

Exile on 48th Street

Neighbors Applaud Action Against Rio Motel

BY ROB D'AMICO, FRI., SEPT. 17, 1999

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Fred Dupuy, a 51st Street resident and president of the new group that sprung from the day labor conflict -- the EYE-35 Neighborhood Associations -- says that getting rid of the Rio was a number one concern. (Photo By Bruce Dye)

Late one winter night in 1998, a man quietly loaded several trash bags into a truck at his home near 51st and Airport and drove to far Northwest Austin to dump the garbage on Greg Ying's front lawn. The garbage -- a mixture of beer cans, syringes, liquor bottles, and other signs of illicit activity - had been collected from the man's own yard over the span of several weeks, and he was dumping it on Ying's grass to send a message: "Quit trashing my neighborhood with your motel."

It's unclear whether Ying got any message from the trash relocation, however, since neighbors say he continued to turn his head while gang bangers, crack dealers, and prostitutes used his business - the Rio Motel at 4800 N. I-35 -- as their headquarters for raising hell, dealing drugs, and turning tricks. Had Ying's clientele stayed put inside the Rio, a run-down motel court recently painted pink and blue, neighbors may not have cared about what went on. But the rowdiness spilled out into the adjoining streets of the neighborhood, resulting in burglarized houses and trashed yards.

Now, residents say it could be the relocation of something they didn't even want in their neighborhood -- the day labor operation that just moved in at 50th and I-35 -- that may finally clean up or shut down the Rio. They say the move prompted the city to join forces with the State Attorney General's Office to file a nuisance suit against Ying and the Rio to force it to either stop the illegal activity or close down altogether. Shutting down the Rio was the number-one recommendation for how the city could appease residents angry over the prospect of day laborers on their streets, according to several residents involved in the day labor negotiations.

In fact, says Mayor Kirk Watson, the decision to seek a nuisance lawsuit against the motel began much earlier. "Actually, the work [to close] the Rio began before the sites were identified for the day labor relocation," he said. "The Rio has been on our radar screen for some time." Police began an investigation of the motel as early as March of 1998, and a decision to seek the attorney general's help was made some time around January of 1999, the mayor said, before the day labor issue surfaced in April.

Regardless of the motivations for the lawsuit, neighbors seeking relief from crime are ecstatic about the effort. The nuisance complaint -- filed on August 26 and accompanied by the fanfare of a press conference with Attorney General John Cornyn, Watson, and Police Chief Stan Knee -- will force Ying to fork over a \$10,000 bond and keep the Rio out of trouble for at least a year, or face closure. "It's an up-front kind of penalty," says Heather Browne, a Cornyn spokesperson.

To define the nuisance, the lawsuit notes that the police responded to calls to the Rio at least 437 times in the period from Jan. 1, 1997, to Feb. 28, 1999. That's more than a call a day, which pegged the motel as a top trouble spot for police. Browne says Ying can get the \$10,000 bond back if no

nuisances are reported at the Rio for a period of one year. However, the lawsuit also asks for possible compensation from Ying for court and investigative costs.

Neighbor James Johnson has his own statistics. "We've been burglarized six times," says Johnson, a 10-year resident of Bennett Street, about four blocks from the Rio.

"It was a circus up there when it got dark," he says. "We'd drive through there to check it out and they'd be fighting each other just to try and sell us crack. I'm glad they finally got around to [filing the lawsuit]. My hope is that they are not going to be able to post the bond."



Fred Dupuy, a 51st Street resident and president of the new group that sprung from the day labor conflict -- the EYE-35 Neighborhood Associations -- says that getting rid of the Rio was a number one concern. (Photo By Bruce Dye)

Ying, the Rio owner, has a different account. Speaking from behind the motel counter where he has worked for 10 years, he says he has stopped the majority of problems at the motel by closing down the Rio Club, a bar that adjoined the motel. After meeting with authorities last December, he says, he agreed to hire security, refuse service to "guests" pegged as troublemakers, and try to get police help when trouble did arise. The lawsuit is selective enforcement, Ying claims, and the authorities should be concentrating on bigger problem areas, since he cleaned up the Rio.

"Why are they picking on me?" he asks.

As of Tuesday, Ying said he had not been served with any complaint. At this point, he says he wants to sell the motel and get out of the conflict altogether.

Enter the Day Laborers

When neighbors between Airport and I-35 near 50th Street first caught wind of the day laborer relocation, they organized, and many opposed it on grounds that the site would exacerbate crime problems in the area. However, when it looked as though they wouldn't be able to stop the move, the neighbors made several requests to mitigate potential problems. "Closing the Rio Motel was the top of the list," says Johnson. "It always was."

The most vocal opponent to the day labor site, Fred Dupuy, a 51st Street resident and president of the new group that sprung from the day labor conflict -- the EYE-35 Neighborhood Association -- agrees that getting rid of the Rio was a number one concern, because residents didn't want a concentration of what they considered bad elements in one area. He says the Rio had the potential to house day laborers who would then mix with the drug dealing and prostitution already there.

"The general sentiment is, we just want the place cleaned up," Dupuy says. He's still not optimistic about the day labor operation's success, since he feels the city won't maintain its commitment to keep laborers and crime out of the neighborhood. "I just know it's a matter of time before it starts to slip, and it's going to turn into a mess."

But at least in the short term, says Johnson, the day labor center's move to the neighborhood has been a "godsend." The battle against it and media coverage have focused the city's attention on the area and resulted in the Rio lawsuit and frequent police patrols.

To manage the day labor operation, the city, neighbors, and day labor advocates formed a nonprofit organization -- First Workers Corporation -- which likely will be responsive to the residents' concerns. For example, Will Bozeman, president of the Austin Neighborhoods Council, also serves on the First Workers board of directors. He says the day labor site already is showing "measures of success" and hasn't created problems for the adjoining neighborhoods. "And the good news is," Bozeman says, "the city followed through on its commitment to help with crime in the neighborhood."



Photo By Bruce Dye

Still, Johnson calls it a "wait-and-see" situation on whether the city will ultimately live up to its promises.

Similarly, the jury is still out on the Rio's future. A former Rio resident who asked not to be identified says that Ying and the corporation that technically owns the motel -- the Liu Family Corporation -- are "loaded" and should have no problem posting the \$10,000 bond required to keep operating.

Ying agreed that business has been "good," since his wife's family first purchased the motel in 1989. But he says he wants out now, and a sale to another investor interested in the property is close.

If authorities do succeed in closing down the Rio, or if Ying sells, many question whether anyone would try to save a building in a serious state of disrepair. Tax records show the property valued at \$571,710, but the buildings themselves are valued at only \$80,290.

Another line of thought of concern to neighbors is the possibility of the motel becoming a transitional housing program for homeless individuals. Richard Troxell, president of the non-profit House The Homeless, says he did talk of the idea at one point, but that recent discussions have centered on developing new sites as opposed to trying to occupy buildings that are falling apart. "There's no doubt this place is in deplorable condition physically," he says of the Rio.

Besides, he says, people who are periodically homeless are already living at the Rio and have been for some time. Any talk about the Rio, Troxell says, should be centered on why the police and city officials allowed its owner to get rich while its tenants and guests were housed in substandard conditions.

Johnson warns that any move to put homeless housing in at the Rio would result in a major battle from the neighborhoods. "Should they take that avenue, we're really going to have to fight it," he vows. The mayor, too, is downplaying the idea. "With the day labor site there, he says, "an SRO [single residence occupancy] facility there is probably not a viable option."

Back in the Day

It's hard to imagine now, but the Rio Motel has seen better times. Built in the Fifties as the Clear View Motel, it flip-flopped between the Motel Rio Best Western and the Austin Travelodge in the 1960s before eventually settling on the name "Rio Motel" in 1978.

During its heyday, it was a prime lodging for travelers and pilots from Robert Mueller Airport across the highway. Word has it that the motel's club and restaurant were even a popular hangout for cops who met there to drink and socialize.



James Johnson (Photo By Bruce Dye)

During the building boom in the early 1980s, Johnson remembers the Rio and another lodging on I-35, the Key Motel (where the Public Storage warehouse now stands), being home to scores of construction workers. And the Rio Club was a more mainstream bar that hosted pool tournaments.

At some point in the mid-1980s, however, the motel began to slip. Repairs weren't made, rooms remained out of date, and according to police, it started being frequented by drug dealers and prostitutes. Add to that the increase in crack cocaine use, and 10 years later, the situation had gotten completely out of control, according to neighbors, police, and Rio residents.

The Rio Club, the bar at the motel, began attracting a young crowd that turned the parking lot and adjoining neighborhood streets into a party of its own. Dupuy said he remembers one night in particular where "it was just crazy. It was like a block party going on."

Ying agreed that the club was the main problem, since neighbors didn't like its patrons parking in front of their houses. He said the hip-hop music and young, African-American clientele also didn't appeal to the predominantly white neighbors. "There are not many places for black people to hear that kind of music," Ying says.

Local prosecutors and police called a meeting with Ying to confront him about the excess number of arrests and police calls to the Rio in December, he says. At that point, he was given a photocopy log of 911 calls to the police. Ironically, many of the calls were from Ying or his staff to ask for police help. The high number of police responses ultimately would be used by authorities to try and justify the claim that the Rio is a nuisance.

Ying also says he cooperated with officers over the years and helped them nab drug dealers in undercover operations, once again helping to add arrests to the statistics that would be used to define his motel as a nuisance.

Scanning the daily newspaper through the past eight years yields a variety of incidents at the Rio, including police busts of a crack ring and the arrest of a murder suspect. And Ying recounts one incident where a security guard at the Rio Club shot a young man, who later sued and won \$150,000 from the Liu Family Corporation.

By the December meeting, Ying says, he was ready to make changes, including closing the Rio Club. He also hired a professional security company, maintained a list of people barred from renting rooms, and continued calling police for help. The police often refused to help, Ying says, particularly with criminal trespassing complaints he levelled against troublemakers. Members of his staff confirmed Ying's claims, and they maintain that the Rio is a quiet place now. "It's like a graveyard here at night," Ying says.

Ying challenged reporters to look at the arrest statistics for 1999, since they would show how much things have changed. An Austin Police Department spokesperson said the department won't discuss their efforts at curbing crime at the Rio, because of the ongoing lawsuit from Cornyn. Mayor Watson also said he couldn't comment much on evidence, but he did offer 1999 statistics, showing that in the first seven months of this year, the police received 311 calls regarding the Rio, a call rate even higher than that cited in the lawsuit. Of those, 21 were narcotics-related, and of those, 12 arrests were made and five citations given. "I don't want to get into details about potential evidence. But if you got 311 calls between January and July, perhaps you're not doing enough besides just making phone calls," he says.



Photo By Bruce Dye

Ying counters that you would have to analyze the calls to police to get a clear picture of what is going on at the Rio. "Why is there that many calls? They would find that a lot were for disturbances, not drugs or prostitution," he says. "The neighborhood could call 20 times in one night."

And Ying questions whether the arrest figures are even an indication of a problem. "In seven months, 21 calls for narcotics -- three per month. That would be bad? Ninety percent of the hotels and motels in the United States have drug-related problems," Ying says.

Month-to-Month Renters

Many tenants at the Rio are monthly renters. One man says he lived there nine years. The tenants sit outside their rooms each night in folding chairs relaxing, while kids run the balconies playing games.

Marie, a motel resident who didn't want to give her full name, has lived at the motel on and off again over the past few years with her husband and two roommates. She said the Rio is extremely peaceful now and a "great way for us to get back on our feet."

At first appearance, many question why anyone would want to stay at the Rio for any reason, since many of the units are in disrepair and the grounds are scattered with trash. After hearing that the monthly rent is \$600, the idea becomes even more unbelievable.

However, Marie points out that Ying lets four people stay in a room with a flat rate, and the local phone service, water, utilities, cable, and maid service are all paid for. Add to that the fact that you don't need a lease or good credit to rent, and the decision to house at the Rio seems more understandable.

Troxell, the House the Homeless president, doesn't see the situation so idealistically. "The people that run these places are not good human beings," he insists. "They're just greedy." Taking in \$600 a room per month, plus the \$30-\$40 per night for short-term guests to live in a decrepit and dangerous structure is criminal, he says. "The city hasn't done its job. This person has been allowed to provide substandard housing."

Johnson agrees and notes that Ying turned his head to crack dealers and took their money. "He's kept that place full with little or no maintenance or overhead," he says.

Ying, however, says he has put a large amount of work and money into the motel (the most visible being the pink and blue paint), including mini blinds, new linens, and fresh paint inside. Rowdy guests make keeping the rooms in good condition tough, he adds.

Marie backs Ying up, saying he is a hard worker who has improved the motel. She says she isn't too worried about the motel closing down. "I'm sure the city will relocate us," she says.

Troxell, however, says relocating families isn't so easy, given the shortage of affordable housing. The real loss, he says, is that the Rio had the potential to be one more option for affordable housing, but instead fell into the hands of a greedy owner that let it crumble away. "It's ridiculous. It's not that [the city] didn't know that it was being operated in a substandard manner."

Watson says he hopes a new owner would improve the building and let the current tenants stay. He also says the city has been vigilant in its efforts to make sure the Rio is up to city codes. "We went in and did a major code enforcement activity on that place, and there was some responsiveness on that. We're monitoring it for code very closely."

The Rio, Watson adds, won't be the last business to face a nuisance suit. "It's a tool we're going to continue to use, because it's an effective tool -- particularly when you trace crime and drug activity to a specific location." ■