
**Subject:** Re: LOW Bid EXTREME CONCERN!!

Thank you.

Rose, please print.

Sent from my iPhone

On Oct 7, 2009, at 11:59 AM, "Michael von Ohlen" [REDACTED] wrote:

>  
>  
> <image003.jpg>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, October 22, 2009 9:39 AM  
**To:** Mele, Cheryl  
**Cc:** McDonald, Michael [APD]; Leffingwell, Lee; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Shade, Randi; Cole, Sheryl; Fernandez, Rolando; Vice, Jeff; Duncan, Roger  
**Subject:** Re: Mueller Update

Thank you Cheryl.

Sent from my iPhone

On Oct 22, 2009, at 8:32 AM, "Mele, Cheryl" <[Cheryl.Mele@austinenergy.com](mailto:Cheryl.Mele@austinenergy.com)> wrote:

All,

I wanted to provide an update of activities this week on Mueller Substation.

My staff met with representatives from Troublemaker Studios, General Land Office, Catellus, and CTECC Thursday afternoon to review the technical reasons for locating/not locating on the GLO site. AE staff presented a compelling argument and data to assure that sound and EMF would not be an issue. However, the vice-president of the studio still felt there could be issues with perception from their insurer (there's apparently only one that serves the film industry) or other film studios who might consider using their studio space. They feel that if there are issues with equipment they have now or in the future, fingers would point back to the substation. They feel the risk is too great since there are other sites available. They also referred back to the "study" done by their consultant that argued against placing the substation next to the studio.

Troublemaker expressed that they have no technical concerns if the substation is across the creek on AE site. They also do not have an concerns about aesthetics. Staff left the meeting with the understanding that Troublemaker would not change their stance. Hal Croft with GLO stands behind that decision.

AE engineers and the project manager also met with Jim Adams of ROMA and a representative of Catellus, to discuss strategies for making the 51st Street site more aesthetically pleasing. They are going to look at utilizing more of the east side of the property in an effort to preserve trees and see if we can alter our layout to offer a different street side presence. The teams will get back together within a week.

AE and PARD are also looking at the Morris Williams Golf Course for possible transmission route to a site on Mueller, or as both a transmission route and substation location. Lastly, we are updating our area load forecast with the latest plans from area developers, and our 2009 summer peak information to determine if we have any flexibility on the project need date.

A request has been made by the Islamic Trust to pull this item from today's agenda. AE is in agreement with that, as we want to explore the options above, but we do not agree with their requested 60 day delay. We will be proposing Nov. 19 as a return date. That will give us a month to evaluate these options and determine the best approach without impacting the schedule significantly.

Please let me know if you have any questions at this time.

Cheryl Mele  
COO, Deputy General Manager  
Austin Energy  
512.322.6062  
512.658.8376 (cell)

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Tuesday, October 27, 2009 3:55 PM  
**To:** Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl; Morrison, Laura; Shade, Randi; Riley, Chris; Spelman, William; Edwards, Sue  
**Cc:** Council Executive Assistants  
**Subject:** EGRSO Director  
**Attachments:** EGRSO Director memo final II.doc; egrso Director final IV.doc



**Memorandum**

**DATE:** Oct. 27, 2009  
**FROM:** City Manager Marc Ott  
**TO:** Mayor and Council Members  
**SUBJECT:** Economic Growth and Redevelopment Services Director

After a nationwide search, I am happy to announce the hiring of Kevin Johns, Director of Economic Development for Palm Beach County, Fla., to head our Economic Growth and Redevelopment Services Office.

Kevin will join us on Jan. 11, bringing with him successes in strategic planning, local partnerships and international relationships. He has more than 30 years experience in urban planning and economic development and his abilities to bring community groups together will serve us well in both redevelopment as well as economic initiatives affecting the cultural arts and emerging technologies.

His agency's strategic plan for Palm Beach County brought together 36 public-private partnerships that are expected to generate \$1 billion in net new taxes and 30,000 jobs over the next 10 years.

To generate international investment, he created a Global Capital Market Group composed of private equity firms in South Florida and a 21<sup>st</sup> Century Economic Plan that includes partnerships for a comprehensive trade development system, an inland port, an international finance district, expanded consular activity, trade missions and international business exchanges

I want to thank Rodney Gonzales for serving as Acting Director for the past 16 months and am glad to say he will continue in his former position as Deputy Director. I know he and Kevin will make a great team and the transition will be seamless as we move forward on many important projects.

Marc Ott

City Manager  
City of Austin

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, October 29, 2009 8:48 PM  
**To:** Martinez, Mike [Council Member]  
**Cc:** Fred McGhee; Libby, Leslie; Duncan, Roger; Harvey, Tim; Newcomb Adrian; Morrison, Laura; Cole Sheryl; Spelman, William; Riley, Chris; Leffingwell, Lee  
**Subject:** Re: Austin Energy Solar Rebate Application

Certainly.

Roger, I trust your staff will follow up asap. Thanks

Marc

Sent from my iPhone

On Oct 29, 2009, at 11:44 AM, "Martinez, Mike [Council Member]" <[Mike.Martinez@ci.austin.tx.us](mailto:Mike.Martinez@ci.austin.tx.us)> wrote:

CM Ott and Mr. Duncan,

Can we please provide a follow up response to Mr. McGhee.

Thanks,  
Mike

**Mayor Pro Tem Mike Martinez**

310 W. 2nd Street  
Austin, Texas  
512.974.2264

---

**From:** Fred McGhee [REDACTED]  
**Sent:** Thursday, October 29, 2009 10:02 AM  
**To:** Libby, Leslie  
**Cc:** Harvey, Tim; Newcomb Adrian; Morrison, Laura; Martinez, Mike [Council Member]; Cole Sheryl; Spelman, William; Riley, Chris; Leffingwell, Lee  
**Subject:** Austin Energy Solar Rebate Application

Hello Leslie,

You had indicated in our conversation yesterday that you never received a rebate application from me, something which surprised me. Here is a copy of the email from a month ago to Tim Harvey that contains the application. When I combine this apparent oversight with the fact that you never got back to me about my pending rebate application back in July of this year, I start to wonder. Tesla Electric, my installer, explained the reasons for the delay in the email to Tim.

It appears that the situation and controversy related to the overcommitment of rebate dollars has been "put to bed" as it were. The word on the street is that applications from applicants in situations such as me are null and void and that people need to resubmit applications after November 1, under new guidelines and with the reduced rebate amount. That's basically what you told me over the phone. Fine. But not knowing or acknowledging the fact that I have been in pursuit of the rebate for as long as I have, not responding to phone calls and emails going back to July, and not acknowledging receipt of my application is unprofessional behavior.

I know you guys are swamped. I know that the mismanagement of the rebate fund is a complicated issue. It doesn't change the fact that what you have done (and not done) is just not cool. The financial impact alone is considerable. It didn't have to be this way.

Am I to expect an official communication from your office notifying me that my application is canceled and that I need to resubmit after November 1? Or should we just assume that I did not contact you back in July, submit the attached application when I did, resubmit an application after November 1, and act as if we are starting from scratch?

Please advise.

Many thanks and warm regards,

flm

Begin forwarded message:

**From:** "Brad Newcomb" <[REDACTED]>  
**Date:** October 29, 2009 7:19:10 AM CDT  
**To:** "Fred McGhee" <[REDACTED]>  
**Subject:** Fw: Rebate Applications  
**Reply-To:** "Brad Newcomb" <[REDACTED]>

Fred here are is the e-mail sent to Tim regarding your submitted rebate application. I have omitted my other customers form for clarity.

----- Original Message -----

**From:** Brad Newcomb  
**To:** Harvey, Tim  
**Sent:** Tuesday, September 29, 2009 8:50 AM  
**Subject:** Rebate Applications

Tim,

Attached are two rebate applications for the PV rebate program.

I have had signed contracts to install PV systems for each customer since June/July and have been waiting on materials (Enphase micro-inverters). My vendor said back in June to expect product in December, as a worst case, however, they now have product in stock and are ready to ship. I did not submit these rebate applications earlier since I did not expect to get the product sooner and was worried about the LOI expiring. David said that I could have got an extension on the LOI this morning, however, since these are my first two installs, I am still learning this process and was not aware of that. I understand that the AE PV rebate monies are now at \$3/watt, so, would it be possible to consider the \$3.75/watt for these two applications?

Thanks for your time.

Brad

Brad Newcomb  
Owner  
Tesla Electric Inc.  
512-563-7424  
Website: [teslaelectricinc.com](http://teslaelectricinc.com)

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Sunday, November 01, 2009 6:46 PM  
**To:** [REDACTED]  
**Cc:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William; Garza, Rudy; Meszaros, Greg; Duncan, Roger; Martinez, Rose Marie  
**Subject:** Re: Electric and water infrastructure billing

Interesting idea!

I'll pass it on to appropriate staff.

Thank you.  
Marc

Rudy/Greg, FYI and consideration.

Rose, please print.

Sent from my iPhone

On Oct 30, 2009, at 10:55 AM, [REDACTED] wrote:

Dear Council,

In some of the Pecan Street discussions, the idea has been raised of splitting electric grid upkeep costs out from energy generation and purchase costs. Grid maintenance would be billed as a line item along with trash service and the street maintenance fee. This change would allow the city to charge an adequate amount for grid maintenance regardless of usage.

The concern behind this is that as more end users generate electricity onsite and buy less from the city, their contribution to grid maintenance will drop, even though the actual upkeep expense has not declined. The idea is to get people thinking of the electric grid as a city asset much like a roadway, available whenever needed (particularly in emergencies), with maintenance and repair costs that are independent of the amount of power flowing to their homes on any given day.

I suggest that the same billing change be made for water infrastructure. Water plants and pipeworks require maintenance regardless of how much water is flowing through them. Billing asset costs and maintenance as a line item would allow for adequate system upkeep even as conservation and drought restrictions reduce the amount of water that people draw from the system. It would also make it easier to set appropriate water rates for large and small users.

Keep up the good work.

[REDACTED]  
Austin

## **Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Tuesday, November 03, 2009 7:48 PM  
**To:** Morrison, Laura  
**Cc:** Garza, Rudy; Rush, Barbara; Fernandez, Rolando  
**Subject:** Re: Memo from AWU Director to Mayor and Council re: Integrated Water Management Plan

Rudy, will gather info and provide it to you by Friday.

Marc  
Sent from my iPhone

On Nov 3, 2009, at 6:23 PM, "Morrison, Laura" <[Laura.Morrison@ci.austin.tx.us](mailto:Laura.Morrison@ci.austin.tx.us)> wrote:

Marc,

As a follow up reminder to our 1 on 1 yesterday, I had asked for a copy of the scope of work, contract and status for the Integrated Planning effort underway by Plummer referenced herein. Please include info on any amendments to the contract also.

It would be helpful to receive this information by this Friday. Will that be possible?

Thanks,  
Laura

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**From:** From the Public Information Office  
**Sent:** Fri 10/30/2009 4:07 PM  
**To:** Official Distribution  
**Cc:** Beekley, Taja  
**Subject:** Memo from AWU Director to Mayor and Council re: Integrated Water Management Plan

<10-30-09 Memo from AWU Director to MC re- Integrated Water Management Plan.pdf>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Saturday, November 07, 2009 11:06 AM  
**To:** Garza, Rudy  
**Cc:** Morrison, Laura; Bob Lander; Sandoval, Marie; Guernsey, Greg; Edwards, Sue; Beekley, Taja  
**Subject:** Re: Historical Landmark Commission

I agree. Thanks Rudy.

Sent from my iPhone

On Nov 3, 2009, at 4:06 PM, "Garza, Rudy" <[Rudy.Garza@ci.austin.tx.us](mailto:Rudy.Garza@ci.austin.tx.us)> wrote:

Council Member

I am responding on behalf of Sue Edwards as she is out of the office this week. However, I understand you would like a meeting with staff, ACVB, and others to discuss the criteria the HLC uses for award of grants. I believe this is an interest of others, and I would suggest a briefing from the Chair of the HLC to the entire Council during a regular meeting. This would allow everyone to get the same information and provide input on the process. Thanks

Rudy

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, November 11, 2009 7:45 AM  
**To:** paige hill  
**Cc:** Slusher, Daryl; Meszaros, Greg; Garza, Rudy; Chris Riley; Morrison, Laura; Ballas, Marisa; Rush, Barbara; bill.spellman@ci.austin.tx.us  
**Subject:** Re: Recruitment for New AWU Conservation Director

Hello Paige,

The position you refer to is currently on hold while Mr. Garza and I determine how best to proceed. Also, be advised that this position is not a Director. The position reports to Daryl Slusher.

Typically, we do not conduct a national search for positions within a division and it would be exceptional for me to engage in a recruitment at that level anywhere in the organization. However, I do understand the keen interest in the position. We will decide how to proceed in the near future.

I appreciate your perspective.

Best regards as well,

Marc

Sent from my iPhone

On Nov 10, 2009, at 5:01 PM, "paige hill" [REDACTED] > wrote:

CM Ott,

At our last meeting one of the things we discussed was the important role of AWUs new Conservation Director. Since then I've heard very little of it.

Please allow me to reiterate the importance of a national recruitment search to draw in world class talent and expertise to fill this extremely critical position at AWU. I still think it is imperative the topic continue to be guided at the highest levels of our City Management. It is not a standard mid-level program management position, and many stakeholders are interested and watching with anticipation.

Could you update the public and Council on the expected process and the current status of our search for candidates to fill the role of Conservation Director at AWU?

Best regards,  
-Paige

--  
paige hill  
[REDACTED]

examine everything carefully; hold fast to that which is good (1 Thes. 5:21)

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Tuesday, November 17, 2009 12:39 PM  
**To:** [REDACTED]  
**Cc:** Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Cole, Sheryl; Shade, Randi; Spelman, William; Edwards, Sue  
**Subject:** Re: Travis Building...

Ms. Houston, I will ask staff to respond asap. Marc

Sue, please follow up. Thanks, Marc

Sent from my iPhone

On Nov 16, 2009, at 11:06 PM, "Ora Houston" [REDACTED] > wrote:

Dear City Leaders:

Attached are my comments about the Travis House which I understand will be on the agenda Thursday, the 19th. Contained under the Background Section, are a couple of questions about the Fire Department's role in the condition of the structure. I would appreciate it if someone could provide answers to those questions.

Thank you for reading my comments.

*Shalom,  
OHouston*

*We live in 'extra ordinary times'. It will take an 'extra ordinary' amount of positive expectations, civility and hard work to repair the breach. It will take an 'extraordinary' amount of time to see results. Oh*

<Travis House-YWCA letter to council.doc>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, November 17, 2009 4:58 PM  
**To:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William  
**Cc:** Council Executive Assistants  
**Subject:** FW:  
**Attachments:** Notification of ratification election November 17.doc

Mayor and Council,

Marc asked that I forward on his behalf. Let us know if you have any questions.

Thanks,

Rolando

---

**From:** Watts, Larry  
**Sent:** Tuesday, November 17, 2009 2:31 PM  
**To:** Ott, Marc  
**Cc:** McDonald, Michael [APD]; Kerr, Rhoda Mae; Desai, Deven  
**Subject:**

Please see the attached informaton on union ratification and suggested scheduling of Council action on the fire department collective bargaining agreement.

Larry Watts  
Chief Labor Relations Officer  
City of Austin

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Wednesday, November 25, 2009 11:31 AM  
**To:** Cole, Sheryl; Leffingwell, Lee; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Shade, Randi; Spelman, William  
**Cc:** Council Executive Assistants  
**Subject:** Closure of City Hall Offices today at 3pm

Mayor and Council,

I wanted to let you know that I will be closing CMO and other City Hall offices at 3pm today. I will be in town and as always available by phone or email. Have a pleasant and safe Thanksgiving Holiday.

Marc

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, November 26, 2009 10:22 AM  
**To:** Skip Cameron  
**Cc:** Williamson, Tammie; Hensley, Sara; Li, Victoria J; Lumbreras, Bert; McClintock, Nancy; Scoggins, Mateo; Herrington, Chris; Madani, Farhad; Perez, Alberto; Wells, Bill; Ovalle, Victor; Goode, Robert; Spelman, William; Riley, Chris; Morrison, Laura; Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Cole, Sheryl; Everhart, Amy; Moore, Andrew; Rush, Barbara; English, Barksdale; Wilson, Beverly; Estrada, Deena; Diaz, Elaine; Coleman, Glen; Corpus, Grace; Gebracht, Heidi; Davis, Ian; Jackson, Janet; Cavazos, Jazmin; Williamson, Laura; Leff, Lewis; Ballas, Marisa; Nathan, Mark; Bier, Marti; Curtis, Matt; Parkerson, Matt; Williams, Nancy; Garza, Bobby; Levinski, Robert; McDonald, Stephanie; Long, Tara  
**Subject:** Re: Bull Creek - yet another problem of City's lack of response to stakeholders

How sad.

I understand that Tammie is following up.

Thank you for bringing this to our attention. Marc

Sent from my iPhone

On Nov 25, 2009, at 10:25 PM, "Skip Cameron" [REDACTED] >  
wrote:

> Tammie:  
> The following scenario points to a need for more clarity of  
> responsibility and accountability and prompt action by the City of  
> Austin.  
>  
> 3 mutilated deer were found last Saturday in Bull Creek near the road  
> where Spicewood Springs Road goes under Hwy 360.  
>  
> This was particularly grizzly, almost like a satanic ritual  
> mutilation.  
> The deer's hind quarters were severed off, their legs cut off and the  
> bodies slashed and stabbed.  
> Pictures attached.  
>  
> Our project leader George Innis called 311 to report it and they told  
> him he was the second caller. They said they would report it to dead  
> animal control and get someone out there. The deer were still there in  
> the creek Tuesday morning and George persisted with calls to the City  
> and stayed there until WPD Environmental, Solid Waste Services, PARD  
> and a Game Warden converged on the scene.  
> It was bureaucratic Keystone Cops as they tried to sort out who would  
> do  
>  
> what as George looked on.

- > Eventually the deer were extracted from the creek and taken off.
- > One by PARD and two by SWS.
- >
- > Deer carcasses were left for days fouling Bull Creek, a drinking water
- > creek.
- > This response was less than stellar by the City of Austin.
- >
- > I trust that I will receive a response to explain how next time such a
- > call will be handled more expeditiously.
- >
- > Skip Cameron, Pres.
- > Bull Creek Foundation
- > 794-0531
- > <Deer 1 by LWC 12 sign.jpg>
- > <Deer 2, downstream from Deer 1.jpg>
- > <Deer 3.jpg>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, December 03, 2009 3:01 AM  
**To:** Everhart, Amy  
**Cc:** Rabago, Karl; Nathan, Mark; Duncan, Roger; Leffingwell, Lee; Cordova, Carlos; Clark, Ed; Saenz, Drusilla  
**Subject:** Re: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

I have some concerns re this matter and question the wisdom of participating.

Can somebody explain the status of this matter?

Marc

Sent from my iPhone

On Dec 2, 2009, at 3:43 PM, "Everhart, Amy" <[Amy.Everhart@ci.austin.tx.us](mailto:Amy.Everhart@ci.austin.tx.us)> wrote:

Yes, if you can, that would be great. I'm out of town for the rest of this week, but could help on Monday.

Thanks again!

Sent from my iPhone

On Dec 2, 2009, at 3:40 PM, "Rabago, Karl" <[Karl.Rabago@austinenergy.com](mailto:Karl.Rabago@austinenergy.com)> wrote:

Amy,

Good idea - want me to try to get a call/meeting convened?

Karl

-----  
Karl R. Rabago  
Austin Energy  
[karl.rabago@austinenergy.com](mailto:karl.rabago@austinenergy.com)  
c: 512.496.6956

----- Original Message -----

From: Everhart, Amy <[Amy.Everhart@ci.austin.tx.us](mailto:Amy.Everhart@ci.austin.tx.us)>  
To: Rabago, Karl  
Cc: Nathan, Mark; Duncan, Roger; Leffingwell, Lee; Ott, Marc; Cordova, Carlos; Clark, Ed  
Sent: Wed Dec 02 15:36:13 2009  
Subject: Re: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

Thanks Karl. I spoke to Scott on Monday and he was flexible on the date, format etc. so we definitely have some wiggle room.

It would be great if we could all get on the same page about this once Bill is back from vacation. Maybe we can touch base next week?

Thanks,  
Amy

Sent from my iPhone

On Dec 2, 2009, at 1:20 PM, "Rabago, Karl" <[Karl.Rabago@austinenergy.com](mailto:Karl.Rabago@austinenergy.com)> wrote:

Folks,

We have had some conversations and are making some progress, but Scott's message may be a little pre-mature.

General Manager Bill Stotesbery with KLRU is still on vacation through Tuesday. Carlos Cordova in our PIO office did speak with their community involvement person Maury Sullivan who said their partnerships with the Statesman and KUT are still not firmed up. KLRU is having an internal meeting this Friday to finalize details of the program and Maury said she will have more information for us after that meeting. She said KLRU is committed to producing this program.

Karl

-----  
Karl R. Rabago  
Austin Energy  
[karl.rabago@austinenergy.com](mailto:karl.rabago@austinenergy.com)  
c: 512.496.6956

----- Original Message -----

From: Nathan, Mark <[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)>  
To: Duncan, Roger; Rabago, Karl  
Cc: Leffingwell, Lee; Everhart, Amy  
Sent: Mon Nov 30 09:47:07 2009  
Subject: FW: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

Hi Roger / Karl. Is this accurate? It comes as a surprise. Please advise.

Thanks, Mark.

-----  
From: Everhart, Amy  
Sent: Monday, November 30, 2009 9:37 AM  
To: Nathan, Mark  
Subject: FW: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

~~~~~  
Amy Everhart  
Policy Director  
Office of Mayor Lee Leffingwell  
512-974-3369 (direct)  
512-699-2693 (mobile)

<<<http://www.ci.austin.tx.us/council/leffingwell.htm>>>  
<http://www.ci.austin.tx.us/council/leffingwell.htm>>  
<<http://www.ci.austin.tx.us/council/leffingwell.htm>>  
<http://www.ci.austin.tx.us/council/leffingwell.htm>

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From: [REDACTED]  
Sent: Monday, November 30, 2009 9:34 AM  
To: Leffingwell, Lee; Ott, Marc; Duncan, Roger  
Cc: Clark, Ed; Bonee, Lucy; Rabago, Karl  
Subject: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

Dear Mayor Leffingwell, Marc and Roger,

At my suggestion a town hall mtg. on AE's 2020 Generation Plan is tentatively scheduled for either January 26th or 27th at KLRU's studios in collaboration with AE, KLRU-TV, KUT Radio and the Austin American-Statesman. The staff at AE and the media outlets are enthusiastic about the opportunity to reach a broad segment of AE ratepayers that is not currently engaged on this important planning effort. It is envisioned that this evening event will be simulcast on KUT Radio and streamed via the Internet by the AA-S.

I am writing to you so that you can consider the potential importance of this event as you determine which date the recommendations re: future energy generation are brought to the Austin City Council Agenda. I have worked with Lucy Bonee (Roger's Ex. Assistant) to help ensure Roger's participation at the energy town hall meeting.

Please use me as a contact for KLRU-TV during the next two weeks. After that I will be traveling to Copenhagen, Denmark.

Regards,

Scott Johnson, Member, Community Advisory Board, KLRU-TV, 389-2250 - land line

cc: Karl Rabago, VP, Distributed Energy Services, AE

Ed Clark, Communications Director, AE

Lucy Bonee, AE

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Weight Loss Program <

<[http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF\\_BUTkgAAJ1BN78V44w\\_mfz5Cj\\_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAE\\_UgAAAAA=>](http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF_BUTkgAAJ1BN78V44w_mfz5Cj_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAE_UgAAAAA=>)

[http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF\\_BUTkgAAJ1BN78V44w\\_mfz5Cj\\_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAE\\_UgAAAAA=>](http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF_BUTkgAAJ1BN78V44w_mfz5Cj_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAE_UgAAAAA=>)

Best Weight Loss Program - Click Here!

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Thursday, December 03, 2009 3:08 AM  
**To:** Shade, Randi  
**Subject:** Fwd: Update on two ED projects

FYI. Good news!

Sent from my iPhone

Begin forwarded message:

**From:** "Gonzales, Rodney" <[Rodney.Gonzales@ci.austin.tx.us](mailto:Rodney.Gonzales@ci.austin.tx.us)>  
**Date:** December 2, 2009 2:42:50 PM CST  
**To:** "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>, "Edwards, Sue" <[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)>  
**Subject:** Update on two ED projects

Marc and Sue,

I'm sending the latest update from the Austin Chamber on Project Hope and Red Carpet.

Thanks.  
Rodney

---

**From:** Dave Porter [mailto:[\[REDACTED\]](mailto:)]  
**Sent:** Wednesday, December 02, 2009 2:40 PM  
**To:** Gonzales, Rodney; Gildea, Brian  
**Subject:** Good News  
**Importance:** High

Aaron Demerson told me this morning that all three (Gov, Lt. Gov and Speaker) have VERBALLY approved our requests for Enterprise Funds for Projects Hanger and Red Carpet. We are excited but still need to see the proof which is a letter from all three confirming. Stay tune but it is looking very positive.

Dave Porter | Senior Vice President, Economic Development

---

512.322.5650 | [\[REDACTED\]](mailto:)

Austin Chamber of Commerce  
210 Barton Springs Road Suite 400

Austin, Texas 78704  
Fax 512 478-9617

[www.austinchamber.com](http://www.austinchamber.com)  
[www.austinhumancapital.com](http://www.austinhumancapital.com)

*Connecting Business Creating Opportunity.*

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Friday, December 04, 2009 5:50 AM  
**To:** Shade, Randi  
**Cc:** Browder, Leslie  
**Subject:** Re: Menorah

Given what you said, I have no problem proceeding. Thanks Randi.

Sent from my iPhone

On Dec 3, 2009, at 4:08 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Hi Marc,

I did some additional research into the menorah request and here's what I learned. Rabbi Levertov (an Austin Rabbi for 25+ years) has regularly done Menorah lighting ceremonies at the State Capitol. He approached Larry Schooler and also contacted my office last week to see about setting up a Menorah at City Hall just as he has done for years at the Capitol (i.e., he blesses it, maintains it, etc.). My office has also received a few inquiries about having a menorah at City Hall to "compliment the Holiday Tree" from members of the local Jewish community and the Anti-Defamation League. It turns out that our existing City Hall Atrium Use Policy easily enables a Menorah to be set-up without us having to grapple with any of the church/state issues you and I discussed. All that is required is a council member to sign a sponsorship form -- which of course I am willing to do. Given all that, I figured it made sense to proceed and have a menorah become part of the atrium's holiday decor this year (and hopefully in any year). Brenda has been very accommodating and Larry has agreed to be the point person for Rabbi Levertov.

Please let me know if you have any concerns or questions, and thanks so much for pointing me in the right direction in terms of figuring the whole thing out. I didn't feel strongly one way or the other when you and I first discussed this issue, but I am happy to help those who do feel strongly about it. Plus, once I learned more about how the menorah at the Capitol contributes to the holiday spirit, I felt really good about doing something similar here at City Hall.

Thanks again,  
Randi

-----  
**Randi Shade**

Austin City Council  
Council Member Place 3  
(512) 974-2255 (phone)  
(512) 974-1888 (fax)

<http://www.ci.austin.tx.us/council/shade.htm>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Friday, December 04, 2009 8:01 PM  
**To:** Everhart, Amy  
**Cc:** Leffingwell, Lee; Rabago, Karl; Nathan, Mark; Duncan, Roger; Clark, Ed  
**Subject:** Re: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

Thank you.

Sent from my iPhone

On Dec 3, 2009, at 10:01 AM, "Everhart, Amy" <[Amy.Everhart@ci.austin.tx.us](mailto:Amy.Everhart@ci.austin.tx.us)> wrote:

Ed and I just talked and agreed to put the brakes on this until we all have a chance to talk through strategy. I think we all have reservations and agree that if the city is to participate in any public forums that it should be on our terms.

Let's circle back next week.

Amy

Sent from my iPhone

On Dec 3, 2009, at 8:31 AM, "Leffingwell, Lee" <[Lee.Leffingwell@ci.austin.tx.us](mailto:Lee.Leffingwell@ci.austin.tx.us)> wrote:

I have similar concerns.

LL

-----Original Message-----

**From:** Ott, Marc  
**Sent:** Thu 12/3/2009 3:00 AM  
**To:** Everhart, Amy  
**Cc:** Rabago, Karl; Nathan, Mark; Duncan, Roger; Leffingwell, Lee; Cordova, Carlos; Clark, Ed; Saenz, Drusilla  
**Subject:** Re: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town Hall Mtg. with KLRU-TV

I have some concerns re this matter and question the wisdom of participating.

Can somebody explain the status of this matter?

Marc

Sent from my iPhone

On Dec 2, 2009, at 3:43 PM, "Everhart, Amy" <[Amy.Everhart@ci.austin.tx.us](mailto:Amy.Everhart@ci.austin.tx.us)> wrote:

Yes, if you can, that would be great. I'm out of town for the rest of this week, but could help

on Monday.

Thanks again!

Sent from my iPhone

On Dec 2, 2009, at 3:40 PM, "Rabago, Karl" <<<mailto:Karl.Rabago@austinenergy.com>>  
[Karl.Rabago@austinenergy.com](mailto:Karl.Rabago@austinenergy.com)> wrote:

Amy,

Good idea - want me to try to get a call/meeting convened?

Karl

-----  
Karl R. Rabago  
Austin Energy  
<<mailto:karl.rabago@austinenergy.com>> [karl.rabago@austinenergy.com](mailto:karl.rabago@austinenergy.com)  
c: 512.496.6956

----- Original Message -----

From: Everhart, Amy <<<mailto:Amy.Everhart@ci.austin.tx.us>>  
[Amy.Everhart@ci.austin.tx.us](mailto:Amy.Everhart@ci.austin.tx.us)>  
To: Rabago, Karl  
Cc: Nathan, Mark; Duncan, Roger; Leffingwell, Lee; Ott, Marc; Cordova, Carlos; Clark,  
Ed  
Sent: Wed Dec 02 15:36:13 2009  
Subject: Re: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town  
Hall Mtg. with KLRU-TV

Thanks Karl. I spoke to Scott on Monday and he was flexible on the date, format etc. so we definitely have some wiggle room.

It would be great if we could all get on the same page about this once Bill is back from vacation. Maybe we can touch base next week?

Thanks,  
Amy

Sent from my iPhone

On Dec 2, 2009, at 1:20 PM, "Rabago, Karl" <  
<<mailto:Karl.Rabago@austinenergy.com>> [Karl.Rabago@austinenergy.com](mailto:Karl.Rabago@austinenergy.com)> wrote:

Folks,

We have had some conversations and are making some progress, but Scott's message may be a little pre-mature.

General Manager Bill Stotesbery with KLRU is still on vacation through Tuesday. Carlos Cordova in our PIO office did speak with their community involvement person Maury Sullivan who said their partnerships with the Statesman and KUT are still not firmed up. KLRU is having an internal meeting this Friday to finalize details of the program and Maury said she will have more information for us after that meeting. She said KLRU is committed to producing this program.

Karl

-----  
Karl R. Rabago  
Austin Energy  
<<mailto:karl.rabago@austinenergy.com>> [karl.rabago@austinenergy.com](mailto:karl.rabago@austinenergy.com)  
c: 512.496.6956

----- Original Message -----  
From: Nathan, Mark <<mailto:Mark.Nathan@ci.austin.tx.us>>

[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)  
To: Duncan, Roger; Rabago, Karl  
Cc: Leffingwell, Lee; Everhart, Amy  
Sent: Mon Nov 30 09:47:07 2009  
Subject: FW: The Timing of AE's 2020 Generation Plan and the Proposed Energy  
Town Hall Mtg. with KLRU-TV

Hi Roger / Karl. Is this accurate? It comes as a surprise. Please advise.

Thanks, Mark.

-----  
From: Everhart, Amy  
Sent: Monday, November 30, 2009 9:37 AM  
To: Nathan, Mark  
Subject: FW: The Timing of AE's 2020 Generation Plan and the Proposed Energy  
Town Hall Mtg. with KLRU-TV

~~~~~  
Amy Everhart  
Policy Director  
Office of Mayor Lee Leffingwell  
512-974-3369 (direct)  
512-699-2693 (mobile)  
<< <http://www.ci.austin.tx.us/council/leffingwell.htm>>>  
<<http://www.ci.austin.tx.us/council/leffingwell.htm>>  
<http://www.ci.austin.tx.us/council/leffingwell.htm>>  
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<<http://www.ci.austin.tx.us/council/leffingwell.htm>>  
<http://www.ci.austin.tx.us/council/leffingwell.htm>

-----  
From: <[REDACTED]>  
[REDACTED]  
Sent: Monday, November 30, 2009 9:34 AM  
To: Leffingwell, Lee; Ott, Marc; Duncan, Roger

Cc: Clark, Ed; Bonee, Lucy; Rabago, Karl  
Subject: The Timing of AE's 2020 Generation Plan and the Proposed Energy Town  
Hall Mtg. with KLRU-TV

Dear Mayor Leffingwell, Marc and Roger,

At my suggestion a town hall mtg. on AE's 2020 Generation Plan is tentatively scheduled for either January 26th or 27th at KLRU's studios in collaboration with AE, KLRU-TV, KUT Radio and the Austin American-Statesman. The staff at AE and the media outlets are enthusiastic about the opportunity to reach a broad segment of AE ratepayers that is not currently engaged on this important planning effort. It is envisioned that this evening event will be simulcast on KUT Radio and streamed via the Internet by the AA-S.

I am writing to you so that you can consider the potential importance of this event as you determine which date the recommendations re: future energy generation are brought to the Austin City Council Agenda. I have worked with Lucy Bonee (Roger's Ex. Assistant) to help ensure Roger's participation at the energy town hall meeting.

Please use me as a contact for KLRU-TV during the next two weeks. After that I will be traveling to Copenhagen, Denmark.

Regards,

Scott Johnson, Member, Community Advisory Board, KLRU-TV, 389-2250 - land  
line

cc: Karl Rabago, VP, Distributed Energy Services, AE

Ed Clark, Communications Director, AE

Lucy Bonee, AE

---

Weight Loss Program < <

[<http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF\\_BUTkgAAJ1BN78V44wmfz5Cj\\_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>](http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF_BUTkgAAJ1BN78V44wmfz5Cj_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>)

[<http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF\\_BUTkgAAJ1BN78V44wmfz5Cj\\_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>](http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF_BUTkgAAJ1BN78V44wmfz5Cj_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>)

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[http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF\\_BUTkgAAJ1BN78V44wmfz5Cj\\_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>](http://thirdpartyoffers.juno.com/TGL2142/c?cp=NuGijtGbG3HmyocF_BUTkgAAJ1BN78V44wmfz5Cj_qGyHNowAAYAAAAAAAAAAAAAAAAAAAAAAAAADNAAAAAAAAAAAAAAAAAAAAAEUgAAAAA=>)

Best Weight Loss Program - Click Here!

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Friday, December 04, 2009 8:11 PM  
**To:** Shade, Randi  
**Subject:** Fwd: Update on Project Hope and Project Red Carpet

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** "Gonzales, Rodney" <[Rodney.Gonzales@ci.austin.tx.us](mailto:Rodney.Gonzales@ci.austin.tx.us)>  
**Date:** December 4, 2009 2:27:39 PM CST  
**To:** "Marc Ott" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>, "Sue Edwards" <[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)>  
**Subject:** Update on Project Hope and Project Red Carpet

Marc and Sue,

Great news - we received letters from the State formally approving the State incentives for Projects Hope and Red Carpet as described below.

The Chamber is notifying the prospects.

Thanks.  
Rodney

Begin forwarded message:

**From:** "Gonzales, Rodney" <[Rodney.Gonzales@ci.austin.tx.us](mailto:Rodney.Gonzales@ci.austin.tx.us)>  
**Date:** November 30, 2009 4:24:50 PM CST  
**To:** "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>  
**Cc:** "Edwards, Sue" <[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)>  
**Subject:** Update on Project Hope and Project Red Carpet

Marc,

Sue asked that I send you an email to update you on the status of these two economic development projects.

### State Funding Request

Each of the Chiefs of Staff for the Governor, Lieutenant Governor, and Speaker of the House have approved the funding requests and have sent the requests to their respective bosses.

The funding requests are as follows:  
- \$1.5 million for Project Hope

- \$1.0 million for Project Red Carpet

There is no set deadline for a response; however, all three elected officials know the importance of the projects and the need to get a state response for the projects.

Project Red Carpet

The company board plans to meet tomorrow to review all proposals received. It is not known whether or not a decision will be made at that time.

Project Hope

There is no set board meeting at this time. However, the company has indicated that it would prefer to proceed with any Council action, if Austin is chosen, in January.

Thanks.

Rodney Gonzales  
Deputy Director  
Economic Growth and Redevelopment Services Office  
City of Austin

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Sunday, December 06, 2009 6:28 AM  
**To:** Shade, Randi  
**Subject:** Re: Update on Project Hope and Project Red Carpet

Thank you Randi.

I appreciate the feedback.

Sent from my iPhone

On Dec 4, 2009, at 8:57 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Excellent!! Thanks for the update.

I've been meaning to drop you a line all day to let you know that when I was at the UT Southwestern/Seton luncheon yesterday Mike Rollins was raving about the work you're doing. I was so glad to hear it but wanted to be sure you heard it, too.

And in other Eco Dev news -- I also wanted to let you know Rodney and Sue each went above the call of duty today to keep the front runner for music job from dropping out to take a different job.

All this to say good stuff is going on in the world of economic development.

---

**From:** Ott, Marc  
**To:** Shade, Randi  
**Sent:** Fri Dec 04 20:10:58 2009  
**Subject:** Fwd: Update on Project Hope and Project Red Carpet  
FYI.

Sent from my iPhone

Begin forwarded message:

**From:** "Gonzales, Rodney" <[Rodney.Gonzales@ci.austin.tx.us](mailto:Rodney.Gonzales@ci.austin.tx.us)>  
**Date:** December 4, 2009 2:27:39 PM CST  
**To:** "Marc Ott" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)>, "Sue Edwards" <[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)>  
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Thanks.

Rodney Gonzales  
Deputy Director  
Economic Growth and Redevelopment Services Office  
City of Austin

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Tuesday, December 08, 2009 9:53 AM  
**To:** Bob Lander  
**Cc:** Leffingwell, Lee; Mike Martinez; Morrison, Laura; Cole, Sheryl; Shade, Randi; Riley, Chris; Spelman, William; Garza, Rudy  
**Subject:** Re: griotmedia and Austin CVB launch AustinTexasSoul.org

Thank you Bob.

I'll check it out.

Sent from my iPhone

On Dec 8, 2009, at 9:28 AM, "Bob Lander" [REDACTED] > wrote:

Thought you would be interested in the newest addition to our interactive product. Bob

**Bob Lander**  
President & CEO  
Austin Convention & Visitors Bureau  
V: (512) 583-7201 – F: (512) 583-7354

[www.austintexas.org](http://www.austintexas.org)

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<image001.jpg>

**griotmedia and Austin CVB Launch AustinTexasSoul.org**  
*New website provides travel information, meeting planner resources  
and community connections for African American visitors*

December 1, 2009

**AUSTIN, TX** - The Austin Convention and Visitors Bureau (Austin CVB), in partnership with griotmedia, unveiled the new website, [www.AustinTexasSoul.org](http://www.AustinTexasSoul.org). The site serves as the ultimate online destination for African American travelers seeking information on Texas' capital city.

[AustinTexasSoul.org](http://AustinTexasSoul.org) invites users to explore the rich history and cultural legacy of Austin's own African community. The site is separated into sections consistent with the Austin CVB's award-winning destination website, [AustinTexas.org](http://AustinTexas.org). Along with information for leisure visitors, it incorporates sections for African American travel planners and groups seeking to bring conventions to Austin, as well as an African American business directory.

and “connect” section to help visitors link to Austin’s African American community.

Visitors can find information on African American history and culture, accommodations, music and dining as a comprehensive listing of annual events that feature African American acts and participants, such as DiverseArts’ East End Fourth Fridays, the Urban Music Festival, Pro Arts Collective’s Black Arts Movement Festival, Austin City Limits Music Festival, SXSW and Juneteenth.

The launch of [AustinTexasSoul.org](http://AustinTexasSoul.org) reflects the Austin CVB’s continuing efforts to promote the city’s diverse and further accommodate African American visitors.

“Austin continues to attract a diverse audience, and the African American visitor market is growing rapidly,” said Bob Lander, President and CEO of Austin CVB. “We welcomed the opportunity to partner with griotmedia project to both increase our outreach to this expanding market segment and enhance the African American visitor experience.”

Donell Creech, founder of griotmedia, adds, “We are excited about this collaboration because for the first time there is now a single comprehensive online destination that captures all aspects of the African American experience in Austin. As we work with the Austin CVB team to expand national outreach efforts to African American visitors, media and meeting professionals – [AustinTexasSoul.org](http://AustinTexasSoul.org) will be a key component of our efforts.”

**About Austin CVB**

*The Austin Convention & Visitors Bureau is the official destination marketing and sales organization for Austin. An accredited member of Destination Marketing Association International, Austin CVB is charged with marketing Austin nationally and internationally as a premier business and leisure destination, thus enhancing the community's overall quality of life.*

**About griotmedia**

*griotmedia is an Austin-based marketing, communications and event management firm. griotmedia was founded to provide passionate and innovative customer service, arming clients with the exposure and tools they need to tell their stories, increase efficiency and be more effective in accomplishing their mission.*

###

**Media Contacts: Jennifer Walker, 512-583-7209, [jwalker@austintexas.org](mailto:jwalker@austintexas.org); or Donell Creech, 512-498-7685, [dcreech@griotmedia.com](mailto:dcreech@griotmedia.com)**

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Wednesday, December 09, 2009 4:12 AM  
**To:** Bob Lander  
**Cc:** Leffingwell, Lee; Mike Martinez; Morrison, Laura; Cole, Sheryl; Shade, Randi; Riley, Chris; Spelman, William; Garza, Rudy  
**Subject:** Re: griotmedia and Austin CVB launch AustinTexasSoul.org

This is excellent Bob.

Marc

Sent from my iPhone

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**Bob Lander**  
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<image001.jpg>

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###

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## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Thursday, December 10, 2009 2:29 PM  
**To:** Will Wynn  
**Cc:** Leffingwell, Lee; Bob Lander; Edwards, Sue; Martinez, Rose Marie  
**Subject:** Re: International Conferenece of Innovative Cities

Hello Will

I will have Sue Edwards take the lead.

Regards,

Marc

Sue please see me. Thanks

Rose, see me regarding related file. Thanks

Sent from my iPhone

On Dec 9, 2009, at 3:15 PM, [REDACTED]  
wrote:

> Lee and Marc-

>

> Thank you for allowing Austin to be a 'co-promoter' city for this  
> international event; seems like a no-brainer to me.

>

> Marc- perhaps if someone in Economic Growth could contact them and be  
> the point person to answer any questions or forward City of Austin  
> logo, etc?

>

> Thanks,

> Will

>

>

>

> ----- Forwarded Message -----

> From: Daniely Votto Fontoura - CICI2010 [mailto:[dvm@cici2010.org.br](mailto:dvm@cici2010.org.br)]

> To: Will Wynn [mailto:[will@willwynn.com](mailto:will@willwynn.com)]

> Sent: Mon, December 7, 2009 5:43:03 AM

> Subject: RES: International Conferenece of Innovative Cities

>

>

> Dear Mr. Wynn,

>

> This is great news! On behalf of Steering Committee I would like to  
> thank you so much for your support and kindness. It is real honor to  
> have the City of Austin as a Co Promoter City. I did not receive any  
> contact from the City so far, maybe you could be so kind to give the  
> focal point contact.

>  
> Please, regarding your travel plans: you just have to send me the  
> dates you would like to arrive and leave and the destinations, so we  
> can provide you the airplane tickets. The accommodation and ground  
> transportation will also be provided by the Steering Committee.

>  
> Well, I hope you can stay longer with us; it would be a great honor.  
> Please, find attached the Preliminary Program in English.

>  
> Thank you once again;

>  
> With Best Regards,

>  
> Daniely Votto Fontoura  
> IC-IC Executive Producer  
> [www.cici2010.org.br](http://www.cici2010.org.br)  
> Twitter: Innovative Cities  
> +55 41 9979 3187

> Alternative e-mail: [REDACTED] Alternative Phone: +55  
> 51 8449 6540

>  
> \_\_\_\_\_  
>  
> De: Will Wynn [mailto:[REDACTED]]  
> Enviada em: domingo, 6 de dezembro de 2009 20:52  
> Para: Daniely Votto Fontoura - CICI2010  
> Assunto: International Confernece of Innovative Cities

>  
> Daniely-

>  
> I hope this email finds you well.

>  
> I was able to confirm with Mayor Leffingwell and City Manager Ott that  
> the City of Austin is pleased to be shown as a co-sponsoring city of  
> IC-IC. Perhaps they have been in direct contact with you.

>  
> Also, the Austin Convention & Visitors Bureau and the Greater Austin  
> Chamber of Commerce are also quite interested in playing a role with a  
> presence there. Hopefully they too are in contact directly with you.

>  
> I will plan on being in attendance (at least) March 10-11. I do need  
> to book other travel and need assistance understanding the flight/  
> travel stipend.

>  
> Thank you,

- > Will Wynn
- > [www.willwynn.com](http://www.willwynn.com)
- >
- >
- >
- > <Program 30 November 09.xls>

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Thursday, December 10, 2009 3:27 PM  
**To:** Edwards, Sue  
**Cc:** Will Wynn; Leffingwell, Lee; Bob Lander; Martinez, Rose Marie  
**Subject:** Re: International Confernece of Innovative Cities

Great! Thanks

Sent from my iPhone

On Dec 10, 2009, at 2:32 PM, "Edwards, Sue"  
<[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)> wrote:

> Marc,  
>  
> We have a 1 on 1 tomorrow. I will put it on our agenda.  
>  
> Sue  
>  
> Sue Edwards  
> Assistant City Manager  
> City of Austin  
> Phone: 512-974-7820  
> Fax: 512-974-2833  
> [sue.edwards@ci.austin.tx.us](mailto:sue.edwards@ci.austin.tx.us)  
>  
>  
> -----Original Message-----  
> From: Ott, Marc  
> Sent: Thursday, December 10, 2009 2:29 PM  
> To: Will Wynn  
> Cc: Leffingwell, Lee; Bob Lander; Edwards, Sue; Martinez, Rose Marie  
> Subject: Re: International Confernece of Innovative Cities  
>  
> Hello Will  
>  
> I will have Sue Edwards take the lead.  
>  
> Regards,  
>  
> Marc  
>  
> Sue please see me. Thanks  
>  
> Rose, see me regarding related file. Thanks  
>  
>  
>

> Sent from my iPhone

>

> On Dec 9, 2009, at 3:15 PM, "Will Wynn" <[williampatrickwynn@yahoo.com](mailto:williampatrickwynn@yahoo.com)>

> wrote:

>

>> Lee and Marc-

>>

>> Thank you for allowing Austin to be a 'co-promoter' city for this  
>> international event; seems like a no-brainer to me.

>>

>> Marc- perhaps if someone in Economic Growth could contact them and be  
>> the point person to answer any questions or forward City of Austin  
>> logo, etc?

>>

>> Thanks,

>> Will

>>

>>

>>

>> ----- Forwarded Message -----

>> From: Daniely Votto Fontoura - CICI2010 <[daniely.votto@icic.org](mailto:daniely.votto@icic.org)>

>> To: Will Wynn <[williampatrickwynn@yahoo.com](mailto:williampatrickwynn@yahoo.com)>

>> Sent: Mon, December 7, 2009 5:43:03 AM

>> Subject: RES: International Confernece of Innovative Cities

>>

>>

>> Dear Mr. Wynn,

>>

>> This is great news! On behalf of Steering Committee I would like to  
>> thank you so much for your support and kindness. It is real honor to  
>> have the City of Austin as a Co Promoter City. I did not receive any  
>> contact from the City so far, maybe you could be so kind to give the  
>> focal point contact.

>>

>> Please, regarding your travel plans: you just have to send me the  
>> dates you would like to arrive and leave and the destinations, so we  
>> can provide you the airplane tickets. The accommodation and ground  
>> transportation will also be provided by the Steering Committee.

>>

>> Well, I hope you can stay longer with us; it would be a great honor.  
>> Please, find attached the Preliminary Program in English.

>>

>> Thank you once again;

>>

>> With Best Regards,

>>

>> Daniely Votto Fontoura

>> IC-IC Executive Producer

>> [www.cici2010.org.br](http://www.cici2010.org.br)

>> Twitter: Innovative Cities

>> +55 41 9979 3187  
>> Alternative e-mail: [REDACTED] Alternative Phone: +55  
>> 51 8449 6540  
>>  
>> \_\_\_\_\_  
>>  
>> De: Will Wynn [mailto:williampatrickwynn@yahoo.com]  
>> Enviada em: domingo, 6 de dezembro de 2009 20:52  
>> Para: Daniely Votto Fontoura - CICI2010  
>> Assunto: International Confernece of Innovative Cities  
>>  
>> Daniely-  
>>  
>> I hope this email finds you well.  
>>  
>> I was able to confirm with Mayor Leffingwell and City Manager Ott  
>> that the City of Austin is pleased to be shown as a co-sponsoring  
>> city of IC-IC. Perhaps they have been in direct contact with you.  
>>  
>> Also, the Austin Convention & Visitors Bureau and the Greater Austin  
>> Chamber of Commerce are also quite interested in playing a role with  
>> a presence there. Hopefully they too are in contact directly with  
>> you.  
>>  
>> I will plan on being in attendance (at least) March 10-11. I do need  
>> to book other travel and need assistance understanding the flight/  
>> travel stipend.  
>>  
>> Thank you,  
>> Will Wynn  
>> [www.willwynn.com](http://www.willwynn.com)  
>>  
>>  
>>  
>> <Program 30 November 09.xls>

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, December 12, 2009 10:58 AM  
**To:** Shade, Randi  
**Cc:** Hensley, Sara; Diaz, Elaine; Lumbreras, Bert  
**Subject:** Re: Additional volunteers needed for Zilker Tree Holiday Festival.

Sara, I trust you have a handle on this and can provide the names. Please follow up with CM Shade.

Thank you,

Marc

Sent from my iPhone

On Dec 11, 2009, at 2:48 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

I'd like to send a thank you note to the folks who volunteered to help with this. Would you please let me know who Elaine from my office can coordinate with to be able to provide me with names/departments/email addresses.

-----Original Message-----

From: From the Desk of Marc Ott  
To: All Austin Energy Users  
To: All City Employees AUSPS  
To: All City Employees COACD  
To: Aviation Dept  
To: ACCD Everyone  
To: AWU Everyone  
Subject: Additional volunteers needed for Zilker Tree Holiday Festival.  
Sent: Dec 4, 2009 5:23 PM

Dear Employees, The start of the 2009 Zilker Tree Holiday Festival is near and many volunteer opportunities remain unfilled. The Festival is a free, nine-night, family-friendly event complete with a lighted pedestrian footpath display, nightly entertainment including a major holiday concert, concessions, and holiday fare. The festival will run 6 to 10 p.m. Dec. 13-21. If you have an opportunity to assist, I highly encourage you to support this year's event. Volunteer details are as follows: Each night the festival needs: Up to 30 volunteers ages 18 or over. 12 volunteers ages 15 or older with adult supervision (1 adult for every 5 persons). Commitment Needed: 5:00 pm sharp arrival time - 10:15 pm approximate departure time (Parking details will be provided to confirmed volunteers.) Groups may volunteer to work one or more event nights. Areas of need: Trail Guides – approximately 30 persons per night - (monitoring displays) Accessibility Depot – approximately 12 persons per night - (working with those who need assistance with pushing a wheelchair, and information) Fun Run – approximately 32 persons for the start/finish line, and associated route needs For volunteer opportunities, check [www.cityofaustin.org/parks](http://www.cityofaustin.org/parks), call 974-6700 or e-mail [reservations@ci.austin.tx.us](mailto:reservations@ci.austin.tx.us). The key remaining needs include the Mobility Depot, and several nights as Trail Guides, including our feature concert night on the 21st.

Thank you for your consideration of this request.

Marc A. Ott

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Saturday, December 12, 2009 1:35 PM  
**To:** Leffingwell, Lee  
**Subject:** Fwd: Austin Business Journal

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** "McWilliams, Andrea" <[REDACTED]>  
**Date:** December 11, 2009 5:38:01 PM CST  
**To:** [marc.ott@ci.austin.tx.us](mailto:marc.ott@ci.austin.tx.us)  
**Subject:** Fwd: Austin Business Journal

----- Forwarded message -----

**From:** **McWilliams, Andrea** [REDACTED]  
**Date:** Fri, Dec 11, 2009 at 7:23 AM  
**Subject:** Austin Business Journal  
**To:** Marc Ott <[REDACTED]>

Marc,

One other item....below please find a link to last month's Austin Business Journal that ranks all Texas lobbyists. Dean and I are both on this list, ranked #1 and #9 in Texas. Only two other members of your team are included in this list.

<http://www.mcwilliamsandassociates.com/pdf/Top-Lobbyist.pdf>

Thanks.

--

Andrea McWilliams  
McWilliams & Associates Governmental Affairs Consultants  
1220 Colorado, Suite 100  
Austin, TX 78701  
(512) 477-4677 phone  
(512) 477-0009 fax  
[www.mcwilliamsandassociates.com](http://www.mcwilliamsandassociates.com)

--

Andrea McWilliams

McWilliams & Associates Governmental Affairs Consultants  
1220 Colorado, Suite 100  
Austin, TX 78701  
(512) 477-4677 phone  
(512) 477-0009 fax  
[www.mcwilliamsandassociates.com](http://www.mcwilliamsandassociates.com)

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, December 12, 2009 1:46 PM  
**To:** Shade, Randi  
**Cc:** Hensley, Sara; Diaz, Elaine; Lumbreras, Bert  
**Subject:** Re: Additional volunteers needed for Zilker Tree Holiday Festival.

Great!

Sent from my iPhone

On Dec 12, 2009, at 12:12 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Plan already in place. Thanks.

---

**From:** Ott, Marc  
**To:** Shade, Randi  
**Cc:** Hensley, Sara; Diaz, Elaine; Lumbreras, Bert  
**Sent:** Sat Dec 12 10:57:45 2009  
**Subject:** Re: Additional volunteers needed for Zilker Tree Holiday Festival.  
Sara, I trust you have a handle on this and can provide the names. Please follow up with CM Shade.

Thank you,

Marc

Sent from my iPhone

On Dec 11, 2009, at 2:48 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

I'd like to send a thank you note to the folks who volunteered to help with this. Would you please let me know who Elaine from my office can coordinate with to be able to provide me with names/departments/email addresses.

-----Original Message-----

**From:** From the Desk of Marc Ott  
**To:** All Austin Energy Users  
**To:** All City Employees AUSPS  
**To:** All City Employees COACD  
**To:** Aviation Dept  
**To:** ACCD\_Everyone  
**To:** AWU Everyone  
**Subject:** Additional volunteers needed for Zilker Tree Holiday Festival.  
**Sent:** Dec 4, 2009 5:23 PM

Dear Employees, The start of the 2009 Zilker Tree Holiday Festival is near and many volunteer opportunities remain unfilled. The Festival is a free, nine-night, family-friendly event complete with a lighted pedestrian footpath display, nightly entertainment including a major holiday concert, concessions, and holiday fare. The festival will run 6 to 10 p.m. Dec. 13-21. If you have an opportunity to assist, I highly encourage you to support this year's event. Volunteer details are as follows: Each night the festival needs: Up to 30 volunteers ages 18 or over. 12 volunteers ages 15 or older with adult supervision (1 adult for every 5 persons).

Commitment Needed: 5:00 pm sharp arrival time - 10:15 pm approximate departure time  
(Parking details will be provided to confirmed volunteers.) Groups may volunteer to work one or more event nights. Areas of need: Trail Guides – approximately 30 persons per night - (monitoring displays) Accessibility Depot – approximately 12 persons per night - (working with those who need assistance with pushing a wheelchair, and information) Fun Run – approximately 32 persons for the start/finish line, and associated route needs For volunteer opportunities, check [www.cityofaustin.org/parks](http://www.cityofaustin.org/parks), call 974-6700 or e-mail [reservations@ci.austin.tx.us](mailto:reservations@ci.austin.tx.us). The key remaining needs include the Mobility Depot, and several nights as Trail Guides, including our feature concert night on the 21st.

Thank you for your consideration of this request.

Marc A. Ott

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, December 12, 2009 1:46 PM  
**To:** Hensley, Sara  
**Cc:** Shade, Randi; Diaz, Elaine; Lumbreras, Bert; McAleer, Nancy; Maurer, Jason  
**Subject:** Re: Additional volunteers needed for Zilker Tree Holiday Festival.

Thank you.

Sent from my iPhone

On Dec 12, 2009, at 1:29 PM, "Hensley, Sara" <[Sara.Hensley@ci.austin.tx.us](mailto:Sara.Hensley@ci.austin.tx.us)> wrote:

Marc: Absolutely. We are pulling the names together. Thank you. Sara

Sent from my iPhone

On Dec 12, 2009, at 10:57 AM, "Ott, Marc" <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)> wrote:

Sara, I trust you have a handle on this and can provide the names. Please follow up with CM Shade.

Thank you,

Marc

Sent from my iPhone

On Dec 11, 2009, at 2:48 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

I'd like to send a thank you note to the folks who volunteered to help with this. Would you please let me know who Elaine from my office can coordinate with to be able to provide me with names/departments/email addresses.

-----Original Message-----

**From:** From the Desk of Marc Ott  
**To:** All Austin Energy Users  
**To:** All City Employees AUSPS  
**To:** All City Employees COACD  
**To:** Aviation Dept  
**To:** ACCD\_Everyone  
**To:** AWU Everyone  
**Subject:** Additional volunteers needed for Zilker Tree Holiday Festival.  
**Sent:** Dec 4, 2009 5:23 PM

Dear Employees, The start of the 2009 Zilker Tree Holiday Festival is near and many volunteer opportunities remain unfilled. The Festival is a free, nine-night, family-friendly event complete with a lighted pedestrian footpath display, nightly entertainment including a major holiday concert, concessions, and holiday fare. The festival will run 6 to 10 p.m. Dec. 13-21. If you have an opportunity to assist, I highly encourage you to support this year's event. Volunteer

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Thank you for your consideration of this request.

Marc A. Ott

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Saturday, December 12, 2009 3:12 PM  
**To:** Leffingwell, Lee  
**Cc:** Nathan, Mark  
**Subject:** Fwd: Re: Fwd:

Thought you might want to read the attached. They really want to continue to be on our lobby team. Mayor, I am relying on your judgement and John's. You guys know the politics on this considerably more than I do.

Marc

Sent from my iPhone

Begin forwarded message:

**From:** "McWilliams, Andrea" [REDACTED] >  
**Date:** December 12, 2009 2:31:28 PM CST  
**To:** "Ott, Marc" <Marc.Ott@ci.austin.tx.us>  
**Subject:** Re: Fwd:

Dear Marc,

First and foremost, thank you for taking the time yesterday to speak with Dean. I know you are busy, and we are both very sorry that you have to spend any time on this issue. Dean and I have a great amount of respect for you which is the reason you were the first person I contacted after hearing from John.

As John presented it, I was told that he had already approved this with you and Council and it was a final decision. I was also told that it was not performance related and only budget related. I did question that assertion since the City retains both me and Dean for the cost of just one lobbyist. Why cut 2 lobbyists when you could just cut one and realize the same savings?

We have been honored to represent the City for over 8 years. As a native Austinite, it is the perfect fit for me. Under normal circumstances, I would not make these points but I do it in hopes of exemplifying that we are well respected in the community. A few examples:

- The Girl Scouts of Central Texas honored me this year with the 2009 Woman of Distinction Award.
- Both Austin Woman and Glossy have featured me on their covers. Austin Woman broke the story of my struggle with breast cancer while pregnant with our third child.
- Austin Business Journal ranked me the #1 lobbyist in Texas in October.
- We are the only City of Austin lobbyists on the Statesman's Fortunate 500 list.
- Dean and I were both featured in Austin Monthly as one of just a few "Power Couples" in Austin.
- I serve or have served on the boards of Ballet Austin, Arthouse, Heritage Society of Austin, Seton, St. David's Toast of the Town, Austin Children in Crisis and the Girl Scouts Centennial Celebration Committee.
- On a pro bono basis, I represent the Susan G Komen Foundation and worked hand in hand with Lance Armstrong to pass \$3B in bonds for cancer research.

All of this and much more can be found in the press section of our website. The link is here:  
<http://www.mcwilliamsandassociates.com/press-articles.html>

I would appreciate so much you taking the time to just glance at it. I think it bolsters some of the assertions made by Dean yesterday.

We have made a meeting request of the Mayor and have not yet received a response from his office. Dean and I would very much like the chance to make our case to him.

Again, please accept my most sincere apologies for this distraction but I think it underscores how much this contract means to me and Dean. As active community members and proud ambassadors for you, I think a decision like this would have broad ranging impact.

Thank you once again for your personal attention to our contract. I hope we will have the opportunity to continue to represent you.

Sincerely, Andrea

On Sat, Dec 12, 2009 at 1:33 PM, Ott, Marc <[Marc.Ott@ci.austin.tx.us](mailto:Marc.Ott@ci.austin.tx.us)> wrote:  
Hello Andrea,

I trust you know by now that I did have a conversation with Dean yesterday. The circumstances are unfortunate indeed. As I said to Dean, I don't have much historical experience regarding our dealings with your firm and the others so I was left with relying on the experience of John and the Council members.

My suggestion to Dean was to follow up directly with the Mayor. When I spoke with Lee yesterday, he remained supportive of John's recommendation. Perhaps he will feel differently after talking with you.

I will follow up with John to ask a few questions resulting from my conversation with Dean.

Best regards,

Marc

Sent from my iPhone

On Dec 11, 2009, at 5:37 PM, "McWilliams, Andrea" < >  
wrote:

----- Forwarded message -----

From: **Andrea McWilliams** <a [REDACTED]>

Date: Fri, Dec 11, 2009 at 7:05 AM

Subject:

To: [REDACTED] >

Marc,

I know it's a lot to ask but could Dean and I speak to you by phone for 10 minutes today? Hrcnir called last night to inform us we were getting cut from the team. We'd like the opportunity to discuss it with you today and will make any time available.

Thank you so much. Please let me know how we can make this happen today.

AM

--

Andrea McWilliams  
McWilliams & Associates Governmental Affairs Consultants  
1220 Colorado, Suite 100  
Austin, TX 78701  
(512) 477-4677 phone  
(512) 477-0009 fax  
[www.mcwilliamsandassociates.com](http://www.mcwilliamsandassociates.com)

--

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Austin, TX 78701  
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(512) 477-0009 fax  
[www.mcwilliamsandassociates.com](http://www.mcwilliamsandassociates.com)

## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Monday, December 14, 2009 1:30 PM  
**To:** Whellan, Michael  
**Cc:** Leffingwell, Lee; Nathan, Mark; Whellan, Michael; Edwards, Sue  
**Subject:** Re: Wet Lab - space approved - update

Very good. Thanks

Sent from my iPhone

On Dec 14, 2009, at 10:10 AM, "Whellan, Michael" [REDACTED] wrote:

Wanted to let you know that the College of Pharmacy has approved the use of the space for a pre-incubator wet lab.

Jessica Hanover (ATI), Janet Walkow (Prof. UT Pharm. School), and I will be meeting with Patti Ohlendorf (UT VP of Legal Affairs) to follow-up on an earlier conversation that Jessica and Janet had with Patti about implementation, including no loss of Intellectual Property for public users sponsored by ATI/City.

We anticipate that the process of preparing documents and obtaining necessary approvals will take several months.

Will continue to update on significant milestones and, of course, I will not be negotiating ANYTHING without Sue Edward's involvement.

Sue – if you want to give me a call this week, perhaps we can meet so I can brief you on.

All good.

MJW.

Michael J. Whellan

Phone: 512.480.5734

Fax: 512.480.5834



<image001.gif>

401 Congress Avenue, Suite 2200

Austin, Texas 78701

Phone 512.480.5600

[www.gdhm.com](http://www.gdhm.com)

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## Martinez, Rose Marie

---

**From:** Ott, Marc  
**Sent:** Monday, December 14, 2009 1:31 PM  
**To:** Leffingwell, Lee  
**Cc:** Whellan, Michael; Nathan, Mark; Edwards, Sue  
**Subject:** Re: Wet Lab - space approved - update

I agree.

Sent from my iPhone

On Dec 14, 2009, at 10:19 AM, "Leffingwell, Lee" <[Lee.Leffingwell@ci.austin.tx.us](mailto:Lee.Leffingwell@ci.austin.tx.us)> wrote:

Great. Please keep Marc and me updated on negotiations also. I don't think this will require Council action, but we do want to publicize it at the appropriate time.

LL

---

**From:** Whellan, Michael [<mailto:>   
**Sent:** Monday, December 14, 2009 10:10 AM  
**To:** Leffingwell, Lee; Ott, Marc  
**Cc:** Nathan, Mark; Whellan, Michael; Edwards, Sue  
**Subject:** Wet Lab - space approved - update

Wanted to let you know that the College of Pharmacy has approved the use of the space for a pre-incubator wet lab.

Jessica Hanover (ATI), Janet Walkow (Prof. UT Pharm. School), and I will be meeting with Patti Ohlendorf (UT VP of Legal Affairs) to follow-up on an earlier conversation that Jessica and Janet had with Patti about implementation, including no loss of Intellectual Property for public users sponsored by ATI/City.

We anticipate that the process of preparing documents and obtaining necessary approvals will take several months.

Will continue to update on significant milestones and, of course, I will not be negotiating ANYTHING without Sue Edward's involvement.

Sue – if you want to give me a call this week, perhaps we can meet so I can brief you on.

All good.

MJW.

Michael J. Whellan  
Phone: 512.480.5734  
Fax: 512.480.5834  


<image001.gif>

401 Congress Avenue, Suite 2200  
Austin, Texas 78701

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This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Monday, December 14, 2009 7:46 PM  
**To:** Edwards, Sue  
**Cc:** Will Wynn  
**Subject:** Re: City of Austin Seal

Thank you Sue.

Sent from my iPhone

On Dec 14, 2009, at 1:47 PM, "Edwards, Sue"  
<[Sue.Edwards@ci.austin.tx.us](mailto:Sue.Edwards@ci.austin.tx.us)> wrote:

> FYI  
>  
>  
>  
> Sue  
>  
>  
>  
> Sue Edwards  
>  
> Assistant City Manager  
>  
> City of Austin  
>  
> Phone: 512-974-7820  
>  
> Fax: 512-974-2833  
>  
> [sue.edwards@ci.austin.tx.us](mailto:sue.edwards@ci.austin.tx.us)

> \_\_\_\_\_  
>  
> From: Cabe, Christen  
> Sent: Monday, December 14, 2009 1:37 PM  
> To: [REDACTED]  
> Cc: Edwards, Sue; Matthews, Douglas  
> Subject: City of Austin Seal

> Hello Daniely,

> My name is Christen Cabe, I am the Graphic Design intern for the City

> of Austin Communications and Public Information Office. I was asked by  
> our director to send you a copy of our City Seal as soon as possible.  
> We do not have Corel installed on our system, but I am sending you a  
> vector-based EPS as well as a high quality JPEG. One of these should  
> work for you. If you have any trouble, let me know.

>

>

>

> Thank you,

>

> Christen Cabe

>

> Graphic Design Intern

>

> Communications & Public Information Office

>

> (512) 974-2854

>

>

>

> <COA Seal (4C).jpg>

> <COA Seal (4C).eps>

## **Martinez, Rose Marie**

---

**From:** Ott, Marc  
**Sent:** Tuesday, December 15, 2009 2:17 AM  
**To:** Shade, Randi  
**Subject:** Re: Billboard debrief

Well thought out in terms of a solid basis for the city participating in resolving the problem.

How much do we participate in terms of dollars? Is it \$25,000 or some other number? Although the city is losing money from less taxable value the developer/builder is clearly losing money as well. How much money should they contribute? Perhaps nothing because they were unaware? Regardless, they do have an obvious vested interest.

Nevertheless, I think the logic of your discussion is very reasonable.

Let me know how I can be of assistant.

Marc

Some would say that we should be sleeping:)

Sent from my iPhone

On Dec 15, 2009, at 1:48 AM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

Thanks for your help earlier re: billboard mess. As the Statesman reported: <http://www.statesman.com/news/content/news/stories/local/2009/12/15/1215billboard.html> we may or may not end up taking action this week. We will be meeting with the various parties tomorrow late afternoon and I hope we can work out a better deal for everyone. I wish I had stayed on this deal from beginning to end as I believe that without the continuity of leadership throughout this episode we didn't achieve the best outcome we could have. I learned a lot from this one....sigh. Below is my opinion of the situation now that I've had the time to step back a bit....we'll see where it goes from here. Thanks again.

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In June of 2008 the City Council passed a new bill board ordinance that allowed billboards to be re-located within 500 feet of a residence, only if that residence was commercially rather than residentially zoned. In other words, that action created a new disparity between people who live in a residentially zoned home versus those who live in multi-family mixed use community - the kind of mixed use communities the City is encouraging through countless other policies; the kind of place like the Bridges.

That action was against the Planning Commission and staff's recommendation. That action was taken before CM Riley or Morrison or I were members of Austin City Council. That action resulted in the first and to-date only billboard re-location of this kind.

This is not a situation where we are faced with a nonconforming billboard, nor is it a case where the City is choosing to help remove one billboard over another. This sets no precedence for the City to be in the business of negotiating and funding billboard re-locations. This is a special case, involving one billboard re-location -- a re-location that was legal under a new ordinance, but should not have been; a re-location in large part being made possible by private agreement between the developer and Reagan.

Timeline -- The new ordinance went into effect in June of 2008 and Reagan legally obtained its re-location permit under that new ordinance that fall. Reagan constructed its new billboard the following April, without anyone at the Bridges having any idea such a thing was allowed, much less in the works. The condo project was well underway before the Council took the action they took in June 2008,

changing the rules and essentially through a new City Policy enabling units to be sold and occupied several months before a new billboard was legally constructed just outside their windows.

Again, the action the Council took in June of 2008 was wrong and it created a problem that many on this City Council want to fix. Reagan does not have to move this billboard, but we are glad they are taking the steps to do so. We have encouraged the Bridges and Reagan to come to a mutually agreeable arrangement, and we're glad they have. The City's role in fixing the problem is small but given the fact that the City had a role in creating the problem, I am glad we are taking action to not only address this problem but also to prevent it from happening again.

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**Randi Shade**

Austin City Council

Council Member Place 3

(512) 974-2255 (phone)

(512) 974-1888 (fax)

<http://www.ci.austin.tx.us/council/shade.htm>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, December 15, 2009 1:12 PM  
**To:** Lumbreras, Bert  
**Cc:** Martinez, Mike [Council Member]; Hensley, Sara  
**Subject:** Re: Dec. 21st Concert Update

Excellent!

Sent from my iPhone

On Dec 15, 2009, at 1:02 PM, "Lumbreras, Bert" <[Bert.Lumbreras@ci.austin.tx.us](mailto:Bert.Lumbreras@ci.austin.tx.us)> wrote:

MPT,

Here is the status update on the Dec. 21st concert you requested from Sara. Let us know if questions. Thanks.

Bert

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**From:** Hensley, Sara  
**Sent:** Tuesday, December 15, 2009 12:46 PM  
**To:** Lumbreras, Bert; Garza, Jason  
**Subject:** FW: Need update

Update for City Manager and Mayor Pro Tem regarding the Asleep At The Wheel event. I did not send this to Marc as I thought you would want to review. Sara

*Sara L. Hensley, CPRP, Director  
Austin Parks and Recreation Dept.  
200 S. Lamar Blvd.  
Austin, Texas 78704  
Phone: 512-974-6717 Fax: 512-974-6703  
[sara.hensley@ci.austin.tx.us](mailto:sara.hensley@ci.austin.tx.us)*

The concert schedule for the 21<sup>st</sup>, 7:00 Rosie Flores, 8:30 pm Ray Benson and Friends at the rugby fields. All production and the final night will close at 10 pm.

C3 has donated staging, lighting and production efforts on stage and for the show. We will handle adding a few additional toilets, some safety fencing and bike rack.

We are set to go.

Jason Maurer  
Parks and Recreation Department  
512-974-2427

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Wednesday, December 16, 2009 12:19 AM  
**To:** Nathan, Mark  
**Cc:** Leffingwell, Lee; McDonald, Michael [APD]  
**Subject:** Re: Leadership Grant application materials

Thank you Mark. Mike will follow up with you.

Sent from my iPhone

On Dec 15, 2009, at 4:17 PM, "Nathan, Mark"  
<[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)> wrote:

> Marc, as promised, here is the grant application and required  
> supporting documents that our office has submitted to the Cities of  
> Service coalition today. The award date would be Jan. 18. I have no  
> idea whether or not our application will be competitive.  
>  
> Thanks, MN.  
> <Mayor Lee Leffingwell Leadership Grant Application.pdf> <Support  
> Letter 1 - Greater Austin Chamber of Commerce.pdf> <Supporter Letter 2  
> - Community Action Network.pdf> <Support Letter 3 - Austin Area  
> Interreligious Ministries.pdf> <Support Letter 4 - Charles Dana Center  
> at University of Texas.pdf> <Support Letter 5 - Austin Independent  
> School District.pdf>

**Martinez, Rose Marie**

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**From:** Ott, Marc  
**Sent:** Wednesday, December 16, 2009 12:23 AM  
**To:** Shade, Randi  
**Cc:** Goode, Robert; sue.edwards@ci.austin.tx  
**Subject:** Re: Draft Code Language re Billboard Relocation

Excellent! Good luck.

Sent from my iPhone

On Dec 15, 2009, at 7:00 PM, "Shade, Randi" <[Randi.Shade@ci.austin.tx.us](mailto:Randi.Shade@ci.austin.tx.us)> wrote:

We are on the way to a new deal that won't require any money from City. Fingers crossed. Thanks.

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**From:** Lloyd, Brent  
**To:** Shade, Randi; Riley, Chris; [REDACTED]; 'Nikelle Meade' [REDACTED]; [REDACTED]  
**Cc:** Coleman, Glen; Ballas, Marisa; Levinski, Robert  
**Sent:** Tue Dec 15 18:31:56 2009  
**Subject:** Draft Code Language re Billboard Relocation  
Attached is draft code language consistent with the proposal we discussed this afternoon.  
Please let me know if you have questions or concerns.

I am providing this for discussion purposes only and have not yet received feedback from the PDRD director.

Thanks you,

Brent

*Brent D. Lloyd*  
Assistant City Attorney  
City of Austin Law Department  
P.O. Box 1088  
Austin, TX 78767-1088  
(512) 974-2974

<Draft Code Language re Billboard Relocation Requirements (12-15-09).doc>

## Martinez, Rose Marie

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**From:** Ott, Marc  
**Sent:** Tuesday, December 22, 2009 4:19 PM  
**To:** Nathan, Mark  
**Cc:** Leffingwell, Lee; Martinez, Rose Marie  
**Subject:** Re: Meeting request...

Thank Mark.

It was on my calender for 10am. Apparently it did not update for some reason. That had been a problem from time to time. Rose will try to get it corrected.

Thanks for following up.

Marc

Sent from my iPhone

On Dec 22, 2009, at 9:42 AM, "Nathan, Mark" <[Mark.Nathan@ci.austin.tx.us](mailto:Mark.Nathan@ci.austin.tx.us)> wrote:

Marc, re: the scheduling snafu this morning, I want you to know that Rose responded to the last email in this thread on Friday with a revised meeting request for 9:30 AM today, and that the meeting request shows you as an attendee, so I'm sure it's on your Outlook calendar for the correct time. Sounds to me like the problem was probably on the iPhone end. I know that I occasionally enter / update meetings on Outlook at the office and the entry / update doesn't always make it to my iPhone calendar...

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**From:** Nathan, Mark  
**Sent:** Friday, December 18, 2009 11:30 AM  
**To:** Bonee, Lucy; Martinez, Rose Marie  
**Subject:** RE: Meeting request...

Lee, too. Rose, will that work for Marc? Thanks.

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**From:** Bonee, Lucy [<mailto:Lucy.Bonee@austinenergy.com>]  
**Sent:** Friday, December 18, 2009 11:22 AM  
**To:** Nathan, Mark; Martinez, Rose Marie  
**Subject:** RE: Meeting request...

Yes, Roger is free at 9:30.

Sincerely,  
Lucy Bonee - Executive Assistant  
Austin Energy [www.austinenergy.com](http://www.austinenergy.com)  
O. 512-322-6569 E. [lucy.bonee@austinenergy.com](mailto:lucy.bonee@austinenergy.com)

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**From:** Nathan, Mark [<mailto:Mark.Nathan@ci.austin.tx.us>]  
**Sent:** Friday, December 18, 2009 11:21 AM  
**To:** Martinez, Rose Marie; Bonee, Lucy  
**Subject:** FW: Meeting request...

Rose, Lucy, will moving this to 9:30 work for Marc / Roger? Works for Lee. Please advise.

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**From:** Sarah Chanslor [<mailto:Sarah.Chanslor@senate.state.tx.us>]  
**Sent:** Friday, December 18, 2009 11:16 AM  
**To:** Nathan, Mark  
**Cc:** Trent Townsend; Susan Nold  
**Subject:** RE: Meeting request...

Mark -  
Can we move this to 9:30?

Sarah

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**From:** Nathan, Mark [<mailto:Mark.Nathan@ci.austin.tx.us>]  
**Sent:** Friday, December 18, 2009 10:30 AM  
**To:** Sarah Chanslor  
**Cc:** Trent Townsend; Susan Nold  
**Subject:** RE: Meeting request...

Sarah, that will work. Lee, Marc and Roger will be there. Thanks very much!

Mark.

---

**From:** Sarah Chanslor [<mailto:Sarah.Chanslor@senate.state.tx.us>]  
**Sent:** Friday, December 18, 2009 10:28 AM  
**To:** Nathan, Mark  
**Cc:** Trent Townsend; Susan Nold  
**Subject:** RE: Meeting request...

Mark -  
Let me know if 10am on Tuesday at the Senator's law office will work?

The law firm address is  
Brown McCarroll  
111 Congress, Ste 1400

Sarah

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**From:** Nathan, Mark [<mailto:Mark.Nathan@ci.austin.tx.us>]  
**Sent:** Thursday, December 17, 2009 5:37 PM  
**To:** Sarah Chanslor  
**Cc:** Steve Scheibal; Trent Townsend  
**Subject:** Meeting request...

Sarah, does Senator Watson have any openings in his schedule on Monday or Tuesday? Mayor Leffingwell, City Manager Marc Ott and Roger Duncan of Austin Energy would like to meet with him. Roger is leaving the country on Wednesday, so hopefully the Senator has some availability on Monday or Tuesday. Please advise if there is a time slot (or two) that would work?

Thanks!

Mark Nathan  
Office of Mayor Lee Leffingwell  
Phone: (512) 974-3368

Fax: (512) 974-2337  
301 West 2nd Street  
Austin, Texas 78701