



STATE OF TEXAS □  
 COUNTY OF HAYS □

**ON THIS THE 17<sup>TH</sup> DAY OF APRIL, A.D., 2001, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LEE CARLISLE</b>	<b>COUNTY CLERK</b>

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Judge Powers called the meeting to order and gave the invocation. Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**ANNUAL REPORT BY CAROLYN VOGEL ON ACTIVITIES OF THE HAYS COUNTY PARKS ADVISORY BOARD**

Carolyn Vogel, Hays County Parks Advisory Board Chairperson, presented the HCPAB annual report. The board is a 25 member board - professional support is provided by county staff Richard Salmon (Grants Administrator), Stephanie Alexander (Grants Dept.) and Jerry Pinnix (Parks Manager). Monthly meetings are held on the third Tuesday of each month from 6-8 P.M. at various locations around the county. She spoke of various committees that have been created: Land & Facilities, Master Plan, Planning & Development, By-Laws, Education, Executive Committee, Master Plan Consultant Selection, and Ad-hoc committees as needed and their participation in the review of the contract. She advised that they conducted an annual board retreat; produced survey questions and worked with county staff during contract phase of the citizens survey; served on City of Austin Water Quality Protection Lands Stakeholders Committee, served on the Lane and Greenspace Committee of the Austin-San Antonio Corridor council; developed an inventory of the public park spaces and cultural features in the county; worked with the Corridor Council and LCRA in developing a GIS map of Hays County's primary and secondary conservation areas that includes floodplains, slopes, springs and historic features, public and private parks, and roadways; worked with the County Grants office to obtain funding for the various needs of Dudley Johnson Park and to fund the Parks and Open Space Master Plan; supported the County's efforts to seek funding for additional acreage to Dudley Johnson Park; assisted the county in drafting the RFQ to hire a parks and open space master plan consultant, participated in selection process to make recommendation to Commissioners' Court on master plan consultant; and engaged in dialogue with the county about funding needs and opportunities for implementation of the master plan. In regards to Dudley Johnson Park (5 mile dam) the board worked with Commissioners' Court and county staff to support the re-opening of the park and to advise on park operations and hosted the re-opening on February 2, 2001 (the park had been closed to the public since the flood of '98). Board Events and Activities were: ♦ Presentation to Roads Blue Ribbon Committee ♦ Co-host for May 24 tour of Wood property ♦ Participated in tour of Government Canyon State Natural Area ♦ Hosted speaker series at monthly meetings: the Nature Conservancy, Hill Country Conservancy, Loomis Austin, LCRA, Austin Proposition 2 Process, fundraising program, the Trust for Public Land ♦ Attended the Texas Recreation and Park Society Annual Institute ♦ Attended the Open Space Planning Workshop sponsored by the Austin-San Antonio Corridor Council. The following funding totals were submitted:

MASTER PLAN	\$ 15,000 Burdine Johnson Foundation
DUDLEY JOHNSON PARK	\$ 15,000 Dudley Johnson Park
	\$ 20,000 McCoy Foundation
NEW ADDITION	\$ 50,000 McCoy
	<u>\$134,000</u> LCRA
TOTAL	\$234,000

**19425 AWARD PROFESSIONAL SERVICE CONTRACT TO MHS PLANNING & DESIGN FOR DEVELOPMENT OF A PARKS MASTER PLAN [T1-121]**

The Hays County Parks Advisory Board met on April 2, 2001 and voted unanimously to support the selection of Mark Spencer dba MHS Planning & Design as their choice for park consultant to assist the county in the development of a parks master plan. The HCPAB assisted the county purchasing department in the lengthy procurement process to select the parks consultant. Eight highly qualified companies responded to the RFQ and four were called and comments given to the HCPAB selection committee for review. Hays County has allocated \$15,000 and the Burdine Johnson Foundation donated \$15,000 for a total of \$30,000 toward this project. Grants Administrator Richard Salmon advised that the people submitting proposals were the best of the best - background and references were checked. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to award professional service contract to MHS Planning & Design for development of a Parks Master Plan. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter abstained.



**PROFESSIONAL SERVICES AGREEMENT  
BETWEEN HAYS COUNTY AND MHS PLANNING AND DESIGN**

**STATE OF TEXAS**  
**COUNTY OF HAYS**

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**RECITALS**

**WHEREAS**, the citizens of Hays County have expressed their desire for the County to develop a Parks Master Plan in the immediate future through their responses to a citizens survey; and  
**WHEREAS**, the Burdine Johnson Foundation recently donated \$15,000 to Hays County to assist the County in hiring a parks consultant to work with the Hays County Parks Advisory Board in developing a Parks Master Plan; and  
**WHEREAS**, the Hays County Commissioners' Court has authorized the expenditure of up to \$30,000, including the \$15,000 donation for the Burdine Johnson Foundation, to be used to hire a parks consultant and further authorized the release of a Request for Qualifications (RFQ) seeking the best qualified consultant; and  
**WHEREAS**, after review and recommendation by the Parks Advisory Board and the Hays County Purchasing Agent as [provided in the RFQ], the Hays County Commissioners' Court approved this Agreement to hire MHS Planning & Design at a public meeting on April 17, 2001.  
**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other consideration, the parties agree as follows:

**SECTION 1. PARTIES**

This agreement is made and entered into by Hays County, Texas, represented by Hays County Judge Jim Powers, hereinafter referred to as "County", and MHS Planning & Design, hereinafter referred to as "MHS", represented by its President, Mark H. Spencer.

**SECTION 2. TERM OF AGREEMENT**

The term of this Agreement shall begin on April 17, 2001 and extend until completion of the services to be provided by MHS and acceptance of those services by the County. In no event, however, shall this Agreement be effective beyond April 17, 2002.

**SECTION 3. PERFORMANCE**

- a. MHS agrees to:
  - i. Develop and provide the County with a Parks Master Plan that will (1) encompass the unincorporated areas of Hays County for a period of ten years; (2) meet the requirements of the Texas Parks and Wildlife for Parks Master Plans; (3) establish principles, concepts, and standards for park and/or open space selection, acquisition and development; (4) gather community input through four public hearings to be held in each commissioners precinct in order to evaluate the needs and preferences of Hays County residents and develop focus groups as needed; (5) create maps, inventories, charts and photographs that communicate needs and establish priorities for park and recreation acquisition and projects; and (6) coordinate links between parks and park plans of cities within Hays County and surrounding counties.
  - ii. Deliver to the County strategies for (1) maintenance and improvement of existing parks; (2) public-private conservation; (3) connections to open space outside the county; (4) various designs for open space uses; and (5) coordinating parks and open space management with other local and state governmental entities, and facilitating open space conservation relating to new growth.
  - iii. Identify appropriate properties for acquisition as parks and/or open spaces.
  - iv. Develop funding strategies and resources.
  - v. Furnish the County one original and ten (10) copies of the parks master plan to be compatible with computer resources of the County.
  - vi. Provide invoices in accordance with the attached payment schedule.
- b. The County agrees to:
  - 2. Authorize the Parks Advisory Board to assist MHS by providing the following information: (1) preliminary inventory of parks and recreational facilities in the County; (2) parks survey results and SPSS data files; (3) assistance in locating facilities to hold public hearings; and (4) limited GIS technical assistance; (5) provide a greenspace map of Hays County as developed by the Austin-San Antonio Corridor Council.
  - 3. Pay MHS in accordance with the attached payment schedule.

**SECTION 4. SCHEDULING OF MEETINGS**

All meetings to be scheduled pursuant to this agreement will be coordinated with the Hays County Grants Department and the Chairman or Vice-Chairman of the Hays County Parks Advisory Board (see attached contact list).

**SECTION 5. INDEPENDENT CONSTRUCTOR**

It is agreed by the parties that all principals and employees of MHS are independent contractors and not to be considered as employees of Hays County, Texas.

**SECTION 6. ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement of the parties and any changes or modifications to this Agreement must be approved by the Hays County Commissioners' Court

**SECTION 7. TERMINATION**

This Agreement may be terminated by either party with or without cause by providing fifteen (15) days notice to the other party. Notice is considered effective upon receipt and shall become effective after the expiration of fifteen (15) days.

**SECTION 8. CODE OF ETHICS AND STATE LAWS**

MHS hereby agrees to comply with the Hays County Code of Ethics attached hereto and incorporated for all purposes and with all applicable state laws in the performance of this Agreement including, but not limited to, the Public Information Act and Open Meetings Act.

**SECTION 9. VENUE**

This Agreement shall be construed under and in accordance with the laws of the State of Texas and the venue for any dispute arising from the performance of this Agreement shall be in Hays County, Texas.

**SECTION 10. INDEMNIFICATION**

MHS shall indemnify and hold harmless all employees and agents of Hays County from any and all claims, demands, damages, expenses, liabilities and injuries to persons or property arising from the negligent acts, errors or omissions of MHS in performance of this Agreement to the extent allowable under the laws of the State of Texas.

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**PRESENTATION BY 4-H'ers FOR COUNTY GOVERNMENT WEEK - INTERPRETATION EVENT**

[T1-150] County Agent Richard Parish introduced Joshua Norris & Kallie McClinton. Joshua Norris gave a report of projects held in Hays County. Kallie McClinton spoke of number of adult members assisting the 4-H program and other volunteers - she spoke of National Volunteer Week and County Government Week- she thanked the court for their support of the Hays County 4-H Program. Kallie & Joshua presented members of the Court with coffee mugs. Richard Parish introduced volunteers who make this program successful. Mary Ann Till (member of the TEE/Texas Extension Education Clubs) spoke of her participation in TEE Clubs – 7020 hours last year were donated by TEE members toward the betterment of our community and county in community service projects (\$105,300 savings to the county). Lois LaCaze spoke of her work directly with the Hays County 4H members - 19,458 hours were donated this year by volunteers to the betterment of our youth – these volunteers provided leadership training as well as subject matter knowledge in a wide variety of areas (\$291,870 savings to the county). Paul Garnett spoke Master Gardeners and Master Naturalist – they receive formal education in gardening and natural resource subject matter. In return for receiving this knowledge, they give back to the community through local projects and site visits to home and land owners. He spoke of committees that single out the basic county needs and donate their time – both groups donated approximately 5,910 hours to the community (\$88,650 savings to the county). Bryan Davis spoke of volunteering his time to 4-H programs – a total of 32,388 volunteer hours have been given to the citizens of Hays County = \$494,055 in the past year. Commissioner Molenaar spoke of Paul Garnett being an authority on roses and he thanked all the volunteers for what they give to the young people of Hays County. Judge Powers thanked the people who work with 4-H and Billy Kniffen.

**19426 APPROVE THE COMMISSIONERS' COURT MINUTES OF APRIL 10, 2001**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of April 10, 2001 as presented by the County Clerk. All voting "Aye".

**19427 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$295,350.40 as presented by the County Auditor. All voting "Aye".

Public Safety Services	\$ 2,560.00	Fines	\$ 378.03	Auditor's Office	\$ 61.57
Treasurer's Office	\$ 461.93	Extension Office	\$ 114.20	Grants Admin Office	\$ 759.65
Juvenile Probation Ofc	\$ 520.68	Election Admin Ofc	\$ 507.05	Indigent Care	\$ 68.66
Transfer Station	\$ 1,482.50	Building Mtc. Dept.	\$ 6,561.21	Civic Center	\$ 630.50
Countywide Operations	\$ 13,368.17	Tax A/C Office	\$ 307.34	District Clerk's Office	\$ 42.92
Sheriffs Office	\$ 6,445.17	Jail Operations	\$ 22,497.29	County Judges Office	\$ 18.90
County Crt at Law 1	\$ 77.00	District Attorneys Ofc	\$ 1,015.68	Justice of the Peace 1-2	\$ 231.39
Justice of the Peace 2	\$ 264.31	Justice of the Peace 3	\$ 18.86	Justice of the Peace 5	\$ 79.14
Dept of Public Safety	\$ 218.88	Constable 1	\$ 124.33	Constable 3	\$ 20.83
Constable 4	\$ 23.11	Constable 5	\$ 50.26	District Court Operations	\$ 12,634.83
Co & JP Court Oper	\$ 170.00	Veterans Admin Of c	\$ 7.44	Computer Services	\$ 57,348.70
Fire Marshal/EMC Ofc	\$ 1,331.17	District Court Rep	\$ 32.25	TJPC CCAP Grant	\$ 8,411.00
Special Counsel Ofc	\$ 165.03	CJD/VOCA Grant	\$ 159.98	General Fund Credit	<\$51.91>
R&B Operations	\$ 72,529.18	Precinct 4	\$ 32.39	R&B Gen Fund Credit	<\$136.28>
Anticip Notes '95 Proj	\$ 56,112.60	Hays Co Parks Fund	\$ 1,344.12	Records Mng/Co Clerk	\$ 1,716.27
Health Svcs Grants	\$ 84.56	Hays Co I&S Fund	\$ 210.38	Sheriff Spec Proj Fund	\$ 685.81
Courthouse Security Fund	\$ 153.45	Sheriffs Drug Forf Fund	\$ 2,268.80	Family Health Svcs	\$ 120.17
Stellar Plastics Grant	\$ 2,072.63	Court Rprtrs Svc	\$ 100.00	New Canaan Grant	\$ 408.36
DOJ Equip & Tech Fund	\$ 17,740.00	Tobacco Settlement	\$ 520.00		

**19428 APPROVE BUDGET AMENDMENT 01-18A AND 01-19**

A motion was made by Commissioner Burnett, seconded by Commissioner Carter to approve Budget Amendment No. 01-18A and 01-19 as proposed by the County Auditor. All voting "Aye".

<b>AMENDMENT NO. 2001-18A FY 2001 BUDGET 4-17-01</b>
<b>FUND NO. 01 _____ FUND TITLE GENERAL FUND _____</b>

<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
<b>AMENDED BY COURT ACTION 4-10-01</b>				
<b>CJD/TRUANCY OFFICER GRANT (717):</b>				
01-717-5717 Law Enf Equipment		-0-	3,500	
3,500				
01-717-5448 Contract Services	18,000		(3,500)	14,500
Approved lap-top and radar gun				

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				AMENDMENT NO. 2001-18A FY 2001 BUDGET 4-17-01
FUND NO. 03				
FUND TITLE ROAD & BRIDGE GENERAL FUND				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
<b>AMENDED BY COURT ACTION 4-10-01</b>				
<b>ROAD &amp; BRIDGE OPERATIONS:</b>				
03-438-5714 Equipment	610,000	33,500		643,500
<u>REVENUE</u>		<u>DECREASE</u>	<u>INCREASE</u>	
03-369-3691 Other	10,000		33,500	43,500
Approved asphalt tank from equipment payment				

				AMENDMENT NO. 2001-19 FY 2001 BUDGET 4-17-01
FUND NO. 01				
FUND TITLE GENERAL FUND				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE	INCREASES	DECREASES	AS
	AMENDMENT			AMENDED
<b>CONSTABLE 1 (431):</b>				
01-431-5711 Office Equipment	-0-	450		450
01-431-5160 Insurance	13,333		(608)	12,725
<b>OJP/BULLET PROOF VEST GRANT (701):</b>				
01-701-5717 Law Enf Equipment	10,250	158		
10,408		<u>608</u>	<u>(608)</u>	
<i>Transfer 1/2 vest match-Constable 1 to Grant</i>				
<i>Authorize and transfer file cabinet cost – both from personnel savings within Constable 1 budget.</i>				
<b>CONSTABLE 2 (432):</b>				
01-432-5391 Other	378	200		578
01-432-5331 Cont Ed	200		(200)	-0-
<i>Transfer for office A/C</i>				
<b>DISTRICT COURT OPERATIONS (436):</b>				
01-436-5331 Cont Ed	1,500	1,000		2,500
01-436-5445 Transcription/Appeals	8,000		(1,000)	
7,000				
<i>Transfer for special seminar-Judge Steel</i>				
FUND NO. 03				
FUND TITLE ROAD & BRIDGE GENERAL FUND				
<b>ROAD &amp; BRIDGE OPERATIONS (438):</b>				
03-438-5711 Office Equipment	2,600	3,000		5,600
03-438-5443 Consultant	13,000		(3,000)	
10,000				
<i>Transfer for cartograph upgrade cost</i>				

03-438-5351 Road Materials	1,896,893	2,000	1,898,893
<b><u>PRECINCT 2 (440):</u></b>			
03-440-5353 Special Projects	1,500	(1,500)	-0-
03-440-5473 Equipment Lease	3,100	(500)	2,600
<i>Transfer for pot hole repair</i>			
<b>FUND NO. 32</b>			
<b>FUND TITLE <u>SHERIFF DRUG FORFEITURE FUND</u></b>			
<b><u>SHERIFF DRUG FORFEITURE (484):</u></b>			
32-484-5221 Computer & Supplies	3,440	1,237	4,677
32-484-5223 DARE Program	2,490	(1,237)	1,253
<i>Transfer for needed expense</i>			

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**19429      AUTHORIZE COUNTY TREASURER TO DEPOSIT 5% OF THE “FILING FEE FOR LEGAL SERVICES FOR INDIGENTS” INTO GENERAL FUND TO REIMBURSE ADMINISTRATIVE SERVICE**

Summary: Currently, various Hays County offices collect a “Filing Fee for Legal Services for Indigents”. The full amount is then forwarded to the State Comptroller of Public Accounts. Pursuant to Government Code Subchapter L. Additional Filing Fee for Basic Civil Legal Services for Indigents § 51.941(e) The commissioners court by order may require the county treasurer or the person who performs the duties of the county treasurer to deposit in the county’s general revenue account five percent of the fees collected under Subsections (a) (2)-(5) to reimburse the county for the expense of collecting and remitting the fees collected under Subsections (a)(2)-(5). A motion was made by Commissioner Burnett, seconded by Commissioner Carter to authorize the County Treasurer to deposit 5% of the “filing fee for legal services for indigents” into the General Fund to reimburse the county for administrative services. All voting “Aye”.

**19430      APPOINT PERSONNEL COORDINATOR AS AUTHORIZED SIGNER ON LICENSE FORMS FOR TEXAS DEPARTMENT OF TRANSPORTATION**

Summary: The Vehicle Titles and Registration Division of the Texas Department of Transportation requires Commissioners’ Court approval of a representative to sign necessary paperwork for regular exempt license plates. Hays County Treasurer Michele Tuttle requested that Personnel Coordinator Stephanie Trahan be appointed as that representative. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to appoint Personnel Coordinator as authorized signer on license forms for Texas Department of Transportation. All voting “Aye”.

**PUBLIC COMMENT**

[T1-578] Sam Davis spoke of his “think it over moment’ and he feels like more information is needed for the public regarding the road bond issue (maps, etc.). He also feels like the newspapers need to dig harder and the public needs to dig harder - more information is needed about the Wimberley By-Pass and the San Marcos Loop and maps are needed. Commissioner Burnett spoke of maps being readily available. Mr. Davis stated that he feels like this information needs to be published.

**19431      ADOPT A RESOLUTION SUPPORTING THE CITY OF BUDA’S REQUESTED EXTRA TERRITORIAL JURISDICTION AREA RELEASE FROM THE CITY OF AUSTIN [T1-395]**

Billy Gray, Mayor of Buda, spoke of ongoing issue with the City of Austin to release their ETJ so that the citizens of Buda can control their own destiny. Michael Thames (Co-Chair of the Community Alliance of North Hays County Economic Development Committee) asked for the county’s support of this resolution. John Hatch (Buda Area Citizens for Economic Growth) spoke of having been involved in this issue for over two years - he asked for the court’s support - the people of Hays County want ALL the land released at the Hays County Travis County line (not just a little bit at a time). John Sanford (Chairman of the Community Alliance of North Hays County) spoke of ETJ issue - they have held this position (Austin ETJ should be removed back to the Travis County line) long before any new proposed development was proposed in the area. Judge Powers spoke in support of Austin moving their ETJ - he encouraged continued support of this issue. Commissioner Burnett recommended language change in

final paragraph of the resolution (more specifics): the county requests the City of Austin to immediate release all of its ETJ in Hays County to the City of Buda with compliance of previous negotiations. Commissioner Molenaar advised that some of the Austin ETJ goes into other areas of the county besides the Buda area. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to adopt a Resolution Supporting the City of Buda's requested Extra Territorial Jurisdiction area release from the City of Austin. All voting "Aye".

**RESOLUTION OF HAYS COUNTY COMMISSIONERS' COURT  
SUPPORTING THE CITY OF BUDA'S REQUESTED EXTRA  
TERRITORIAL JURISDICTION AREA RELEASE FROM THE CITY OF AUSTIN**

**STATE OF TEXAS   \***  
**COUNTY OF HAYS   \***

*WHEREAS, Hays County Commissioners' Court finds that the ETJ area requested for release is immediately adjacent to existing City of Buda corporate limites and within the geographical and historical area known as Buda; and*

*WHEREAS, the City of Buda is the only municipality presently able to provide adequate utility and regulatory services to this area; and*

*WHEREAS, the City of Buda has participated in good faith negotiations with the City of Austin for more than two years for this ETJ area release and has at Austin's requested adopted a watershed protection ordinance more stringent than Austin's SOS regulations.*

*NOW, THEREFORE, BE IT RESOLVED BY THE HAYS COUNTY COMMISSIONERS' COURT that the County requests the City of Austin immediately release all ETJ area in Hays County to the City of Buda in compliance with previous negotiations.*

**ADOPTED BY THE HAYS COUNTY COMMISSIONERS' COURT ON THIS THE 17<sup>TH</sup> DAY OF APRIL, 2001.**

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**APRIL 17 , 2001**

**19432           PUBLIC HEARING AND ADOPT AN ORDER AUTHORIZING THE CREATION OF THE GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND APPOINTING THE TEMPORARY DIRECTORS** [T1-655]

Judge Powers declared the public hearing open. Sharlene Collins appeared representing LS Ranch Ltd. and spoke of requirements for creation of the district - they believe that all requirements have been met. George Murfee, Engineer for the project, showed location map (on RM967) of the districts. Greenhawe WCID #1 will consist of 728 acres and Greenhawe WCID #2 will consist of 544 acres (total of 1272 acres). The creation of WCID districts will allow for the orderly growth and provide a financing mechanism for the developer which will allow development at a more affordable price for the homeowner. Districts will be created to finance water, drainage and water quality features. Hays County does not pay or guarantee any of these facilities and will never be required to assume any debt issued by the districts. This will be a 267 large lot, single family subdivision with an average lot size of 4 ¾ acre and with an average home price between \$400,000 and \$500,000. There will be 37 acres of open space with a trail system connecting FM967 south to Nature Conservancy Tract. The WCID facilities are paid for by the property owners of the land within the districts through their WCID taxes. The wastewater will be on-site septic with state of the art advanced system (Class I systems) and a central water delivery system to avoid each homeowner drilling a well. Developer John Lloyd will be donating 1 ½ acre site for EMS/fire units in the area and will donate RO-W as needed for approved county or state road projects. Hays County Environmental Health Director Allen Walther asked the developer to add a plat note prohibiting individual water wells on lots. Temporary Directors are Bill Kochwelp, Dean Blaine, Lee Flores, Jim Huffcut, and Perry Blanton. Commissioner Carter and Commissioner Molenaar commended the developer on this development. The public hearing was closed. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt an Order Authorizing the Creation of the Greenhawe Water Control and Improvement District No. 1 and Appointing the Temporary Directors. All voting "Aye".

**STATE OF TEXAS   §**  
**COUNTY OF HAYS   §**

**ORDER GRANTING PETITION REQUESTING CREATION OF  
GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**

*WHEREAS, commencing at 10:00 a.m. on April 17, 2001, the Commissioners Court ("Commissioners' Court") of Hays County, Texas (the "County") met in regular session at its regular meeting place in the City of San Marcos, Hays County, Texas, with the following members present, to wit:*

*Jim Powers, County Judge  
Debbie Gonzales Ingalsbe, Commissioner  
H. S. "Susie" Carter, Commissioner  
William Burnett, Commissioner  
Russell Molenaar, Commissioner*

**WHEREAS**, among other business, there came on for hearing a Petition Requesting Creation of a Water Control and Improvement District (the "Petition"), dated January 21, 2000, praying for creation of a water control and improvement district to be known as Greenhawe Water control and Improvement District No. 1 (the "District"), situated within Hays County, Texas, submitted by L.S. Ranch Ltd. ("Petitioner"), such matters theretofore duly set for hearing before this Commissioners court at the above-mentioned time, date, and place;

**WHEREAS**, all interested persons were invited and given full opportunity to appear and offer testimony on the sufficiency of the Petition and whether the District is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the District, but no appearances were made except by representatives of Petitioner;

**WHEREAS**, Sharlene N. Collins of Armbrust Brown & Davis, L.L.P., attorneys, entered an appearance on behalf of Petitioner and, pursuant to the provisions of law, there were admitted into evidence and incorporated into the record all matters filed with the Commissioners court in connection with the Petition, including particularly the following items: the Petition; an affidavit of the County Tax Assessor/Collector indicating ownership of land within the District as reflected on the Hays County tax rolls; and the return of service of the County Clerk of Hays County, Texas, with a copy of the Notice of Public Hearing on petition Requesting Creation of a Water Control and Improvement District and affidavit of publication attached;

**WHEREAS**, Commissioners Court received and considered the above-mentioned evidence, statements of counsel, and the testimony of witnesses for Petitioner;

**NOW, THEREFORE, BASED UPON THE AFOREMENTIONED EVIDENCE AND ON MATTERS OFFICIAL NOTICED, IT APPEARS AND THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS HEREBY FINDS, DECLARES AND DETERMINES AS FOLLOWS:**

1. Petitioner seeks organization of a water control and improvement district to exercise the powers and functions set forth in Article 16, Section 59 of the Constitution of the State of Texas and Chapter 51, Title 4, Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code.
2. The territory sought to be included in the District comprises approximately 728.59 acres, more or less, lying wholly within Hays County, Texas, and outside the extraterritorial jurisdiction or city limits of any municipality. The boundaries of such parcels of land form a closure and are described by metes and bounds shown on Exhibit "A" attached hereto and incorporated into this Order.
3. On March 20, 2001, Commissioners court passed an Order Setting Hearing Date for Petition Requesting Creation of a Water Control and Improvement District, setting a hearing on the Petition at the time, date and place first above-mentioned and ordering that notice thereof be given as required by law. All actions taken in connection with such Order are hereby ratified and affirmed.

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4. The above described hearing on the Petition was duly and properly called and notice thereof was duly and properly given (a) pursuant to Government Code, Chapter 551, and (b) pursuant to Section 51.018, Texas Water Code, by posting by the County Clerk of Hays County, Texas, of one copy of the notice at the Hays County Courthouse door 15 days before the hearing and by publication in the San Marcos Daily Record once a week for two consecutive weeks of notice of the date, time, and place of such hearing informing all persons of their right to appear and present evidence and testify for or against the allegations in the Petition, the form of Petition, the necessity and feasibility of the District's project, and the benefits to accrue, the first publication thereof being made at least twenty days before the day of such hearing. Such newspaper is a newspaper of general circulation in Hays County, Texas.
5. The Petition is signed by a majority of the persons who hold title to land in the District which represents a total value of more than 50 percent of the value of all of the land within the District, as indicated by the tax rolls of Hays County, Texas. The Petition describes the boundaries of the District by metes and bounds, states the general nature of the work proposed to be done, the necessity for the work and the cost of the project as then estimated by Petitioner, and designates the District "Greenhawe Water Control and Improvement District No. 1", which name is not used to designate any other water control and improvement district in Hays County, Texas.
6. The purposes for which organization of the District is sought are as described in the Petition and are purposes for which a water control and improvement district may be lawfully created. The general nature of the work to be done and the estimated cost of the project proposed to be undertaken by the District are as described in the Petition.
7. The Commissioners Court has duly received, set a hearing on, and heard all testimony and evidence for or against the Petition; the Commissioners Court had jurisdiction of this proceeding; all notices, proceedings, and actions had incident to this hearing and the filing of the Petition have been given, taken, made, and had as required by law.
8. The Petition conforms to the requirements of Section 51.013 of the Texas Water Code and is sufficient for filing.
9. The organization of the District as requested is feasible and practicable.
10. The land to be included and the residents of the District will be benefited by the creation of the District.
11. There is a public necessity or need for the District.
12. The creation of the District would further the public welfare.
13. Petitioner has requested the appointment of five directors for the District.

NOW, THEREFORE, upon motion duly made and seconded and carried and adopted unanimously, all Commissioners present voting "aye", it is hereby

ORDERED, that the Petition be and is granted and the Greenhawe Water Control and Improvement District No. 1 be and is organized, created, and established as a water control and improvement district under the terms and provisions and with the power and authority established by Chapters 49 and 51 of the Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code, with jurisdiction over the land lying within the boundaries described by metes and bounds above, Bill Kochwelp, Dean Blaine, Lee Flores, Jim Huffcut, and Perry Blanton are hereby appointed as temporary directors to serve until their successors are duly elected or appointed and qualified as provided bylaw; and

PASSED, APPROVED, AND ADOPTED in San Marcos, Hays County, Texas this 17<sup>th</sup> day of April, 2001.

**19433 PUBLIC HEARING AND ADOPT AN ORDER AUTHORIZING THE CREATION OF THE GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 AND APPOINTMENT OF TEMPORARY DIRECTORS**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Temporary Directors to be Dan Raley, Randy McEachern, Glen Novinger, Karen Bradley Peters, and Mike Gideon. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt an Order Authorizing the Creation of the Greenhawe Water Control and Improvement District No. 2 and appointment of Temporary Directors. All voting "Aye".

STATE OF TEXAS §  
COUNTY OF HAYS §

**ORDER GRANTING PETITION REQUESTING CREATION OF GREENHAWE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2**

WHEREAS, commencing at 10:00 a.m. on April 17, 2001, the Commissioners Court ("Commissioners' Court") of Hays County, Texas (the "County") met in regular session at its regular meeting place in the City of San Marcos, Hays County, Texas, with the following members present, to wit:

- Jim Powers, County Judge
- Debbie Gonzales Ingalsbe, Commissioner
- H. S. "Susie" Carter, Commissioner
- William Burnett, Commissioner
- Russell Molenaar, Commissioner

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WHEREAS, among other business, there came on for hearing a Petition Requesting Creation of a Water Control and Improvement District (the "Petition"), dated January 21, 2000, praying for creation of a water control and improvement district to be known as Greenhawe Water control and Improvement District No. 2 (the "District"), situated within Hays County, Texas, submitted by L.S. Ranch Ltd. ("Petitioner"), such matters theretofore duly set for hearing before this Commissioners court at the above-mentioned time, date, and place;

WHEREAS, all interested persons were invited and given full opportunity to appear and offer testimony on the sufficiency of the Petition and whether the District is feasible and practicable and is necessary and would be a benefit to all or any part of the land proposed to be included in the District, but no appearances were made except by representatives of Petitioner;

WHEREAS, Sharlene N. Collins of Armbrust Brown & Davis, L.L.P., attorneys, entered an appearance on behalf of Petitioner and, pursuant to the provisions of law, there were admitted into evidence and incorporated into the record all matters filed with the Commissioners court in connection with the Petition, including particularly the following items: the Petition; an affidavit of the County Tax Assessor/Collector indicating ownership of land within the District as reflected on the Hays County tax rolls; and the return of service of the County Clerk of Hays County, Texas, with a copy of the Notice of Public Hearing on petition Requesting Creation of a Water Control and Improvement District and affidavit of publication attached;

WHEREAS, Commissioners Court received and considered the above-mentioned evidence, statements of counsel, and the testimony of witnesses for Petitioner;

**NOW, THEREFORE, BASED UPON THE AFOREMENTIONED EVIDENCE AND ON MATTERS OFFICIAL NOTICED, IT APPEARS AND THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS HEREBY FINDS, DECLARES AND DETERMINES AS FOLLOWS:**

1. Petitioner seeks organization of a water control and improvement district to exercise the powers and functions set forth in Article 16, Section 59 of the Constitution of the State of Texas and

Chapter 51, Title 4, Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code.

2. The territory sought to be included in the District comprises approximately 544 acres, more or less, lying wholly within Hays County, Texas, and outside the extraterritorial jurisdiction or city limits of any municipality. The boundaries of such parcels of land form a closure and are described by metes and bounds shown on Exhibit "A" attached hereto and incorporated into this Order.
3. On March 20, 2001, Commissioners court passed an Order Setting Hearing Date for Petition Requesting Creation of a Water Control and Improvement District, setting a hearing on the Petition at the time, date and place first above-mentioned and ordering that notice thereof be given as required by law. All actions taken in connection with such Order are hereby ratified and affirmed.
4. The above described hearing on the Petition was duly and properly called and notice thereof was duly and properly given (a) pursuant to Government Code, Chapter 551, and (b) pursuant to Section 51.018, Texas Water Code, by posting by the County Clerk of Hays County, Texas, of one copy of the notice at the Hays County Courthouse door 15 days before the hearing and by publication in the San Marcos Daily Record once a week for two consecutive weeks of notice of the date, time, and place of such hearing informing all persons of their right to appear and present evidence and testify for or against the allegations in the Petition, the form of Petition, the necessity and feasibility of the District's project, and the benefits to accrue, the first publication thereof being made at least twenty days before the day of such hearing. Such newspaper is a newspaper of general circulation in Hays County, Texas.
5. The Petition is signed by a majority of the persons who hold title to land in the District which represents a total value of more than 50 percent of the value of all of the land within the District, as indicated by the tax rolls of Hays County, Texas. The Petition describes the boundaries of the District by metes and bounds, states the general nature of the work proposed to be done, the necessity for the work and the cost of the project as then estimated by Petitioner, and designates the District "Greenhawe Water Control and Improvement District No. 2", which name is not used to designate any other water control and improvement district in Hays County, Texas.
6. The purposes for which organization of the District is sought are as described in the Petition and are purposes for which a water control and improvement district may be lawfully created. The general nature of the work to be done and the estimated cost of the project proposed to be undertaken by the District are as described in the Petition.
7. The Commissioners Court has duly received, set a hearing on, and heard all testimony and evidence for or against the Petition; the Commissioners Court had jurisdiction of this proceeding; all notices, proceedings, and actions had incident to this hearing and the filing of the Petition have been given, taken, made, and had as required by law.
8. The Petition conforms to the requirements of Section 51.013 of the Texas Water Code and is sufficient for filing.
9. The organization of the District as requested is feasible and practicable.
10. The land to be included and the residents of the District will be benefited by the creation of the District.
11. There is a public necessity or need for the District.
12. The creation of the District would further the public welfare.
13. Petitioner has requested the appointment of five directors for the District.

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*NOW, THEREFORE*, upon motion duly made and seconded and carried and adopted unanimously, all Commissioners present voting "aye", it is hereby

**ORDERED**, that the Petition be and is granted and the Greenhawe Water Control and Improvement District No. 2 be and is organized, created, and established as a water control and improvement district under the terms and provisions and with the power and authority established by Chapters 49 and 51 of the Texas Water Code, except the powers and functions provided in Section 51.331, Texas Water Code, with jurisdiction over the land lying within the boundaries described by metes and bounds above, Dan Raley, Randy McEachern, Glen Novinger, Karen Bradley Peters and Mike Gideon are hereby appointed as temporary directors to serve until their successors are duly elected or appointed and qualified as provided bylaw; and

**PASSED, APPROVED, AND ADOPTED** in San Marcos, Hays County, Texas this 17<sup>th</sup> day of April, 2001.

**19434      AUTHORIZE A RIGHT-OF-WAY EXCHANGE ON LITTLE ARKANSAS ROAD PURSUANT TO SECTION 263.006 OF THE LOCAL GOVERNMENT CODE** [T1-814]

Summary: The County has been approached by landowner John O'Quinn to engage in a right-of-way exchange, realignment and upgrading of Little Arkansas Road. The current road is a prescriptive easement roadway and now all the land surrounding the road is privately owned. All ingress and egress rights on the road will be conveyed to the newly aligned road and safety and paving features, currently not available to the old alignment, will be made to

the new road to Hays County specifications. An appraisal has been completed by Don Graham and Associates. Brandi Keith spoke of her concern about the intention of Mr. O'Quinn – is he going to develop the land or leave it as is - she would like to see a conservatory easement. She spoke of gating of the roadway and making it a private easement - she wants to make sure that people that have been granted easements continue to have their easement rights. Mrs. Keith spoke of caving systems in the area and the recharge area - she spoke of her concern for preservation of the caving systems and water quality. Kate Johnson (Chairman of the Hays County Historical Commission) spoke of Little Arkansas Road being a historic road (over 150 years old) – the only remaining historic road in our county that has retained its original alignment and continues to be used today. She strongly encouraged the court to find a way to ensure the future preservation of this road even if it is abandoned and no longer accessible to the public (historic designation or potential use as a walking trail). Dee Ann Story (retired archeologist) voiced her concerns about the archeological remains - she spoke of need for review by the Texas Historical Commission. Commissioner Burnett advised that any roadway that is built over the recharge zone would have to go through TNRCC, Fish & Wildlife, and State Historical Commission but we do need to make sure that it is done correctly. Brandi Keith spoke of need to know about their easement rights and the maintaining of the portion of the road abandoned. Commissioner Burnett stated that his understanding is that all deeded ingress and egress will remain in effect. James Garon, Consultant to Mr. O'Quinn, advised that there are two roadways on this property (one being the old San Marcos-Wimberley Road/Fulton Ranch Road) - the proposal is to realign the existing Fulton Ranch Road to the western edge of the ranch - reclaiming land on his property – the first phase would be to construct and pave a new route 6200 ft. - phase 2 would continue the new paved road until it connects to Freeman Ranch Road (a continuously paved road through the ranch) - will also pave a private driveway easement from the existing Fulton Ranch Road across the ranch to the Howe Ranch Property. The road will be located 200 ft. from Rattlesnake Cave and their geological assessment did not indicate any harm to the cave. Mr. Garon spoke of 75 ft R-O-W which will be dedicated to the county – this action would benefit the county and they are asking the county to abandon any right they have to the old roadway. County Road Supt/Engineer Jerry Borcharding advised that the existing road is in bad condition and the low water crossings need considerable work to bring them up to safety standards. Judge Powers read a letter from Sheriff Montague: *This letter concerning CR213, which travels through the O'Quinn Ranch, is written from a Law Enforcement and Public Safety perspective. Whether Hays County rebuilds CR213 at county expense or whether Mr. O'Quinn constructs a new road at his expense, either will be a great help to the Hays County Sheriff's Office. This will allow our officers easy access to Wimberley to back up Wimberley officers or take calls in Wimberley if the Wimberley officer is on another call. It is the position of the Sheriff's Office that if the road is relocated and a game proof fence built it will cut down on our trespassing, poaching, and criminal trespassing calls to the O'Quinn Ranch. The calls are not specific to Mr. O'Quinn as this has been a problem for other owners of this ranch..* Jerry Borcharding spoke of not having sufficient R-O-W on the existing roadway to make any improvements (a prescriptive easement road). Special Counsel Jacqueline Cullom Murphy read from the Local Government Code § 263.006 Exchange of Real Property and advised that an appraisal has been prepared by Mr. Graham (existing road being abandoned is valued at \$807,000 and the new proposed road is valued at \$5,781,000). Commissioner Burnett spoke of alignment of road bordering the property and not go through the middle of it – if you are going to develop land you would want it to go through the center of your property. Commissioner Burnett submitted a letter written to him by John M. O'Quinn dated March 22, 2001: *It is my understanding that questions have been raised recently about my intentions regarding development of the O'Quinn Ranch property. As you may know, I bought the ranch from the McCoy family. At that time, various developers were seeking to purchase this property to develop it. I am not a developer and I have no intention to develop this property. I purchased the ranch to use as my place as a ranch or wildlife preserve. When I heard that the Anderson land along the eastern side of the McCoy, now O'Quinn, ranch was being developed into 1 to 2 acre lots, I bought that land at an enormous cost to stop that development, which itself would have ended the Little Arkansas camp site. When I heard of the plans of a big corporation to run the Wimberley sewage plant and dump into a creek that feeds the Blanco River, I hired a crackerjack (expensive) environmental lawyer to stop pollution of the Blanco River. I did this at my expense, and it will benefit Hays County generally more than me personally. Why did I do these things? Because I want to live on my ranch as my home away from home. I intend to preserve the natural beauty of the property and to use it as a ranch or wildlife preserve. Thank you for the time and attention you are giving to this mutual effort.*

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[T1-1166] Commissioner Burnett spoke of his concern about development potential (could develop up to 6,000 wells 6,000 septic & 18,000 people - average of 10 vehicle trips per day per household) and he feels like we have an opportunity today to make a difference in our water quality and quantity as well as quality of life. Commissioner Molenaar spoke of this land earlier being earmarked for development and this is an ideal answer to make it into a reserve. Commissioner Burnett stated that he would like to work with the Historical Commission, TNRCC, Mr. Garon and our engineering department to make sure that everything that has to be done is done correctly. Commissioner Carter feels like a workshop is needed prior to taking action and she has a question about the statute vacating a road – is a petition needed? Jacqueline Cullom Murphy advised that we are relying on Section 263.006 (Exchange of Real Property) and no petition is required. Commissioner Burnett spoke of our duty to protect public health and safety. He advised that from Flite Acres Road to Ranch Road 12 is still a county road with full public access – any people with current deeded access will continue to have access. James Garon spoke of private easement rights and new road that can be utilized - they will not be cut off from their right to use the new roadway. [T1-1260] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize a right-of-way exchange on Little Arkansas Road pursuant to Section 263.006 of the Local Government Code and adopt the associated order and attached legal description as well as the enclosed list of property owners who will retain all deeded egress and ingress rights they currently hold. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**ABANDONING AND VACATING PUBLIC ROADWAYS  
AND ACCEPTING A DEDICATION OF PUBLIC RIGHT-OF-WAY  
PURSUANT TO SECTION 263.006, TEXAS LOCAL GOVERNMENT CODE  
(EXCHANGE OF REAL PROPERTY); AND AUTHORIZING  
COUNTY JUDGE TO EXECUTE ALL NECESSARY CONVEYANCE DOCUMENTS**

**WHEREAS**, the Commissioners' Court of Hays County has determined that it is in the best interest of the public to abandon as a public roadway the right-of-way known as (i) the Little Arkansas Road, and (ii) a portion of the Fulton Ranch Road, such rights-of-way to be abandoned being more particularly described in Exhibit "A" attached herein and incorporated for all purposes;

**WHEREAS**, the Commissioners' Court of Hays County desires to realign the right-of-way known as Fulton Ranch Road, as more particularly described in Exhibit "B" attached herein and incorporated herein for all purposes;

**WHEREAS**, the encumbered property owner, O'Quinn Land & Cattle Co., Ltd., a Texas limited partnership, is agreeable to the vacation of the rights-of-way described on Exhibit "A" and is willing to construct, convey and dedicate the new right-of-way over the property described in Exhibit "B" to provide a public roadway in exchange for the vacation of and conveyance to it of the rights-of-way described in Exhibit "A";

**WHEREAS**, the Commissioners' Court of Hays County, Texas has obtained appraisal reflecting that the fair market value of the property described in Exhibit "A" is less than the fair market value of the right-of-way to be constructed and dedicated by O'Quinn Land & Cattle Co., Ltd. as described in Exhibit "B";

**WHEREAS**, section 263.006 of the Texas Local Government Code allows the commissioners court of a county to authorize the exchange of real property as is contemplated in this instance.

**NOW, THEREFORE BE IT ORDERED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, THAT:**

**SECTION 1.** Hays County abandon and vacate its right and interest in those rights-of-way described in Exhibit "A", effective upon substantial completion by O'Quinn Land & Cattle Co., Ltd. of a roadway over the property described on Exhibit "B", meeting applicable County specifications, and that, to evidence such vacation, the County Judge execute (i) a quitclaim deed to O'Quinn Land & Cattle Co., Ltd. conveying all of the County's rights, title and interest in and to such public rights-of-way, and (ii) any other conveyance documents necessary to effectuate the exchange.

**SECTION 2.** Hays County accept the dedication of new right-of-way from O'Quinn Land & Cattle Co., Ltd. for the right-of-way described in Exhibit "B" upon substantial completion by O'Quinn Land & Cattle Co., Ltd. of a roadway over such right-of-way meeting applicable County specifications, as allowed by Section 263.006 of the Texas Local Government Code.

**PASSED AND ADOPTED THIS 17<sup>TH</sup> DAY OF APRIL, 2001.**

**LIST OF PROPERTY OWNERS WHO WILL RETAIN ALL DEEDED INGRESS AND EGRESS RIGHTS**

**PRIMARY USERS:**

Blanco Ranches LP (Lost River R 8,9,10,12,13,14)  
Cooksey-Lozo, Mike & Christie (Lost River Ranches Lot 11)  
Keith, Kent & Brandy (part of Little Arkansas)  
Keith, Sandra (Undivided interest in 90 acres)  
Keith, Mathew (135 acres Little Arkansas)  
Laminack, Rick (327 ac. undivided interest Little Arkansas)

Longcope, Ed (part Lost River Ranches West)  
O'Quinn, John (327 acres Little Arkansas)  
Pruner, David & Alexandra (Lost River Ranches W Lot 15)  
Remme, Karl (part undivided interest in 90 acres)  
Romano, Rocky  
Welp, David & Mary Lou (26 acres of Little Arkansas)

**SECONDARY USERS:**

Arhos, Billy P. (Riverbend Lot 15)  
Bryan, Wm. D. & Raquel (Riverbend Lot 7)  
Cobb, Bert & Gaye (Lost River Ranches W Lot 1A)  
Cunningham, Reddell, Vivian & Jody (Riverbend Lot 25)  
Gumbert, Eddie & Dorothy (Lost River Ranches E Lot 2)  
Henderson, Jim & Gene (Riverbend Lot 20)  
Johnson, Bill & Kate (Lost River Ranches E Lot 5)  
1B)  
Laminack, Richard & Mary (Riverbend 12, 31-39 & 123 ac)  
Mayo, Bob (Riverbend 22, 23, 1-3, 5,6 & 8)  
Oldham, Dudley & Judy (Lost River Ranches W Lot 4)  
Ramoo, Luciano & Maria (Riverbend Lot 9)  
Ribble, Mark & Debra (Riverbend Lot 13)  
Snider, Stephen & Eileen (Riverbend Lots 26 & 27)  
Sudduth, Eric S. (Riverbend Lot 11)  
Villalpando, Mario (Riverbend Lot 19)  
& 4)

Batter, Patrick & Erica (Riverbend Lot 18)  
Buehring-McBride, Walt & Suzanne (Lost River Rnch E Lt 1)  
Coppinger, Michael & Maxine (Riverbend Lot 21)  
Davidson, Nancy & Chuck (Lost River Ranches W Lot 3)  
Hales, Jim & Gloria (Lost River R Lot 7)  
Hunt, Tom (Riverbend Lot 24)  
Jorgensen, Jeff & Michelle (Lost River Ranches W Lot  
Linder-Spezia, Michael & Catherine (Lost River R W Lot 2)  
Nolen, Norman & Martha (Lost River Ranches W Lot 5B)  
Phillips, Todd (Lost River Ranches W Lot 6)  
Reed, Ben & Linda (Riverbend Lot 14, 28, 29, & 30)  
Riverbend Park (Lot 22)  
Snider, Claire (Riverbend Lot 16)  
Terry, Steve & Barbara (Lost River Ranches W Lot 5A)  
Way, Peter & Mary Faye (Lost River Ranches E Tract 3

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**19435 APPROVE A REVISION TO THE DRAINAGE EASEMENT FOUND ON LOT 94 SADDLETREE RANCH, SECTION 3 [T1-1367]**

Construction on this lot resulted in the new home encroaching one foot into the platted drainage easement. The builder retained an engineer to conduct a drainage analysis to determine if the entire 30 ft. easement was necessary to contain the 100 year flow. Based on the analysis, the drainage easement can be reduced by 2 ft. with adequate freeboard to contain the 100 year flow. Based on this information, staff recommends the revision reducing the drainage from 30 ft to 28 ft. A revised survey with the new easement will be filed in the county plat records. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve a revision to the drainage easement found on Lot 94 Saddletree Ranch Section 3. Commissioner Carter was not present for vote. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye".

**19436 DAKOTA MOUNTAIN ESTATES [01-4-017] \* APPROVE PRELIMINARY PLAT [T1-1393]**

This is a 22 lot subdivision (average lot size of 2.44 acres) located off Bonham Ranch Road in northern Hays County at the Travis County line. Environmental Health Director Allen Walther gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Dakota Mountain Estates". All voting "Aye".

**19437 RESUBDIVISION OF MEADOW VISTA SECTION 1 BLOCK B LOTS 1-3 [01-2-113] \* PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1412]**

Judge Powers declared the public hearing open - no input was received and the public hearing was closed. Three lots are being resubdivided into four lots. Environmental Health Director Allen Walther gave staff recommendation for approval. Commissioner Carter asked about R-O-W on CR157. Allen Walther advised that there will be a minimum of 30 ft from the centerline of the roadway. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Meadow Vista Section1 Block B Resubdivision of Lots 1-3". All voting "Aye".

**19438 RESUBDIVISION OF PLUM CREEK PARK LOT 1 [01-2-036] \* APPROVE PRELIMINARY PLAT [T1-1448]**

This lot (on Burseson Road just outside of Kyle) is being divided into three lots: Lot 1-A = 44.99 acres Lot 1-B = 5.01 acres and Lot 1-C = 5.03 acres. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Plum Creek Park Lot 1 Resubdivision". All voting "Aye".

**19439 COUNTRY VIEW ESTATES LOT 1 [01-2-037] \* APPROVE PRELIMINARY PLAT [T1-1464]**

Environmental Health Director Allen Walther advised that this is a manufactured rental community - start of construction predates adoption of our county rules for manufactured rental communities, therefore, they are not required to submit an infrastructure report to the county - it has been approved by City of Kyle and he gave staff recommendation for approval of preliminary plat. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Country View Estates Lot 1". All voting "Aye".

**Clerk's Note: Agenda Item #15 was PULLED.** No public hearing, no discussion and no action taken RE: TRAFFIC REGULATIONS ON GRANDVIEW AND CENTERVIEW ROADS.

**19440 APPROVE ROAD NAME CHANGE FROM "BURNT OAK DRIVE" IN THE SLOPE OF NUTTY BROWN, TO "NUECES LANE" FOR THE PUBLICLY DEDICATED ROAD**

[T1-1492] A letter was submitted by the property owners located in the subdivision of Slopes of Nutty Brown requesting a road name change from "Burnt Oak Drive" to "Nueces Lane". There is already a road by the name of Burnt Oak Drive in the area. Environmental Health Director Allen Walther gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve road name change from "Burnt Oak Drive" in the Slopes of Nutty Brown subdivision to "Nueces Lane" for the publicly dedicated road. All voting "Aye".

**19441 ACCEPT CONSTRUCTION OF ROADS IN THE SPRINGS APARTMENTS SUBDIVISION, RELEASE CONSTRUCTION SECURITY AND ACCEPT MAINTENANCE SECURITY [T1-1505]**

The roads are intended to be publicly maintained roads so there has been a 10% maintenance bond posted for the required two year period. All requirements for construction have been met. Road Supt./Engineer Jerry Borchering gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to accept construction of roads in The Springs Apartments Subdivision, release road construction security and accept maintenance security. All voting "Aye".

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**19442 ACCEPT CONSTRUCTION OF ROADS IN LANIER RANCH SUBDIVISION, RELEASE CONSTRUCTION SECURITY AND ACCEPT MAINTENANCE SECURITY [T1-1523]**

The roads are intended to be publicly maintained roads so there has been a 10% maintenance bond posted for the required two year period. All requirements for construction have been met. Road Supt./Engineer Jerry Borchering gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to accept construction of roads in Lanier Ranch Subdivision, release construction security and accept maintenance security. All voting "Aye".

**19443 ACTION TO FREE UP HAYS COUNTY VETERANS SERVICE OFFICER TO WORK ON PROGRAMS AND BENEFITS WITH HAYS COUNTY VETERANS AND AMEND BUDGET ACCORDINGLY [T1-1536]**

Commissioner Molenaar spoke of having met with people in his area regarding problems/difficulty in getting veterans services. Hays county Veterans Service Officer Tom Tvrdik is currently only providing bus services and more time is needed so that he can meet with the veterans in the Dripping Springs area. Mr. Tvrdik provided a statement of funds needed to meet transport requirements (contract labor) to allow him time to serve more outlying

or distant areas of the county (\$8,400). Commissioner Molenaar suggested taking needed funds out of contingencies. He spoke of Travis County using veterans to drive buses instead of using the Veterans Service Officer. Charlie Johnson advised that veterans from the Wimberley Post would be willing to drive the bus but there would be liability issues - he spoke in support of providing services to vets. Lyle Bolinger, a Hays County Vet, advised that he currently gets his services out of Austin and would prefer to go to San Antonio - if you go through Austin you must use the hospital in Temple (Austin only has a clinic). [T1-1700] A motion was made by Commissioner Molenaar, seconded by Judge Powers to free up the Hays County Veterans Service Office to work on programs and benefits with Hays County Veterans by amending the Veterans Service Office budget line item #455-5448 contract labor for veterans transportation in the amount of \$8,400 to come out of countywide operations contingencies line item #414-5399. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.

**WORKSHOP WITH REDISTRICTING COMMITTEE TO DISCUSS REDISTRICTING PROCESS AND SCHEDULE, THE REDISTRICTING COMMITTEE'S ROLE IN THE REDISTRICTING PROCESS, AND DISCUSSION OF POSSIBLE PUBLIC HEARING DATES** [T1-1773]

Lyle Bollinger (Dacy Lane/Kyle resident) stated that more information is needed for the public - he hears that his area may be included in the San Marcos precinct and he is troubled by that - he would hate to have to come to San Marcos to vote. [T1-1828] Susan Meckel (Dacy Lane/Kyle resident) spoke of rumors that they may become part of the San Marcos district - she feels like the push should be towards a close-knit community and she would feel alienated from her area - she wants her voice to be heard where she lives and she wants continuation of current issues being addressed by her Commissioner. Mrs. Meckel wants traditional guidelines to be followed. Judge Powers advised that the Attorneys hired by the Court will be making the recommendations - options will be presented. He explained that redistricting happens only every 10 years after the federal census. There are public hearing requirements. Special Counsel Jacqueline Cullom Murphy advised that today the court will consider setting public hearings. County Clerk Lee Carlisle, Co-Chairman of the Hays County Redistricting Committee, spoke of members on the committee (*County Clerk/Co-Chair Lee Carlisle, GIS Tech/Co-Chair Steve Floyd, Judge Powers, Commissioner Ingalsbe, Tax Assessor-Collector Luanne Caraway, Computer Services Director Jeff McGill, Elections Administrator Joyce Cowan, Legal Counsel Jacqueline Cullom Murphy, Republican Party Representative Stan Livingston, Democratic Party Representative Liz Sumpter*). He spoke of requirements and considerations - you will need to shift people in order to meet requirements - they are trying to take a whole box and move it if necessary - precinct 1 & 3 were low in population compared to precincts 2 & 4. He stated that redistricting is political in nature - we are going to be open and fair and public hearings will be held for public input. There are two basic criteria that must be met in order for the Justice Dept. to approve them. The committee has not yet received a plan, therefore, the information out there now is not correct. Judge Powers advised that he received just today a time frame for the process. [T1-2094] Jacqueline Cullom Murphy advised that a memo from the consultant which includes some population figures has been received, we will be receiving an analysis of the commissioners precinct in the next two weeks, and they provided a draft model resolution. The court will make the ultimate decision on the plan - today we are seeking input regarding public participation. The time frame is: May & June input for changes from public, stakeholders, etc. There is no outlined legal requirement for the process but the Dept. of Justice will look closely at whether we have provided everyone the "one man one vote" opportunity. The committee is open for suggestions for public comments and public meetings. She wanted the court to clarify her role on the committee - she does not want any misconception on the part of the public that she will be recommending any particular map to the court - staff members have been facilitators. Lee Carlisle advised that the committee has done everything they can at this point and it is now up to the stakeholders and the public. Stakeholders are those who ordinarily participate in the legal process (ethnic groups, political parties, and other groups considered politically activist). Charlie Johnson asked for clarification on items being discussed - use full title/terminology. [T1- Liz Sumpter felt like the committee was to recommend the consultant to the court and look at the numbers and make recommendations along and with the consultants - the consultants are not members of this community - the committee needs to look at these and receive public inputs before a recommendation is presented to the court. Judge Powers stated that he is resigning from the committee because it puts him in a awkward position. Commissioner Ingalsbe advised that she will also consider resigning from the committee but she also thought the committee would look at the numbers and making recommendations - the committee members need to know if the scope of their work has changed.

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Lee Carlisle felt like the committee should not get in the middle of everything and cull what the consultants have presented before they are publicized. [T1-2345] Sam Knutson spoke of people on the committee that he feels have a conflict of interest. Liz Sumpter advised that what comes from the consultants should be looked at by the public. Judge Powers advised that the numbers will tell where the population lies and the numbers will determine how we vote. Commissioner Burnett spoke of need to see every map. Commissioner Carter spoke of need to keep the avenues of communication open - she spoke of criteria that needs to be adopted. Commissioner Molenaar spoke of need to receive figures before we make any decisions - seems like we are now forced into something we may not like - it seems like we have the cart before the horse at this point. Jacqueline Cullom Murphy advised that most consultants go by the traditional criteria. Steve Floyd advised that the final authority will be the Commissioners' Court as set out in the Texas Constitution - he spoke of legal requirements for equal population in all precincts (10% deviation) - we are trying to avoid gerrymandering. He spoke of problems with compactness - we can take the information from the consultant, present it to the public, receive public input and determine which plan is in compliance - we need something to get started to present to the public. Stan Livingston spoke of requirements of equal populations and compliance with the voting rights act of 1990 - the law firm has been

charged with this and it is their responsibility to present a plan that meets these requirements. Lee Carlisle spoke of need for the committee and he feels like it is wrong for the committee to get in between the plan and the court. Commissioner Carter wants everyone to see all the plans and receive input from the committee. Lee Carlisle advised that the plans will be made available on the internet and in the commissioners' offices. Susan Meckel asked to bring the information to the voting public and make it readily available throughout the county. Steve Floyd spoke of taking initial plan from consultants and take questions/suggestions from public back onto mapping software (work the numbers) and see if they are legally acceptable - they would then present acceptable plans to the court for consideration. Maps should be available in two weeks. Commissioner Burnett stated that the court should be able to see all the maps. Luanne Caraway felt like the plans should be looked at by the committee and they can get a consensus and make their recommendation to the court. Liz Sumptor stated that she does not feel like the Judge and Commissioner on the committee is a conflict of interest. Joyce Cowan stated that she will not vote on "a plan" but she will vote on several plans. Judge Powers stated that we can get consensus - he stated that this is looking at numbers and doing what is right for the voters of Hays County. The committee needs to continue to meet and look at the information they get from the attorneys (consultant) - the court is looking forward to input from the committee. Commissioner Burnett stated that the committee could submit to the court, in addition to all the plans, some that are statistically acceptable and some that are not. Commissioner Ingalsbe advised that there are other issues that need to be looked at, not just commissioner precincts. Judge Powers thanks the members of the committee for their work. No action was taken.

**19444 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS THE SALE OF REAL PROPERTY KNOWN AS THE "OLD HOSPITAL PROPERTY" PURSUANT TO SECTION 551.072 TEXAS GOVERNMENT CODE [T1-3115]**

The Court convened into closed executive session to discuss the sale of real property known as the "Old Hospital Property" pursuant to Section 551.072 Texas Government Code. Upon completion of the closed session, the court reconvened into open meeting. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to reject the bid of \$1.4 million for the "Old Hospital Property". All voting "Aye".

Court was adjourned.

**MINUTES APPROVED IN OPEN COURT ON THE 24<sup>th</sup> DAY OF APRIL, 2001**

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**JAMES L. POWERS, COUNTY JUDGE**  
**H A Y S COUNTY, TEXAS**

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**LEE CARLISLE, COUNTY CLERK**  
**H A Y S COUNTY, TEXAS**

