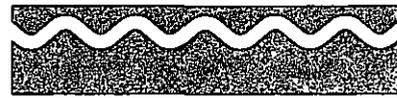


S.O.S.

Late Backup



SAVE OUR SPRINGS ALLIANCE

March 28, 2013

Hon. Lee Leffingwell, Mayor,
Hon. Sheryl Cole, Mayor Pro Tem,
& Members of the City Council
Austin, Texas

Via Email & Hand Delivery

Re: Please protect our home rule powers to expire development projects consistent with state law – and vote “NO” on Item 19; there is simply no emergency to take action today

Dear Mayor Leffingwell, Mayor Pro Tem Cole, and Members of the City Council:

The Save Our Springs Alliance again respectfully urges you to vote “No” on the proposal to repeal Austin’s “project duration” ordinance and to strike language in our project dormancy ordinance.

There is no emergency to support immediate action. While considerable progress has been made in developing the facts and law on this issue, there is still a need for more complete understanding of the potential impacts of the proposed action and of alternative courses of action.

The memo you received late yesterday from staff, while concealing as much it reveals, demonstrates that the proposed action will revive a large number of otherwise expired projects. This glimpse of the “big picture” tells us that the impacts would be far reaching and yet still not known.

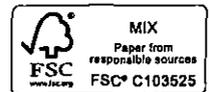
On the law, the proponents of the proposed action simply cannot point to anything in Chapter 245 that establishes a conflict with City of Austin ordinances with “unmistakable clarity.” The AG opinion completely ignores this standard that must be applied in determining whether such a conflict exists. The AG opinion also ignores the plain language of the statute and key legislative history. This language and history makes clear that “expiration dates” and “dormancy” are separate and distinct. The confusing “dormancy” language added to Section 245.005 in 2005 does not trump the express provisions for expiration dates in Section 245.002(a), Section 245.002(b) and Section 245.002(c) (and other language in the statute indicating that expiration dates are part and parcel of the “rules in place” when the first application is filed that must be applied to development projects.

This issue is central to the work that so many have done over the last 30 years – both city councils and citizens committed to making Austin a healthy, safe, and sustainable city in which to live, work and raise families. It is central to the work that we are doing now and will do in the future to protect East Austin watersheds, implement Imagine Austin, and manage our future.

Please do not throw away our city’s home rule powers and our city’s future with it.

Thank you for your consideration.

Bill Bunch
Executive Director and Attorney



Save Our Springs Alliance

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