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## Naked City

### Quote of the Week

"It's not the size [of the development]. Like they say, 'It's the economy, stupid,' in politics? It's the impact, stupid. It's the impact of the development." – **Jason Meeker** of Responsible Growth for Northcross, on the Wal-Mart proposed for the former Northcross Mall property

### Headlines

- Down to two finalists, City Council expects to be choosing a **new city manager** at its meeting today (Thursday). See "**Point Austin**," and "**Beside the Point**."
- Before you know it, early voting will be here (Feb. 19) for the March 4 primary. The campaign shots are beginning to fly – we've caught a few. See "**Senate Candidates on Centex Parade**," "**Doherty's Romney Connection**," and "**Election Notes**."
- Quick! Before it sells out again, go to [www.austinenergy.com](http://www.austinenergy.com) or call 972-7548 to subscribe to the just-reopened **GreenChoice** program, which supports electricity from **renewable wind power**. New subscriptions are now open to both residential and commercial subscribers. The new GreenChoice-batch charge of 5.5 cents per kilowatt-hour is locked-in through 2022. Going green means that today the average home consuming about 1,000 kwh/month will pay an additional \$18.50/month for GreenChoice. But based on recent history and rising conventional energy costs, the fixed rate is likely to quickly become a comparable bargain.

## Naked City

• Education Austin leader and Small Middle School teacher **Michael Poliakoff** has filed a lawsuit against the Austin Independent School District, claiming district administrators punished him for being a **whistle-blower**. Poliakoff was a teacher at Bailey Middle School during the 2003-2004 school year, when he led a campaign to expose growing tensions between the staff and the principal, Julia Hankins, which came to a head when it was discovered that Hankins had unilaterally changed the grades of a number of Bailey students. An investigation was eventually launched, and Hankins apologized for her actions. But Poliakoff says Hankins continued to punish him for his outspoken dissent, and he filed several complaints with the district about his treatment. In September 2006, Poliakoff was forced to transfer to another school, eventually ending up at Small Middle School. Poliakoff is asking a district judge to force AISD to reinstate him at Bailey, and he hopes the lawsuit will discourage the district from retaliating against other teachers. "If they can do this to an individual like me, who was clearly doing the proper thing through proper channels," said Poliakoff in a press release, "then no employee is safe, and the grievance procedure is meaningless." – *Michael May*

• AISD began the first of a series of state-mandated **national background checks** last Tuesday, starting with Superintendent Pat Forgione, whose fingerprints were taken in a public photo op with Lt. Gov. David Dewhurst and Texas Education Commissioner Robert Scott. AISD is the first district to conduct national background checks under a state law passed in 2007, requiring some 1 million teachers and public school employees to be

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More than 250 high school students, including

See our **Elections Page** for the voting scoop.

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fingerprinted over the next four years. The law was drafted in response to an alarming rise in the number of sexual-misconduct cases investigated by the Texas Education Agency. According to the agency, the number of such investigations rose from 110 in 1997 to 251 in 2007 – although there's no way of telling if that means an increase in real incidents or just rising public attention. Currently, the district is only required to run a statewide search, but under the new program, employees will have their fingerprints entered into an FBI database to detect crimes committed in other states. The background checks are mainly aimed at felony crimes, but misdemeanors will be reviewed on a case-by-case basis, according to the TEA. The law only applies to teachers and nonteaching employees hired after Jan. 1. – *Justin Ward*

more than 300 high school students, including some from Bowie, Houston, St. Stephen's, Westlake, and Westwood, charted diplomatic waters last Friday and Saturday at UT while participating in a United Nations simulation, part of the 13th annual Central Texas Model United Nations conference, according to a press release from the university, which also notes, "By seeing how policy decisions are created in committees ... students are exposed to relevant subject matter that is not taught in a general curriculum[,] like the art of persuasive public speaking and diplomatic negotiation."  
*Photo by Jana Birchum*

• AISD Superintendent Pat Forgione announced that 30 Austin **schools** will be **closed to transfers next school year** and that three others are only allowing transfers for certain grades. The campuses are Anderson, Austin, Bowie, and McCallum high schools; Bailey, Bedichek, Burnet, Kealing, Mendez, Murchison, and Small middle schools; and Baranoff, Barrington, Bryker Woods (except grades second and sixth), Casis, Clayton, Cook, Doss (except grade second), Harris, Hart, Hill (except grades second and third), Houston, Langford, Lee, Linder, Mathews, Mills, Odom, Perez, Rodriguez, Walnut Creek, Widen, and Woodriddle elementary schools. In addition, seven campuses could eventually be closed after priority transfers are accepted: Akins High School, Fulmore and Paredes middle schools, and Graham, Oak Hill, Pickle, and Wooten elementaries. The district will begin accepting transfer requests on Saturday, Feb. 2, at 7am and will remain open that day until noon. (Parents hoping to get their first choice should be there when the doors open.) – *M.M.*

• The district's board of trustees is deliberating where to place **two new elementary schools** approved in the 2004 bond election. AISD staff recommended one of the schools be built in North Central Austin, near Wooldridge, Wooten, and Cook elementaries and the other be built in Southwest Austin, near Clayton Elementary. But the board delayed the decision by a 5-3 vote Monday, in order to hear recommendations about overcrowding at Southeast Austin's Linder Elementary. On Jan. 28, the trustees will hear a presentation from the Citizens' Bond Advisory Committee, which may include a May 10 bond referendum that would address overcrowding at Linder. For more AISD bonds news, "**Citizens' Committee Shuffles AISD Bonds**." – *M.M.*

• January is Poverty Awareness Month, and on that note, advocacy org House the Homeless recently had a unique opportunity to increase its knowledge of **Austin's homeless population**. At its annual Christmas clothing distribution party, the group received questionnaire responses from 526 homeless people – a full 13% of Austin's estimated homeless population of 4,000. The results? The homeless aren't looking for a handout – they say they want to work. While only 199 respondents – 38% of the survey – were working, about 90% wanted employment. The obstacles to employment were varied: 62 cited health issues as holding them back, 60 said they couldn't find work, 56 said they were disabled, and 50 had no identification. Additionally, several hurdles to getting a photo ID were cited, such as the need for other ID documents, and the cost. Close to a quarter – 23% – identified themselves as veterans. "Although homeless, more than 37% of these people are working at some point during the week," says House the Homeless President Richard, Troxell. "Furthermore, it is now clear that what is lacking for many of them to end their homelessness is a living-wage job." Troxell is also director of legal aid for House the Homeless, who recently released a "Know Your Rights" guide for Austin's homeless. The guide comes at an opportune time, since City Council recently deliberated the expansion of panhandling laws – though changes are on hold for now. "Our goal is to make sure they know their rights and are informed of the laws that affect them," Troxell says. – *Wells Dunbar*

• Attention bicyclists! Next time you notice some ass has decided to park their car in a **marked bike lane**, you can call 311 and have the vehicle ticketed by one of three city of Austin Public Works Department Bicycle and Pedestrian Program staffers, who have recently been deputized as badge-toting parking-enforcement officers. Bike Program project coordinator Nadia Barrera says she and two others can now ticket cars illegally parked within painted full-time bike lanes, as well as lanes where parking is prohibited during certain times. The move is partially meant to ease the burden on the Austin Police Department, which previously received such parking-violation calls. She said a first offense parking ticket will cost drivers \$40. In other bike lane news, Barrera says 311 calls to report debris in bike lanes, which can be very dangerous to cyclists, will now be expedited to Public Works, which she says will be able to clear the debris faster than Solid Waste Services, previously tasked with the job. For more local bike info and a map of Austin's bicycle routes, color-coded by ease of use, see [www.ci.austin.tx.us/bicycle](http://www.ci.austin.tx.us/bicycle). – *Daniel Mottola*

• With the 35th anniversary of the landmark abortion-rights decision *Roe v. Wade*

- Month
- House the Homeless
- bike lanes
- Nancy Keenan
- pro-choice
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less than a week away, **Nancy Keenan**, president of NARAL Pro-Choice America, will deliver a "major" speech on the "importance of the **future of the pro-choice movement**" tonight, Thursday, Jan. 17, at 6:30pm at the University of Texas' Thompson Conference Center auditorium. In the U.S. Supreme Court's *Roe* decision – handed down Jan. 22, 1973 – the justices opined 7-2 that many laws restricting a woman's right to choose abortion violated a right to privacy embedded within the 14th Amendment's due process clause – under their ruling, abortion was made a safe and legal option for women seeking to end a pregnancy up until the time the fetus would be viable outside the womb. That decision remains controversial, and in recent years, the ruling has seen significant challenges, some of which have, arguably, weakened the original premise. For more on the event, go to [www.utexas.edu/cola/centers/cwgs](http://www.utexas.edu/cola/centers/cwgs). – *Jordan Smith*

- The **University of Texas** could receive as much as \$1.2 million in federal seed money to develop next generation **wireless communications for the military**, U.S. Rep. Lamar Smith announced last week. The earmarked funding is tucked away inside Congress' annual defense appropriations bill, which passed the House last week and now awaits Senate approval. The research aims to expand wireless capabilities, so data can be transmitted more efficiently. "Over the next few years, wireless networks will become massively broadband, similar to the wired Internet of today," UT-Austin President William Powers said in a press release. "With these funds, Ted Rappaport and his team ... will be able to create the next generation of wireless devices and enhanced protocols designed to use this increased bandwidth." – *J.W.*

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## Beyond City Limits

- The city of **Hutto** has followed the lead of Austin and 19 other Texas cities in signing the **U.S. Mayors Climate Protection Agreement**. In all, 755 U.S. cities have committed to follow the goals of the international Kyoto Protocol – still unsigned by the U.S. Typical municipal actions include cutting greenhouse-gas emissions and adopting anti-sprawl policies for land use. In 2010, Hutto plans to open its first dense, mixed-use development on 469 acres off State Highway 130. If little Hutto gets it, why not Washington, D.C.? – *Katherine Gregor*

- Two days before its first meeting of the interim, Lt. Gov. David Dewhurst made his appointments to the joint **Sunset Advisory Commission**, the body that recommends whether state agencies should stay in operation, be reformed, or even disbanded: Sens. Juan "Chuy" Hinojosa, D-McAllen, and Glenn Hegar, R-Katy, plus public appointee Michael Stevens. Hinojosa had publicly lobbied to get on the committee, so he could continue to oversee reform of the Texas Youth Commission, which is up for review. But Hegar, a pro-tax-refund freshman, is a radical departure from outgoing members Eliot Shapleigh, D-El Paso, and John Whitmire, D-Houston, both of whom have been critical of slashing agency budgets. Stevens, a member of tort reformists Texans for Lawsuit Reform, is closely connected to Gov. Rick Perry, as a member of the Governor's Business Council and of his 2006 appraisal reform task force. – *Richard Whittaker*

- **Harris County's** top law enforcer, **District Attorney Chuck Rosenthal**, issued a public apology to his family late last month after intimate messages he sent to his secretary via e-mail were made public, in connection with a pending federal civil rights suit alleging misconduct by Harris Co. Sheriff's Office employees, reports the *Houston Chronicle*. In one message, dated Aug. 10, Rosenthal wrote to his secretary, Kerry Stevens (with whom he has acknowledged having an affair during his first marriage), that the "very next time I see you I want to kiss you behind your right ear." In another message, he told Stevens, "You own my heart whether you want [it] or not," the daily reported. In his apology, Rosenthal said he deeply regrets "having said those things." The 61-year-old Republican is in charge of the DA's office that is the nation's leader in handing out death sentences. He's running for a third term as Houston's DA and is being challenged for the job by Democrat C.O. Bradford, the former Houston Police chief. Bradford told the daily that Rosenthal's "personal use of government property" to send his messages of love to Stevens was "totally inappropriate." – *J.S.*

- **Shell Oil Co.'s** Houston-area plant has been illegally spewing a wide range of harmful emissions into the air in violation of its permitted limits and the Clean Air Act on the average of more than once a week for the last five years, resulting in the release of millions of pounds of excess air pollutants, according to a lawsuit filed last week by Environment Texas and the Sierra Club. "Because the state of Texas and the U.S. EPA have both failed to put a stop to these blatant violations, ordinary citizens are stepping up to enforce the law themselves," said ET Executive Director Luke Metzger. Sierra Club member and small-business owner Karla Land added, "I live and work downwind from Shell, in Channelview. My family and my employees simply can't afford to breathe in any more air pollution." The lawsuit addresses so-called upset events at Shell's 1,500-acre oil refinery and petrochemical plant, when emissions exceeding permitted limits can be vented during equipment breakdowns, malfunctions, and other nonroutine incidents. For years, watchdogs have suspected refiners of exploiting upset situations to cut costs and pollute more. Among the pollutants reportedly released are substances known to contribute to respiratory illness, heart and lung disease, acid rain, and harmful ozone. More than 150,000

pounds of known carcinogens benzene and 1,3-butadiene have also been released into the air since 2003. – D.M.

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