



South River City Citizens Inc.
P O Box 40632
Austin TX 78704
www.srccatx.org

Gretchen Otto, President
Diane Presti, Vice-President
Nancy Byrd, Treasurer
Garret Nick, Secretary

Austin City Council
City Hall
301 W 2nd St
Austin, TX 78701

May 18, 2016

RE: Torchy's Tacos alcohol waiver, SPC-2014-0277AW

Dear Mayor Adler, Mayor Pro Tem Tovo, and Councilmembers:

On May 17, the SRCC Executive Committee voted to oppose the postponement of the hearing for the Torchy's Tacos alcohol beverage waiver, set for May 19, agenda item 55. We oppose for the following reasons:

- The applicant has already been granted multiple postponements; this process has been going on for nearly two years and they have had plenty of time to make their case and meet with stakeholders.
- The proposed new date for the hearing falls during summer break, which means that many teachers and parents will be traveling and unable to speak at the hearing.
- The council only has the authority to either grant or deny the waiver. Any "negotiation" about the rules whereby the alcohol is sold would have to be a private restrictive agreement between Torchy's and the SRCC. We are a volunteer neighborhood organization, not the TABC or the police, and are unable and untrained to police whether a bar is selling alcohol properly possibly for decades into the future. Moreover, we don't have the resources to bring a civil suit in the event they don't comply. So, there's no point in further meetings and negotiations with the applicant.
- The other stakeholders (e.g. Austin Interfaith, Travis Heights PTA, etc) also oppose postponing this waiver and we stand in solidarity with them.

Sincerely,

Gretchen Otto
President

cc: Austin Interfaith, Travis Heights PTA

Johnson, Carla

From: Auzenne, Viktor
Sent: Wednesday, May 18, 2016 1:43 PM
To: Johnson, Carla
Subject: FW: Torchy's Item 55 Public Hearing Postponement Request
Attachments: SPC-2014-0277AW SRCC oppose postponement.pdf

More Torchy's Backup.

From: Gretchen Otto [REDACTED]
Sent: Wednesday, May 18, 2016 11:21 AM
To: Adler, Steve; Tovo, Kathie; Gallo, Sheri; Houston, Ora; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Zimmerman, Don; Pool, Leslie; Troxclair, Ellen
Cc: Auzenne, Viktor; Derlis Trey Salinas ([REDACTED]); Mark Littlefield; Diane Presti; richard suttler
Subject: Re: Torchy's Item 55 Public Hearing Postponement Request

Dear Mayor Adler, Mayor Pro Tem Tovo, Councilmembers, and Mr. Auzenne:

Attached please find SRCC's official letter opposing the postponement of item 55 on Thursday's agenda.

Regards,
Gretchen Otto
President
South River City Citizens NA
[REDACTED]
512-227-1507
<http://www.srccatx.org/>

On Tue, May 17, 2016 at 12:20 PM, Richard Suttler, Jr. <[REDACTED]> wrote:

Viktor,

I represent and am writing to you on behalf of the applicant in the above referenced waiver request.

The applicant requests a postponement of this case to the June 16 City Council meeting. This postponement request is made to allow more time for discussions to take place with stakeholders.

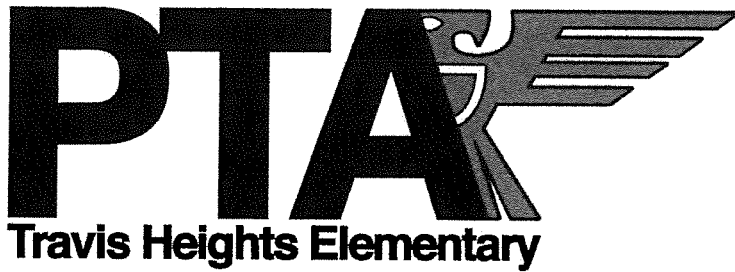
I have copied the SRCC and the City council on this request.

Thank you,

Richard

Richard T. Suttle, Jr.
Armbrust & Brown, PLLC
100 Congress, Suite 1300
Austin, TX 78701
Phone: 512-435-2310
Fax: 512-435-2360
Email: [REDACTED]

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May 17, 2016

Dear Mayor Adler and Members of Austin City Council:

On behalf of the The Travis Heights Elementary PTA, I write to ask that you oppose granting Torchy's Tacos a postponement on seeking a waiver that would allow liquor sales at its new location across the street from Fulmore Middle School. This case should be heard in May.

As you know, Torchy's already requested multiple postponements since 2014, including an indefinite postponement. They since refiled their application and are requesting another postponement at the last minute, after parents, the schools, and neighbors have already organized to attend the scheduled hearing.

Because the Council does not meet again in May, the earliest time at which you can hear this case will be in June, when school is already out of session, families travel, and organizing parent and school participation becomes much more difficult. Raising children and being engaged in the public process already requires a delicate balancing act, and we ask that the Council adhere to the originally requested date for this vote to minimize the disruption in families' lives.

The position of AISD, Austin Interfaith, the neighborhood associations, and the neighborhood schools has not changed since this alcohol variance request first arose in 2014. Representatives from Torchy's have met multiple times with interested parties, but the community opposition remains. We ask that the law be upheld in the interest of students, families, and neighbors.

It is our feeling that, by building out their two bars on the property and publicly expressing in the media a determination to sell alcohol, this applicant has crossed a line.

Please oppose granting them this postponement and have the case heard at the Council meeting in May. Two years is long enough for this applicant to have made its case, and our families, community members, and schools are ready to lay this issue to rest before the school year comes to a close.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Sinatra", written over a horizontal line.

Raymond Sinatra
Travis Heights Elementary PTA President

Johnson, Carla

From: christine sinatra [REDACTED]
Sent: Wednesday, May 18, 2016 8:23 AM
To: Auzenne, Viktor
Subject: Travis Heights parent concerned about Torchy's Tacos

Dear City Council members and Mayor Adler,

I am a parent of a third-grader in Travis Heights Elementary School. I learned yesterday that Torchy's Tacos on South Congress is seeking yet another postponement of the vote on whether they will be allowed to serve alcohol, essentially on the sidewalk at an open-air bar, across the street from Fulmore Middle School. This is clearly inappropriate, as both the Travis Heights and Fulmore PTAs have noted, and it is also against the law. Our community is not interested in bringing alcohol/liquor consumption closer to our schools in clear view of preteens, and this plan of Torchy's -- first floated in 2014 -- will not get more popular with time. Please allow for a vote to happen, so we can put this unfortunate proposal to rest once and for all.

Thanks,
Christine Sinatra

Johnson, Carla

From: Pat Conegliano [REDACTED]
Sent: Wednesday, May 18, 2016 8:15 AM
To: Auzenne, Viktor
Subject: Fw: Torchys Tacos request for liquor license waiver -May 19 agenda 55 SPC 20140277AW

----- Forwarded Message -----

From: Pat Conegliano DISTRICT 9 <apache@austintexas.gov>
To: steve.adler@austintexas.gov; ora.houston@austintexas.gov; district2@austintexas.gov; sabino.renteria@austintexas.gov; gregorio.casar@austintexas.gov; district5@austintexas.gov; don.zimmerman@austintexas.gov; district7@austintexas.gov; district8@austintexas.gov; kathie.tovo@austintexas.gov; district10@austintexas.gov
Cc: [REDACTED]
Sent: Wednesday, May 18, 2016 8:07 AM
Subject: Torchys Tacos request for liquor license waiver -May 19 agenda 55 SPC 20140277AW

This message is from Pat Conegliano DISTRICT 9. [REDACTED]
Please do not postpone your May 19 vote to OPPOSE Torchys Tacos request for a liquor license waiver. (they are too close to the middle school on S. congress. thank you
Street address: 901 East Live Oak St. 78704
Council District: District not found

Johnson, Carla

From: Minerva Skeith [REDACTED]
Sent: Tuesday, May 17, 2016 10:10 PM
To: Auzenne, Viktor
Subject: Torchy's Alcohol Waiver

We have learned that Torchy's has once again asked to postpone a hearing for a waiver to sell alcohol less than 300 feet from Fulmore Middle School. The scheduled hearing on May 19th should be honored. I am a parent at Travis Heights Elementary School and Fulmore Middle School and a leader with Austin Interfaith. I strongly oppose the waiver and the postponement on the hearing. This waiver request has been ongoing since 2014 when it was first filed. Our community has talked about this issue, we have met with multiple representatives and after all this time Austin ISD, Austin Interfaith, neighborhood associations, and neighborhood schools continue to oppose this waiver.

It is unexplainable why the hearing would be move to June when school will be out of session. If the council is interested in hearing all sides, it is important to keep the original hearing date. Otherwise the full voice of parents and community will not be heard. Raising children and being engaged in the public process is difficult enough. The council should respect the date the applicant originally requested to have this hearing. Postponing this hearing will cause further disruption in parents' lives.

This applicant has already filed multiple postponements since 2014 including an indefinite postponement. The applicant has since re-filed their application and are requesting another postponement at the last minute after parents and community leaders are prepared to participate in the scheduled hearing.

Since 2014 the facts have not changed and will not change in a month. The law continues to be the law, the applicant does not have a single reason why they merit a hardship waiver and the community continues to be committed to protecting the safety and well being of our children and our families.

Please OPPOSE granting a postponement and have the case heard at its scheduled date May 19th 4pm time certain. Two years is long enough for this applicant to have made a case and our community is ready to move on and not have this issue hanging over our heads.

Minerva Camarena Skeith
[REDACTED]

512.912.7913

Johnson, Carla

From: David Preston <[REDACTED]>
Sent: Tuesday, May 17, 2016 9:49 PM
To: Auzenne, Viktor
Subject: Please do not postpone the Torchy's meeting

I urge you not to postpone this meeting. This request by Richard Suttle is a ploy to approach this issue when school is out of session, inherently trying to capitalize on a time when families are traveling and enjoying the summer away from normal school schedules.

Thank you for your consideration.

Dave Preston

[REDACTED]
512-638-2160

Johnson, Carla

From: Karyn Couvillion [REDACTED]
Sent: Tuesday, May 17, 2016 9:28 PM
To: Auzenne, Viktor
Subject: Council Members Please Vote AGAINST Torchy's request for postponement.

Hi Viktor - I wanted to include you on my email to City Council members. Thank you for your work and consideration of this matter.

- Your Name: Karyn Couvillion
Your e-mail address: [REDACTED]
Subject: Council Members Please Vote AGAINST Torchy's request for postponement.
Message: Hello esteemed council members -
-
- As a neighbor living between Torchy's and Fulmore as well as a parent of a child who will be a student at Fulmore in two years, I must object to Torchy's request for yet another postponement in an attempt to game the system.

This alcohol variance request has been ongoing since 2014 when the waiver was first filed. The position of AISD, Austin Interfaith, the neighborhood associations, and the neighborhood schools have not changed, and they will not change during this one-month delay.

The council does not meet again in May, which means the earliest Council can hear this case will be in June. School will be out of session, making it more difficult for parents and community to be heard. . Council will not hear the full voice of parents and community. Raising children and being engaged in the public process is hard enough; the council should respect the date the applicant originally requested to have this vote and not cause this continued major disruption to parents' lives.

This applicant already requested multiple postponements since 2014, including an indefinite postponement. They since re-filed their application and are requesting another postponement at the last minute, after parents, the schools, and neighbors have already organized to attend the scheduled hearing. The applicant has already built out their two bars on the property and publicly represented to the media multiple times that they fully intend to win this variance case and sell alcohol.

The applicant has met multiple times with interested parties. The facts have not changed since 2014; the law continues to be the law. The applicant continues to not have a single reason why they merit a hardship waiver in this case.

Please OPPOSE granting a postponement, and have the case heard in May. Two years is long enough for this applicant to have made a case and this has been hanging over the head of parents and schools for far too long.

Best Regards,

Karyn Couvillion Street Address: 1810 Nickerson St Austin TX 78704

Johnson, Carla

From: Julie Ulrich <[REDACTED]>
Sent: Tuesday, May 17, 2016 9:16 PM
To: Auzenne, Viktor
Subject: Torchy's Alcohol Waiver Postponement Request

- Hello,
I am writing to ask you to please OPPOSE Torchy Taco's request for a postponement of their Alcohol Waiver hearing. This case has been going on for two long years and Torchy's has already been granted several other postponements. The position of AISD, Austin Interfaith, the neighborhood associations, and the neighborhood schools have not changed, and they will not change during this one-month delay. What will change however is the availability of teachers, parents and community members to attend the hearing if it is scheduled after school ends for the year. This means the Council will not hear the full voice of parents and community. Raising children and being engaged in the public process is hard enough; the council should respect the date the applicant originally requested to have this vote and not cause this continued major disruption to parents' lives. Once again, please OPPOSE granting a postponement, and have the case heard in May. Two years is long enough for this applicant to have made a case and this has been hanging over the head of parents and schools for far too long.
Thank you,
Julie Ulrich
- Street Address: 2505 Keepsake Drive Austin 78745

Johnson, Carla

From: Diane Presti [REDACTED]
Sent: Tuesday, May 17, 2016 8:46 PM
To: Garza, Delia; Auzenne, Viktor; Mark Littlefield; Derlis Trey Salinas [REDACTED]
[REDACTED] Adler, Steve; Tovo, Kathie; Gallo, Sheri; Houston, Ora; Casar, Gregorio; Kitchen, Ann; Renteria, Sabino; Pool, Leslie; Troxclair, Ellen; Zimmerman, Don
Cc: Gretchen Otto
Subject: Re: Torchy's Item 55 Public Hearing Postponement Request

Dear Mayor Adler, Mayor Pro Tem Tovo, and Council members:

I am writing as a parent, a former AISD middle school teacher, and as a member of the SRCC Neighborhood Association, for which I now serve as vice president. As a "stakeholder" I plan to speak on the subject of the Torchy's Taco Alcohol Waiver at this Thursday's Austin City Council meeting.

You must not grant the postponement requested by Torchy's because the stated reason "time for discussions to take place with stakeholders" is a sham.

I was in attendance at the SRCC NA meeting when Torchy's came to inform us of their plans to build a bar across the street from Fulmore Middle School. Our group took immediate action and, in the presence of the Torchy's representatives, voted to support AISD's position in opposition of that waiver. At that time the original structure of Fran's remained. Torchy's had not yet broken ground. They went forward with their plans and built a bar that is plainly visible from the street. Torchy's knew the position of AISD at that time. They knew the position of SRCC at that time. Torchy's knew the law at that time. They made it clear to our members at that meeting they had no plans to or interest in altering their "concept."

Now months after their original request for a waiver, they again seek a postponement, not to reach out to stakeholders, who have heard nothing from them in nearly two years, but for one last opportunity to lobby you. I urge you, please don't give them that opportunity.

Like many other parents in our neighborhood, and other interested parties, I have juggled schedules and arranged for a babysitter so that I may attend this Thursday's Austin City Council meeting. I for one will be out of town on vacation June 16th, like many other "stakeholders." It is hard to imagine that Torchy's is not aware that the school year is ending and that many families take summer vacation.

I again urge you to deny the requested postponement. I hope to see you Thursday.

Thank you,
Diane Presti
Vice President
South River City Citizens NA
[REDACTED]

512-217-6651

<http://www.srccatx.org/>

On Tue, May 17, 2016 at 1:17 PM, Gretchen Otto <[REDACTED]> wrote:

Dear Mayor Adler, Mayor Pro Tem Tovo, and Councilmembers:

The SRCC opposes this postponement. The applicant has already been granted multiple postponements in this case. In fact, it has been ongoing for almost two years. We met with the applicant when they first filed for the waiver, heard them out, let them speak at a meeting of our membership, and then held our vote and communicated our position to them. Since then, they have not reached out to us even once to suggest another meeting with SRCC. There has been plenty of time for them to do so. The position of AISD, Austin Interfaith, the neighborhood associations, and the neighborhood schools have not changed, and they will not change during this one-month delay.

Granting another postponement puts an undue hardship on the parents and neighbors who oppose this waiver and have spent many hours organizing against it. The proposed new date is after school lets out for the summer, when many parents and teachers will be traveling and thus unavailable to speak at the hearing. This seems to me like a blatant attempt to disenfranchise these members of our community and prevent their voices from being heard.

Speaking personally, I myself have had to arrange for two different babysitters for this Thursday, to pick my kids up from school, watch them for the afternoon, feed them dinner and put them to bed, while I sit in council chambers and wait for my chance to speak. Many other parents have already made similar arrangements and changing them at the last minute is not easy. We are ordinary citizens with busy lives and we are not being paid for our time spent on this issue.

This is a simple yes or no vote. There is no third option whereby we could compromise. The council can only either vote to approve the waiver, or vote against it. There is no mechanism in place where any other agreement could be monitored for compliance by the city. If we entered into any agreement with the applicant, it would only be enforceable by filing a lawsuit, which is beyond the means of a small, grassroots, volunteer-run association of citizens.

The applicant has met multiple times with interested parties, the facts have not changed since 2014, the law continues to be the law, the applicant continues to not have a single reason why they merit a hardship waiver on this case.

Please OPPOSE granting a postponement, and have the case heard in May. Two years is long enough for this applicant to have made a case and this has been hanging over the head of parents and schools for far too long already.

I am in the process of conducting an emergency vote of our executive committee to re-confirm our position, and will provide an official letter when that has been completed.

Regards,
Gretchen

Gretchen Otto
President
South River City Citizens NA

512-227-1507
<http://www.srccatx.org/>

On Tue, May 17, 2016 at 12:20 PM, Richard Suttle, Jr. <[REDACTED]> wrote:

Viktor,

I represent and am writing to you on behalf of the applicant in the above referenced waiver request.

The applicant requests a postponement of this case to the June 16 City Council meeting. This postponement request is made to allow more time for discussions to take place with stakeholders.

I have copied the SRCC and the City council on this request.

Thank you,

Richard

Richard T. Suttle, Jr.
Armbrust & Brown, PLLC
100 Congress, Suite 1300
Austin, TX 78701
Phone: 512-435-2310
Fax: 512-435-2360
Email: rsuttle@abaustin.com

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Johnson, Carla

From: fjmax [REDACTED]
Sent: Tuesday, May 17, 2016 8:41 PM
To: Auzenne, Viktor
Subject: Please do not postpone the vote

Please do not postpone the vote. They are asking for a postponement after people have organized to come to city council so they can speak against selling alcohol so close to a school. It is difficult for parents to come in the summer when the children are out for the summer.

Faye Maxwell

Austin resident; retired teacher

Johnson, Carla

From: Jim Canning <[REDACTED]>
Sent: Tuesday, May 17, 2016 5:11 PM
To: Auzenne, Viktor
Subject: Do not postpone Torchy's meeting

Moving to when after school is out stacks the deck for Torchy's since many concerned parents may be away on summer break.

Please keep the original date.

Jim Canning
THES parent
Sent from my iPhone