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Guernsey, Greg

From: Eleanor McKinney [REDACTED]
Sent: Wednesday, September 29, 2010 7:03 PM
To: Guernsey, Greg; 'Zilker NA'
Cc: [REDACTED]; Pitts, Don; Arzola, Sylvia; Sandoval, Marie
Subject: RE: Item 57, Sept. 30 Council agenda, Opa OMV appeal
 Greg

I am also withdrawing my appeal.

Ele McKinney, ASLA, GRP

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Late Backup

From: Guernsey, Greg [mailto:greg.guernsey@ci.austin.tx.us]
Sent: Wednesday, September 29, 2010 5:14 PM
To: Zilker NA
Cc: [REDACTED]; Eleanor McKinney; Pitts, Don; Arzola, Sylvia; Sandoval, Marie
Subject: RE: Item 57, Sept. 30 Council agenda, Opa OMV appeal

Thank you, Lorraine.

I will pass this information onto Council and you will not need to be present at the meeting. I will mention the agreement to Council tomorrow. Thanks again.

Greg

From: Zilker NA [mailto:ZilkerNA@ci.austin.tx.us]
Sent: Wednesday, September 29, 2010 4:58 PM
To: Guernsey, Greg
Cc: [REDACTED]; 'Eleanor McKinney'; Pitts, Don
Subject: Item 57, Sept. 30 Council agenda, Opa OMV appeal

Hello, Mr. Guernsey.

The Zilker Neighborhood Association and the owners' of Opa's restaurant have agreed to new terms for the Outdoor Music Venue permit at 2050 South Lamar. The ZNA executive committee has therefore decided to withdraw our appeal of that permit, which was scheduled for a hearing at tomorrow's City Council meeting.

Don Pitts (Music Program Manager) and Larry Schooler (City of Austin facilitator) can provide you with a copy of the agreement and the new terms of the permit.

Thanks for all your help.

Sincerely yours,
 Lorraine Atherton
 on behalf of the Executive Committee of Zilker Neighborhood Association

9/29/2010

AGREEMENT

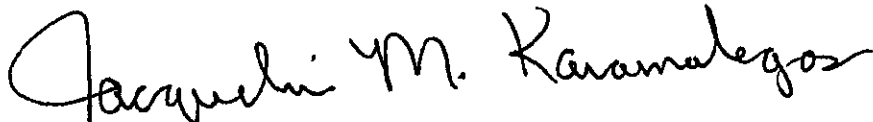
- 1) Opa's will maintain sound level of 70 decibels (db) or less throughout its hours of operation.
- 2) Opa's will turn off any piped in/canned outside music at closing time while staff cleans the restaurant.
- 3) Opa's may stage live music outdoors until no later than 10 PM on Friday and Saturday evenings and until 9 PM on Sunday, Monday, Tuesday, Wednesday, and Thursday evenings.
- 4) Opa's will purchase and install sound mitigation equipment recommended by the City of Austin for purposes of reducing the impact made by outdoor music.
- 5) Opa's will also purchase and install a decibel level reader at its property line which can be read at the stage for purposes of adjusting sound to fit within legal limits (at or below 70 db).
- 6) City of Austin staff will test the equipment and take regular sound readings at Opa's when live music is performed.
- 7) Opa's will provide the Zilker Neighborhood Association with the proper restaurant telephone number (512) 326-8742 and the names of four staff members Spiros Karamalegos, Jackie Karamalagos, Jim Leverett, and Steve Reyna who should be contacted in the event that concerns about noise at Opa's arise. The Zilker Neighborhood Association will communicate this information to its members and encourage them to contact the restaurant first with concerns about noise.
- 8) Contact between neighbors and Opa's will be logged by all parties.
- 9) If a neighbor contacts Opa's three times without a timely response from the restaurant, the neighbor may contact the Austin Police Department without the requirement of first complying with Item 7 above.

EFFECTIVE: Friday, October 8, 2010
SIGNED:

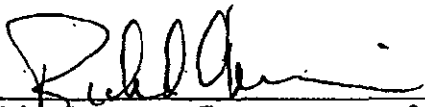
EXPIRES: Thursday, March 10, 2011


[signatures to follow on next page]

Opa's


Jacqueline M. Karamalegos, Owner

Zilker Neighborhood Association


Printed Name: RICHARD C GRANDIC
Its: PRESIDENT


Printed Name: ELEANOR MCKINNEY
Its: _____