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April 3, 2017

VIA EMAIL: Anne.Morgan@austintexas.gov

Anne Morgan, City Attorney
City of Austin, Texas
301 W. 2nd Street
Austin, Texas 78701

RE: Settlement Offer: *Lake Austin Collective, Inc. & Marisa B. Lipscher v. City of Austin*, Cause No. _____, in the _____ District Court, Travis County, Texas.

Dear Ms. Morgan,

My clients, Lake Austin Collective, Inc. and Marisa B. Lipscher have authorized me to make the following settlement offer in the above-styled Open Meetings Act claim against the City of Austin. A draft of the Original Petition is attached and explains the basis for the Plaintiffs' TOMA complaint regarding Agenda Item No. 6 (November 10, 2016), the Champion Tract #3 matter. We contend that the agenda wording violates the public notice requirement of the Texas Open Meetings Act.

The potential Plaintiffs want to give the City Council a reasonable opportunity to correct the TOMA violation and reconsider that agenda item. Options include simply reposting the matter with appropriate TOMA notice of the waivers and variances, or agreeing to an Agreed Judgment (an option that may have advantages for the City). If the City is agreeable to doing so, I will be available to work with you to expeditiously resolve this matter. We understand, that if the Council rescinds its November 10th action approving the ordinance (or the action is declared void by the court), the Council is free to re-post an agenda item in the future *with proper public notice* to vote again on the exact same deal or some modification of it.

This offer expires 45 days from today. If we do not hear back from you by that date, my clients will file the lawsuit. So there is no surprise, please be aware that this settlement offer and attached draft petition are going to be made public; it would seem ironic not to.

ALESHIRELAW, PC

Bill Aleshire

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Cc: Clients