

**AGENDA**



**Recommendation for Council Action**

Austin City Council Addendum	Item ID	29090	Agenda Number	1.
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Meeting Date:	11/21/2013	Department:	Austin Police Department
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**Subject**

Set a public hearing to consider a resolution regarding local consent to a proposed correctional facility (parole office) to be constructed by the Texas Department of Criminal Justice at 3928 Promontory Point Drive. (Suggested date and time: December 12, 2013, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

**Amount and Source of Funding**

**Fiscal Note**

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Michael McDonald, Deputy City Manager, (512) 974-2476; David Douglas, Attorney/Law, (512) 974-2667
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Boards and Commission Action:	
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

The Texas Department of Criminal Justice (TDCJ) has notified the City that it proposes to construct an office building at 3928 Promontory Point Drive to be used as a parole office. That type of use is considered to be a correctional facility under state law. State law requires TDCJ to send notice to the City if the proposed facility is within 1,000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by the state or a political subdivision of the state, or a church, synagogue, or other place of worship. In its letter TDCJ notes that a church is within 1,000 feet of the proposed facility.

Local consent to the operation of a correctional facility is considered to be granted under state law unless the City Council determines by resolution after a public hearing that the operation of a correctional or rehabilitation facility at the proposed location is not in the best interest of the municipality. The public hearing and resolution must be accomplished within 60 days of the city's receipt of notice from TDCJ. In this case, the notice was received by the City on November 1, 2013.