



**CENTRAL TEXAS
Regional Mobility Authority**

Special Called Meeting of the Board of Directors

9:00 a.m
Monday, August 24, 2015

Williamson Conference Room
3300 N. IH-35, Suite 300
Austin, Texas 78705

AGENDA

No action on the following:

1. Welcome and opening remarks by the Chairman and members of the Board of Directors.
2. Opportunity for public comment – See **Notes** at the end of this agenda.

Regular Items

Items to discuss, consider, and take appropriate action.

3. Approve the financial assistance agreement with the Texas Department of Transportation for funding to develop and construct the 183 South (Bergstrom Expressway) Project.
4. **Consideration of the use of eminent domain to condemn property:** Declare a public necessity to acquire the following described parcels of land, or interests therein, for the 183 South (Bergstrom Expressway) Project; and with respect to each such parcel or interest therein authorize any of the following actions: (i) execution of a contract to purchase, (ii) execution of a possession and use agreement, or (iii) acquisition through negotiation or by the use of eminent domain to condemn the parcel or interest therein:
 - A. Parcel 117 of the 183 South (Bergstrom Expressway) Project, a 0.461 acre parcel of real estate, and Parcel 117E of the 183 South (Bergstrom Expressway) Project, a 0.404 acre parcel of real estate, owned by Randall W. Ferneau, Roberta A. Ferneau, and Robin M. Ferneau as the sole successors-in-interest to Ferneau Investments, Inc., a dissolved California corporation, located in the 2800 block of Ed Bluestein, Austin, Travis County, Texas.

- B. Parcel 131 of the 183 South (Bergstrom Expressway) Project, a 0.217 acre parcel of real estate owned by Ben Fuentes, Daniel C. Castro, Esther Nanez Ledesma, Edward Ledesma, Abel Ledesma, Tina Villareal, and Alfred Ledesma, located at 6501 Regiene Road, in the 3000 block of Ed Bluestein, Austin, Travis County, Texas.
- C. Parcel 132 of the 183 South (Bergstrom Expressway) Project, a 0.673 acre parcel of real estate owned by Brian Evans and Yoon Sin Kim, located at 6705 Regiene Road, Austin, Travis County, Texas.
- D. Parcel 155 of the 183 South (Bergstrom Expressway) Project, a 0.131 acre parcel of real estate owned by Sunbelt Cleveland Properties, L.P., located in the 2700 block of Howard Road, Austin, Travis County, Texas.
- E. Parcel 157 of the 183 South (Bergstrom Expressway) Project, a 0.163 acre parcel of real estate owned by William E. Selman, located in the 400 block of Bastrop Highway, Austin, Travis County, Texas.
- F. Parcel 158 of the 183 South (Bergstrom Expressway) Project, a 0.035 acre parcel of real estate owned by 422 Bastrop Hwy., Ltd., located at 436 Bastrop Highway, Austin, Travis County, Texas.

Executive Session

Under Chapter 551 of the Texas Government Code, the Board may recess into a closed meeting (an executive session) to deliberate any item on this agenda if the Chairman announces the item will be deliberated in executive session and identifies the section or sections of Chapter 551 that authorize meeting in executive session. A final action, decision, or vote on a matter deliberated in executive session will be made only after the Board reconvenes in an open meeting.

The Board may deliberate the following items in executive session if announced by the Chairman:

- 5. Discuss acquisition of one or more parcels or interests in real property needed for the 183 South (Bergstrom Expressway) Project and related legal issues, including consideration of the use of eminent domain to condemn property, pursuant to §551.072 (Deliberation Regarding Real Property) and §551.071 (Consultation With Attorney).
- 6. Discuss legal issues related to claims by or against the Mobility Authority; pending or contemplated litigation and any related settlement offers; or other matters as authorized by §551.071 (Consultation With Attorney).
- 7. Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).
- 8. Discuss personnel matters as authorized by §551.074 (Personnel Matters).

Reconvene in Open Session.

9. Adjourn Meeting.

Notes

Opportunity for Public Comment. At the beginning of the meeting, the Board provides a period of up to one hour for public comment on any matter subject to the Mobility Authority's jurisdiction. Each speaker is allowed a maximum of three minutes. A person who wishes to address the Board should sign the speaker registration sheet before the beginning of the public comment period. If a speaker's topic is not listed on this agenda, the Board may not deliberate the topic or question the speaker during the open comment period, but may direct staff to investigate the subject further or propose that an item be placed on a subsequent agenda for deliberation and possible action by the Board. The Board may not deliberate or act on an item that is not listed on this agenda.

Public Comment on Agenda Items. A member of the public may offer comments on a specific agenda item in open session if he or she signs the speaker registration sheet for that item before the Board's consideration of the item. The Chairman may limit the amount of time allowed for each speaker. Public comment unrelated to a specific agenda item must be offered during the open comment period.

Meeting Procedures. The order and numbering of agenda items are for ease of reference only. After the meeting is convened, the Chairman may rearrange the order in which agenda items are considered. The Board may consider items listed on the agenda in any order and at any time during the meeting.

Participation by Telephone Conference Call. One or more members of the Board of Directors may participate in this meeting through a telephone conference call, as authorized by Sec. 370.262, Texas Transportation Code (see below). Under that law, the board may hold an open or closed meeting by telephone conference call. Each portion of the meeting that is required to be open to the public shall be audible to the public at the meeting location and the audio will be digitally recorded. At the conclusion of the meeting, the digital recording of the meeting will be made available to the public.

Sec. 370.262. MEETINGS BY TELEPHONE CONFERENCE CALL.

(a) Chapter 551, Government Code, does not prohibit any open or closed meeting of the board, a committee of the board, or the staff, or any combination of the board or staff, from being held by telephone conference call. The board may hold an open or closed meeting by telephone conference call subject to the requirements of Sections 551.125(c)-(f), Government Code, but is not subject to the requirements of Subsection (b) of that section.

(b) A telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(c) Notice of a telephone conference call meeting that by law must be open to the public must specify the location of the meeting. The location must be a conference room of the authority or other facility in a county of the authority that is accessible to the public.

(d) Each part of the telephone conference call meeting that by law must be open to the public shall be audible to the public at the location specified in the notice and shall be tape-recorded or documented by written minutes. On conclusion of the meeting, the tape recording or the written minutes of the meeting shall be made available to the public.

Sec. 551.125. OTHER GOVERNMENTAL BODY. (a) Except as otherwise provided by this subchapter, this chapter does not prohibit a governmental body from holding an open or closed meeting by telephone conference call.

~~(b) A meeting held by telephone conference call may be held only if:~~

~~(1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and~~

~~(2) the convening at one location of a quorum of the governmental body is difficult or impossible; or~~

~~(3) the meeting is held by an advisory board.~~

(c) The telephone conference call meeting is subject to the notice requirements applicable to other meetings.

(d) The notice of the telephone conference call meeting must specify as the location of the meeting the location where meetings of the governmental body are usually held.

(e) Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be tape-recorded. The tape recording shall be made available to the public.

(f) The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Persons with disabilities. If you plan to attend this meeting and may need auxiliary aids or services, such as an interpreter for those who are deaf or hearing impaired, or if you are a reader of large print or Braille, please contact Melissa Hurst at (512) 996-9778 at least two days before the meeting so that appropriate arrangements can be made.

Español. Si desea recibir asistencia gratuita para traducir esta información, llame al (512) 996-9778.