

Commissioners Court -May 5, 2009
NOTICE OF A MEETING OF THE
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS



This Notice is posted pursuant to the Texas Open Meetings Act. (VERNON'S TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **5TH day of May, 2009**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

INVOCATION:

PLEDGE OF ALLEGIANCE - Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag
CALL TO ORDER /ROLL CALL

PRESENTATIONS & PROCLAMATIONS		
1	1	Presentation by Adan Munoz, Jr., Executive Director, Texas Commission on Jail Standards. SUMTER/RATLIFF
2	2	Presentation of Hays County Strategic Planning process by Chris Holtkamp, AICP from LCRA, Community and Economic Development. SUMTER
3	3	Presentation - Update on Hays Shooting Sports Task Force (SSTF). SUMTER/MARLOW
4	4-5	Presentation from Constable Darrell Ayres from the Constable Precinct 3 office. CONLEY/AYRES
5	6	Presentation to the Court by Steve Startzell, of National Sign Plazas, regarding the opportunity for a directional sign program and informational kiosks. BARTON

PUBLIC COMMENTS	
At this time 3-MINUTE comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. <u>Please Complete the Public Participation/ Witness Form in its Entirety.</u> NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.	

CONSENT ITEMS		
The following may be acted upon in one motion. A <u>Commissioner, the County Judge, or a Citizen</u> May request items be pulled for separate discussion and/or action		
6	7	Approve payments of county invoices. HERZOG
7	8-11	Approve Commissioner Court Minutes of April 28, 2009. SUMTER/FRITSCH
8	12	Approve additional items to the on-line auction that will be held on May 11, 2009 with Rene Bates Auctioneers. SUMTER/HERZOG/MAIORA
9	13-14	Authorize the County Judge to execute Amendment 5 to the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park, to delete one of two pavilions and one of two playgrounds, and add soccer field lighting to the project scope. INGALSBE/HAUFF

ACTION ITEMS		
ROADS		
10	15-16	Hold a public hearing to establish traffic regulations on Summit Pass at the intersection with High Road. (CR 253) FORD/BORCHERDING

SUBDIVISIONS		
11	17-18	09-4-09 Replat of Creek of Driftwood Subdivision, Lots 40-48. Discussion and possible action to consider waiver of preliminary plan and public hearing; approve final plat and change of one street name. FORD/GARZA
12	19-23	08-4-67 Replat of Tract 4 Dripping Springs Ranch, Phase 2. Discussion and possible action to consider approval of preliminary plan. FORD/GARZA
13	24-46	08-4-68 Rancho Bella Subdivision. Discussion and possible action to consider approval of preliminary plan. FORD/GARZA

14	47-50	09-4-06 Replat and Vacation of Lot 2, Watkins Subdivision No. 1. Discussion and possible action to consider approval of preliminary plan; call for public hearing on June 2, 2009. FORD/GARZA
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MISCELLANEOUS

15	51	Discussion and possible action to authorize Phenolic Consultants to go forward with bidding and procurement of a deck remediation contractor and a roof installation contractor for remediation and repair of the Sheriff's Office Rooftop. INGALSBE
16	52-58	Discussion and possible action to authorize the County Judge to execute a memorandum of understanding for the use of an aircraft, between the Hays County Sheriffs Office, the Sheriffs Association of Texas and the United States Department of Justice National Institute of Justice. INGALSBE
17	59-60	Discussion and possible action to accept donation of equipment from McCoy's Building Supply in exchange for banner placement and the use of the Civic Center 6 days for the remainder of 2009. INGALSBE/NELSON
18	61-63	Discussion and possible action to authorize the purchase a vehicle in the amount of \$21,641.00. RATLIFF/SUMTER
19	64-65	Discussion and possible action to adopt a resolution in support of HB 1215, HB 572 and HB 2272 regarding county collections. CONLEY/SEIM
20	66	Discussion and possible action to amend the Courthouse Grounds and other Hays County property policy. Report by Mark Kennedy. SUMTER/KENNEDY
21	67	Discussion and possible action to adopt a resolution in support of the proposed Loop 82 Improvement Project in San Marcos. INGALSBE
22	68	Discussion and possible action to authorize staff and Commissioner, Precinct 3, to negotiate a contract for the purchase of property owned by Paul Dunn near the Northwest corner of Winters Mill Parkway and Kyle Road in Precinct 3. CONLEY

WORKSHOP

23	69	1pm Workshop to discuss additions to Road Department building on Yarrington Road. SUMTER/BORCHERDING
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EXECUTIVE SESSIONS

The Commissioners Court will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The Commissioners' Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

24	70	Executive Session to discuss routine performance evaluations for the department manager, as well as other personnel (including specific crew superintendents and program supervisors), in the Resource Protection, Transportation and Planning Department, pursuant to Section 551.074 of the Texas Government Code. Possible action may follow. BARTON
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ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 1ST day of May, 2009.

COMMISSIONERS COURT, HAYS COUNTY, TEXAS

CLERK OF THE COURT

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Presentation by Adan Munoz, Jr., Executive Director, Texas Commission on Jail Standards.

CHECK ONE: ☐ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☒ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Sheriff Ratliff

SPONSORED BY: SUMTER

SUMMARY: A recent inspection was performed at the Hays County Jail. This presentation are the results of the inspection. If you have not toured our jail as of yet, please try to do so before Tuesdays presentation.

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Presentation of Hays County Strategic Planning process by Chris Holtkamp, AICP from LCRA, Community and Economic Development.

CHECK ONE: ☐ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☒ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Chris Holtkamp

SPONSORED BY: SUMTER

SUMMARY: Summary of what has happened to date – interviews with county officials (overview of common themes), demographics (which one fits best), process (schedule and events) and May 15, 2009 - Hays County Leadership Charette.

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no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205

AGENDA ITEM: Presentation – Update on Hays Shooting Sports Task Force (SSTF)

CHECK ONE: **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**

☐ **WORKSHOP** ☐ **PROCLAMATION** **X PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Stephen Marlow

SPONSORED BY: Judge Sumter

SUMMARY:

Agenda Item Request Form

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9:00 a.m. Every Tuesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Presentation from Constable Darrell Ayres from the Constable Precinct 3 office.

CHECK ONE: **CONSENT** **ACTION** ☐ **EXECUTIVE SESSION**

 ☐ **WORKSHOP** **PROCLAMATION** **X PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Constable Ayres

SPONSORED BY: Commissioner Will Conley

SUMMARY:

Presentation for commissioners Court

Presentation is about the Precinct 3 Constables Office.

The topics are: Innovations to improve the service and efficiency of this department.

The Hays County Web site will be the media for the presentation on the overhead projector screen.

1. First topic will be our web sight.
 - a. Its creation. How and why.
 - b. The results since it was created.
2. Reserve Deputy Program.
 - a. Its creation.
 - b. Requirements to be a Reserve Deputy
 - c. Field training program.
 - d. Results since it was put in place.

The length of time for this presentation is about seven to ten minutes.

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

Presentation to the Court by Steve Startzell, of National Sign Plazas, regarding the opportunity for a directional sign program and informational kiosks.

CHECK ONE:	CONSENT	ACTION	EXECUTIVE SESSION
	WORKSHOP	PROCLAMATION	X PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: BARTON

SPONSORED BY: BARTON

SUMMARY:

This item was on last week's agenda. However, Mr. Startzell was unable to make it to the meeting due to flooding in the Houston area.

Agenda Item Request Form

Hays County Commissioners' Court

2:00 p.m. Every Wednesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approve payment of county invoices.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
 ☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: 5/5/09

AMOUNT REQUIRED: None

LINE ITEM NUMBER OF FUNDS REQUIRED: As attached.

REQUESTED BY: Auditor's Office

SPONSORED BY: Bill Herzog 

SUMMARY:

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m. on WEDNESDAY.**

Phone (512) 393-2205

AGENDA ITEM: Approve Commissioner Court Minutes of April 28, 2009

CHECK ONE: **X CONSENT** ☐ ACTION ☐ EXECUTIVE SESSION

☐ WORKSHOP ☐ PROCLAMATION ☐ PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: FRITSCHÉ

SPONSORED BY: SUMTER

SUMMARY:



APRIL 28, 2009

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STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 28TH DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCH	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ford led the court in a moment of silence and remembrance and in the Pledge of Allegiance to the flags. Judge Sumter called the meeting to order.

26086 ADOPT PROCLAMATION DECLARING MAY 6-12, 2009 NATIONAL NURSES WEEK WITH THE THEME OF NURSES: BUILDING A HEALTHY AMERICA

Personal Health Director Priscilla Hargraves gave her appreciation to the court and to nurses nationwide. A motion was made by Judge Sumter, seconded by Commissioner Barton to adopt Proclamation declaring May 6-12, 2009 National Nurses Week with the theme of nurses: Building a Healthy America. All voting "Aye". MOTION PASSED

26087 ADOPT PROCLAMATION DECLARING MAY 3-9, 2009 AS COUNTY GOVERNMENT WEEK

Human Resources Director Dee Dee Baen spoke of activities to be held and Judge Sumter recognized the committee working on this event. A motion was made by Judge Sumter, seconded by Commissioner Ingalsbe to adopt Proclamation declaring May 3-9, 2009 as County Government Week. All voting "Aye". MOTION PASSED

PRESENTATION BY LINDA WERLEIN FROM HILL COUNTRY COMMUNITY MHMR CENTER

[71-229] Hill Country Community MHMR Center Executive Director Linda Werlein spoke of serving 19 counties in Texas with 10 mental health clinics, 8 mental retardation centers, and 9 early childhood intervention centers. She spoke of number of individuals served in FY2008. Center wide budget is \$28,249,173 with 472 employees. Hays County has 105 employees with an annual investment of \$5,712,424 in Hays County. Hays County offices are: Scheib Mental Health Clinic, Hill Country Mobile Crisis Outreach Team, Scheib Mental Retardation Center, San Marcos Homespun, Kyle Homespun, and Dripping Springs Homespun. The Hill Country Crisis Stabilization Unit is scheduled to open May 2009.

Clerk's Note: Agenda Item #4 RE: PRESENTATION TO THE COURT BY STEVE STARTZELL, OF NATIONAL SIGN PLAZAS, REGARDING THE OPPORTUNITY FOR A DIRECTIONAL SIGN PROGRAM AND INFORMATIONAL KIOSKS was PULLED.

26088 APPROVE PAYMENTS OF COUNTY INVOICES

County Auditor Bill Herzog requested pulling payment to the Dripping Springs ISD in the amount of \$2400 for rent (countywide operations budget). A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve payments of county invoices in the amount of \$644,433.77 (\$2400 payment to Dripping Springs ISD in Dept. 414 was pulled) as requested by the County Auditor. All voting "Aye". MOTION PASSED

26089 APPROVE COMMISSIONER COURT MINUTES OF APRIL 21, 2008

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve Commissioner Court Minutes of April 21, 2008 as presented by the County Clerk. All voting "Aye". MOTION PASSED



- 26090 ACCEPT DONATED FUNDS IN THE AMOUNT OF \$550.00 FOR THE HAYS COUNTY SHERIFF'S OFFICE JR. DEPUTY PROGRAM TO BE DEPOSITED IN LINE ITEM 28-467-5222 (CRIME PREVENTION PROGRAM)**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to accept donated funds in the amount of \$550.00 for the Hays County Sheriff's Office Jr. Deputy Program to be deposited in line item 28-467-5222 (Crime Prevention Program. All voting "Aye". MOTION PASSED

- 26091 APPROVE SPECIFICATIONS FOR IFB #2009-B12 "ELECTRICAL SERVICES COUNTYWIDE" AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to approve specifications for IFB #2009-B12 "Electrical Services Countywide" and authorize purchasing to solicit for bid and advertise. All voting "Aye". MOTION PASSED

- 26092 AUTHORIZE ON-LINE AUCTION WITH RENE BATES STARTING MAY 11, 2009 AND RUN FOR TWO WEEKS**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize on-line auction with Rene Bates starting May 11,2009 and run for two weeks. All voting "Aye". MOTION PASSED

- 26093 AUTHORIZE THE COUNTY JUDGE TO SIGN AN APPLICATION FOR THE RENEWAL OF THE IMMUNIZATION GRANT BETWEEN THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR \$192,341.00**

A motion was made by Commissioner Barton, seconded by Commissioner Ford to authorize the County Judge to sign an application for the renewal of the immunization grant between the Hays County Personal Health Department and the Texas Department of State Health Services (DSHS) for \$192,341.00. All voting "Aye". MOTION PASSED

- 26094 WAIVE ½ OF THE FEES FOR THE CIVIC CENTER RENTAL FOR THE TEXAS EXTREME MUSIC FESTIVAL [T1-651]**

Commissioner Conley spoke of this being a fundraising event for a person injured in an automobile accident. Nyles Burgess, Event Coordinator, explained the event and how money raised will be spent. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to waive ½ of the fees for the Civic Center rental for the Texas Extreme Music Festival. All voting "Aye". MOTION PASSED

- 26095 [09-4-10] DISCUSSION AND ACTION REGARDING PROPOSED VARIANCE TO MINIMUM LOT FRONTAGE STANDARDS FOUND IN SECTION 7.4 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS FOR A PROPOSED DEVELOPMENT OF THE NORTHEAST CORNER OF MCGREGOR LANE AND HIGHWAY 290 IN PRECINCT 4 [T1-785]**

Subdivision Coordinator Clint Garza explained the variance request. Commissioner Ford spoke in support of this request. A preliminary drawing was submitted. A motion was made by Commissioner Ford, seconded by Commissioner Conley to pre-approve a variance to minimum lot frontage standards, allowing a 60 foot road frontage, as found in Section 7.4 of the Hays County Development Regulations for a proposed development of the NE corner of McGregor Lane and Highway 290 in Precinct 4. Final approval of variance will occur when development plan is submitted. All voting "Aye". MOTION PASSED

- 26096 AUTHORIZE HIRING TEMPORARY HELP FOR SCANNING DOCUMENTS IN THE TREASURER'S OFFICE AND AMEND THE BUDGET ACCORDINGLY [T1-894]**

A motion was made by Commissioner Ingalsbe, seconded by Judge Sumter to authorize hiring of temporary help in the Treasurer's Office for scanning documents and amend the budget accordingly. All voting "Aye". MOTION PASSED



APRIL 28, 2009

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- 26097 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE STATE HOMELAND SECURITY GRANT PROGRAM, IN THE AMOUNT OF \$2,575 AND DESIGNATE JEFF TURNER AS PROJECT MANAGER FOR THIS PROGRAM** [T1-959]

A motion was made by Commissioner Ford, seconded by Commissioner Barton to authorize the County Judge to submit a Grant Application to the Capital Area Council of Governments for the State Homeland Security Grant Program, in the amount of \$2,575 and designate Jeff Turner as Project manager for this program. All voting "Aye". MOTION PASSED

- 26098 HIRE THE CRIMINAL INVESTIGATIONS DIVISION (CID) LIEUTENANT POSITION ABOVE THE 25%** [T1-995]

Sheriff Tommy Ratliff spoke of person of interest for this position. He would like to hire a CID Lt. at \$71,000 which is approximately the 74th percentile of the range. Human Resources Director Dee Dee Baen spoke of midpoint being the optimum. [T1-1370] A motion was made by Commissioner Barton, seconded by Judge Sumter to authorize the Sheriff, in concert with Human Resources, to negotiate with, and hire, a CID Lieutenant above the 25 percentile as stipulated in county policy and allowing for negotiations between the 65 and 74 percentile, based on the qualification of the individual being presented to the court this date. All voting "Aye". MOTION PASSED

- 26099 ADOPT A RESOLUTION IN SUPPORT OF TEXAS HOUSE BILL 4761, RELATING TO THE AREA AND POWERS OF THE PARKLANDS MUNICIPAL UTILITY DISTRICT NO. 1 IN NORTHEASTERN HAYS COUNTY** [T1-1401]

Commissioner Barton explained the request. Walton Texas LP has acquired the land in this MUD as part of a larger assemblage and are developing a master-planned community to be called Camino Real. Walton wishes to expand the Parklands MUD service area to include all or most of the proposed Camino Real development and to add to the MUD's powers so that it might also pay for road improvements. Rep. Patrick Rose has agreed to carry HB4761 provided that local governments are in support. There will be a development agreement with City of Niederwald that will address road improvements, parks, etc. Proposed tax is 95 cents. [T1-1814] A motion was made by Commissioner Barton, seconded by Commissioner Ingalsbe to adopt Resolutions in support of Texas House Bill 4761 and Senate Bill 2478, relating to the area and powers of the Parklands Municipal Utility District No. 1 in Northeastern Hays County. All voting "Aye". MOTION PASSED

- 26100 ADOPT A RESOLUTION SUPPORTING HB 4825 and SB2564, CREATING THE DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL MANAGEMENT DISTRICT AS PROVIDED FOR UNDER CHAPTER 375 OF THE TEXAS LOCAL GOVERNMENT CODE** [T1-1852]

Commissioner Ford explained the bill and spoke of the high quality development being proposed. A two cent sales tax is proposed and a 15 cent ad valorem tax. A motion was made by Commissioner Ford, seconded by Commissioner Barton to adopt a Resolution supporting HB4825 and Senate Bill 2564, creating the Driftwood Economic Development Municipal Management District as provided for under Chapter 375 of the Texas Local Government Code. All voting "Aye". MOTION PASSED

- 26101 ADOPT A RESOLUTION SUPPORTING A TRAFFIC SIGNAL AT US HWY 290 AND ROGER HANKS PARKWAY IN DRIPPING SPRINGS** [T1-2062]

A motion was made by Commissioner Ford, seconded by Commissioner Ingalsbe to adopt a Resolution supporting a traffic signal at US Hwy 290 and Roger Hanks Parkway in Dripping Springs. Commissioner Ingalsbe, Commissioner Barton, Commissioner Ford, and Judge Sumter voting "Aye". MOTION PASSED

Court was adjourned.

I, LINDA C. FRITSCH, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on APRIL 28, 2009.



LINDA C. FRITSCH, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

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No later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approval to add items to the on-line auction that will be held on May 11, 2009 with Rene Bates Auctioneers.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**

 ☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Herzog/Maiorka

SPONSORED BY: SUMTER

SUMMARY: It was approved in Commissioners Court on Tuesday, April 28, 2009 to hold an on-line auction with Rene Bates to sell surplus items for the Sheriff's Dept. Additional items are being stored at the Building Maintenance warehouse from various offices of the County for disposal. These are items that are of no use or value to the County and taking up a lot of storage space. There is a list of the items available in the purchasing office for review. Purchasing would like to add these items to the auction.

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Authorize the County Judge to execute Amendment 5 to the Grant Agreement with the Texas Parks and Wildlife Department for Five Mile Dam Park, to delete one of two pavilions and one of two playgrounds, and add soccer field lighting to the project scope.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
 ☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Hauff

SPONSORED BY: Ingalsbe

SUMMARY:

A grant was awarded by the Texas Parks and Wildlife Department (TPWD) and approved by Commissioners Court on March 29, 2005 for improvements to Five Mile Dam Park. This amendment (#5) to the grant agreement would allow the County to construct one, rather than two, pavilions, and also one playground rather than the two currently within the grant agreement. It will also allow the inclusion of soccer field lighting as an eligible grant-funded cost.

The playground has been installed, and the pavilion foundation pad is in place, with the structure to be completed within the next month. The soccer field lighting (for two fields) has been installed, and the costs for this will be covered in part (50%) with approval of this amendment. A large concessions/pavilion facility is planned for Phase II construction at the park, which is scheduled to begin this summer under funding and oversight provided by the City of San Marcos. The grant agreement will end on July 15, 2009, and it is expected that Phase I construction (utilizing TPWD grant funds) will be substantially complete before this date. The amount of the TPWD grant award remains the same, and no additional funds from the County are required.

TEXAS PARKS AND WILDLIFE DEPARTMENT
TEXAS RECREATION AND PARKS ACCOUNT AGREEMENT
AMENDMENT TO PROJECT AGREEMENT

Project Amendment Number: 48-001061.5

Project Name: HAYS COUNTY Five-Mile Dam Park

* * *

THIS AMENDMENT to Project Agreement Number 48-001061 is hereby made and agreed upon by the State of Texas, acting through the Texas Parks and Wildlife Department and by the undersigned subdivision pursuant to the Texas Recreation and Parks Account Program.

The political subdivision (sponsor) and the State of Texas, in mutual consideration of the promises made herein and in the fund agreement of which this is an amendment, do promise as follows:

To **DELETE** the following:

One (1) playscape

One (1) pavilion

And **ADD**:

Lighting for the soccer fields.

In all other respects the fund agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this Amendment as of the date entered below.

TEXAS PARKS AND WILDLIFE DEPARTMENT

by 

Tim Hogsett, Director, Recreation Grants Branch
(Name and Title)

4-29-09
TPWD Approval Date

(Rev. 04/00)

HAYS COUNTY

Political Subdivision (Sponsor)

by _____

The Honorable Elizabeth Sumter, County Judge
Name and Title

Date

Subdivision/Road/Staff Review Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Hold a public hearing to establish traffic regulations on Summit Pass at the intersection with High Road (CR 256).

CIRCLE ONE ACTION ITEM	Subdivision	Staff Recommendation
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PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: n/a

LINE ITEM NUMBER OF FUNDS REQUIRED: n/a

REQUESTED BY: Jerry Borcharding

SPONSORED BY: Commissioner Ford

SUMMARY:

To establish: a stop sign on Summit Pass at High Road (CR 256) in The Highlands subdivision.

STAFF REVIEW/COMMENTS

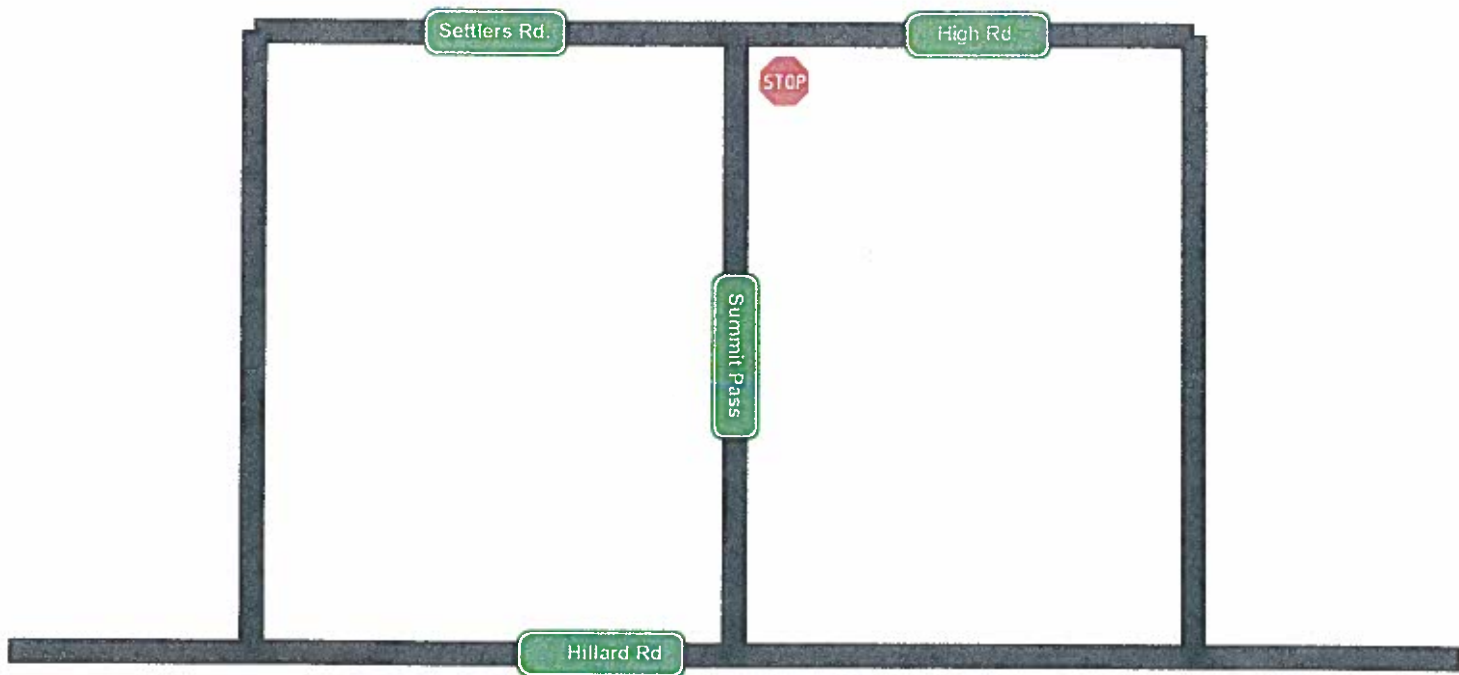
ENVIRONMENTAL HEALTH DIRECTOR:

ROAD DIRECTOR:

STAFF RECOMMENDATIONS:

Precinct 4
Summit Pass @ High Road

Proposed/Recommended Traffic
Regulations:
Stop Signs and Speed Limits As
Indicated Below



- This proposal will:**
- 1. Stop traffic on Summit Pass at High Rd.**

Agenda Item Request Form

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9:00 a.m. Every Tuesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

09-4-09 Replat of Creek of Driftwood Subdivision, Lots 40-48. Discussion and possible action to consider waiver of preliminary plan and public hearing; approve final plat and change of one street name.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

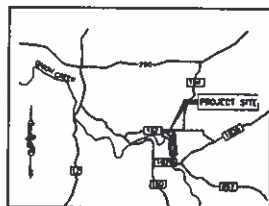
REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

The Creek of Driftwood Subdivision is located off of Darden Hill Road in Precinct 4. It currently consists of 75 platted lots with an average size of .90 acres. The proposed replat deals with 9 lots (40-48). Currently these lots average less than 1 acre in size and are nearly unbuildable do to the current location of the FEMA 100 year floodplain. The developer has hired an engineering firm to study the floodplain in this portion of the subdivision and has a pending application for a revision of the 100 year floodplain. If FEMA approves the LOMA, the floodplain will be "moved" closer to the back of these lots resulting in a buildable site. In addition to the floodplain revision, the developer would like to change one street name. Currently Bandana Street runs from Onion Creek Bend north between lot 49 and 63 To Conastoga Court. For emergency purposes the Hays County Standard for naming of roads would require the street name to remain Onion Creek Bend all the way to Conastoga Court. The layout has been approved by the 911 Coordinator. If approved this action will show the new location of floodplain and change on street names/layout. At the time the division was platted, the minimum lot size was less than 1 acre; however current rules would require lots to be greater than 1 acre when served by an OSSF over the Edwards Aquifer Contributing Zone. Therefore the replat will reduce the total lot count by 2 lots (eliminating lots 47 & 48) and bring the average size for this section to 1.24 acres; to prevent any confusion with records searches, all "newly created" lots will be labeled with an "R". This is a reduction in density and will not require public hearing or preliminary plan approval. Water is to be provided by LCRA and individual OSSF's limited to Class 1 with subsurface disposal. There are no variances and the division is inside of Dripping Springs ETJ.

REPLAT OF
RIFTWOOD
LOTS 40 THROUGH 48
VOLUME 8, PAGE 246
8.72 ACRES
HAYS COUNTY, TEXAS



LOCATION NAME
BOULEVARD

2023 9 18 2

LINE TABLE		
LINE	LENGTH	BEARING
10	97.01	SOUTH 81° E
11	102.7	SOUTH 81° E
12	92.55	SOUTH 81° E
13	102.7	SOUTH 81° E

BOUNDARY LINE TABLE		
LINE	LENGTH	BEARING
1001	122.29	SOUTH 81° E
1002	92.57	SOUTH 81° E
1003	102.7	SOUTH 81° E

CURVE	ARC LENGTH	CHORD	HEIGHT	CHORD BEARING	BEARING
01	10.000	10.000	0.000	0.000	0.000
02	10.000	9.999	0.001	0.000	0.000
03	10.000	9.996	0.004	0.000	0.000
04	10.000	9.991	0.009	0.000	0.000
05	10.000	9.984	0.016	0.000	0.000
06	10.000	9.975	0.025	0.000	0.000
07	10.000	9.964	0.036	0.000	0.000
08	10.000	9.951	0.049	0.000	0.000
09	10.000	9.936	0.064	0.000	0.000
10	10.000	9.919	0.081	0.000	0.000
11	10.000	9.900	0.100	0.000	0.000
12	10.000	9.879	0.119	0.000	0.000
13	10.000	9.856	0.136	0.000	0.000
14	10.000	9.831	0.151	0.000	0.000
15	10.000	9.804	0.166	0.000	0.000
16	10.000	9.775	0.175	0.000	0.000
17	10.000	9.744	0.184	0.000	0.000
18	10.000	9.711	0.191	0.000	0.000
19	10.000	9.676	0.196	0.000	0.000
20	10.000	9.639	0.201	0.000	0.000
21	10.000	9.600	0.200	0.000	0.000
22	10.000	9.559	0.209	0.000	0.000
23	10.000	9.516	0.216	0.000	0.000
24	10.000	9.471	0.221	0.000	0.000
25	10.000	9.424	0.224	0.000	0.000
26	10.000	9.375	0.225	0.000	0.000
27	10.000	9.324	0.224	0.000	0.000
28	10.000	9.271	0.221	0.000	0.000
29	10.000	9.216	0.216	0.000	0.000
30	10.000	9.159	0.209	0.000	0.000
31	10.000	9.100	0.200	0.000	0.000
32	10.000	9.039	0.199	0.000	0.000
33	10.000	8.976	0.196	0.000	0.000
34	10.000	8.911	0.191	0.000	0.000
35	10.000	8.844	0.184	0.000	0.000
36	10.000	8.775	0.175	0.000	0.000
37	10.000	8.704	0.166	0.000	0.000
38	10.000	8.631	0.151	0.000	0.000
39	10.000	8.556	0.136	0.000	0.000
40	10.000	8.479	0.119	0.000	0.000
41	10.000	8.400	0.100	0.000	0.000
42	10.000	8.319	0.081	0.000	0.000
43	10.000	8.236	0.064	0.000	0.000
44	10.000	8.151	0.049	0.000	0.000
45	10.000	8.064	0.036	0.000	0.000
46	10.000	7.975	0.025	0.000	0.000
47	10.000	7.884	0.016	0.000	0.000
48	10.000	7.791	0.009	0.000	0.000
49	10.000	7.696	0.004	0.000	0.000
50	10.000	7.600	0.000	0.000	0.000

LINE NO.	ARC LENGTH	PERCENT	START CHORD	CHORD BEARING	END CHORD
1	223.25	82.86%	112.62	223.25	1324.10
2	136.68	50.00%	117.98	117.98	1324.10
3	223.25	82.86%	112.62	223.25	1324.10
4	136.68	50.00%	117.98	117.98	1324.10

4 CUATRO
Consultants, LTD
1000 West 10th Street, Suite 1000, Fort Worth, TX 76102
817.339.4444

REPLAT OF
SPLITWOOD
LOTS 40 THROUGH 48
VOLUME 8, PAGE 246
8.72 ACRES
HAYS COUNTY, TEXAS

STATE OF _____
CITY OF _____
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY
PRESENTED TO ME _____, A PERSON TO ME KNOWN TO BE THE PERSON
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING,
AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY
AS THE ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES AND
CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____,
A.D. 2009.

NOTARY PUBLIC IN AND FOR _____ COUNTY.

GEORGE E. LUCAS,
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4180, STATE OF TEXAS
436 LITTLE LAKE ROAD
HUTTO, TEXAS 79634
OFFICE (817) 830-4807

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT FURTHER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.

WATER SUPPLY STATEMENTS.

"THE LOWER COLORADO RIVER AUTHORITY, DCM 11870, AN APPROVED WATER SUPPLY SYSTEM, HAS AGREED QUANTITY TO SUPPLY THIS SUBDIVISION AND THEREFORE HAS BEEN MADE TO PROVIDE SERVICE TO EACH LOT IN THIS SUBDIVISION IN ACCORDANCE WITH THE POLICES OF THE WATER SUPPLY SYSTEM.

BRAD HILL
UTILITY DEVELOPMENT COORDINATOR, POWER SERVICES
CHIEF COLORADO POWER AUTHORITY

ENVIRONMENTAL HEALTH DEVELOPMENT

NO STRUCTURE IN THE SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A STATE COMPANY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING ROCK QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY MARY COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST REMEDIABLE WATER RESOURCES.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE DOCKED LAIRS CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY ENVIRONMENTAL HEALTH.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THE SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

EARLY SOMERSET, P.Z., DIRECTOR
RESOURCE PROTECTION, TRANSPORTATION,
AND PLANNING

TOM POPE, MANAGER HWY 5 COUNTY FLOOD PLAN ADMINISTRATOR	DATE
--	------

COUNTY _____
STATE OF TEXAS
COUNTY OF HAYS

I, LAMBA FRIEDHE, COUNTY CLERK OF MAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 22ND DAY OF APRIL, A.D. 2008, THE COMMISSIONER'S COURT OF MAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FUND FOR

WHEREAS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D.,
2008.

LE SUAR
COUNTY ASSE.

HAWAII COUNTY, 1978	HAWAII COUNTY, 1978

STATE OF TEXAS
COUNTY OF HAYS

I, LINDA FERSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY

THIS THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2008, AT _____ O'CLOCK ____ M. AND CLERK RECORDED ON THE ____ DAY OF _____, 2008, AT _____ O'CLOCK ____ M. IN THE PLAT RECORDS OF _____ COUNTY, _____ STATE.

LONG BEACH, COUNTY CLERK

MADE COUNTY, TEXAS

SHARES	1,000,000
--------	-----------

13447263.2100	E 2273090.0041	IRON ROD SET @ SOUTH-WEST CORNER OF SHEDDING ON PROPERTY (44)
13447362.0008	E 2273090.0013	IRON ROD SET @ NORTHEAST CORNER OF SHEDDING ON PROPERTY (44)

AL MISCHOLAKES

N 13847061.5760	E 2175200.8889	ELEVATION = 808.29	DESCRIPTION CHECKED SQUARE INTERSECTION CLIP
-----------------	----------------	--------------------	--

TOTAL NO. OF RESIDENTIAL LOTS	7
TOTAL AREA (AC)	8.79
FRONTAGE LAND (SQ. FT.)	WHOLE FAMILY RECREATION
NO. OF LOTS LARGER THAN 1 AC.	1
AND SMALLER THAN 2 AC.	
NO. OF LOTS LARGER THAN 2 AC.	0
AND SMALLER THAN 3 AC.	
NO. OF LOTS LARGER THAN 3 AC.	0
TOTAL POND S.F.	0 (EXISTING)
ROAD AREA (AC.)	0 AC
ELECTRICITY SERVICE	NEARBY/AS ELECTRIC COOPERATIVE, INC.
WATER SERVICE	WATER

FLYDOTS ON PLATNOTES

- [illegible]

4 CUATRO
CONSUMABLES, LTD.
27 La Grange Road, #1000, La Grange, NJ 07034

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

08-4-67 Replat of Tract 4 Dripping Springs Ranch, Phase 2. Discussion and possible action to consider approval of preliminary plan.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

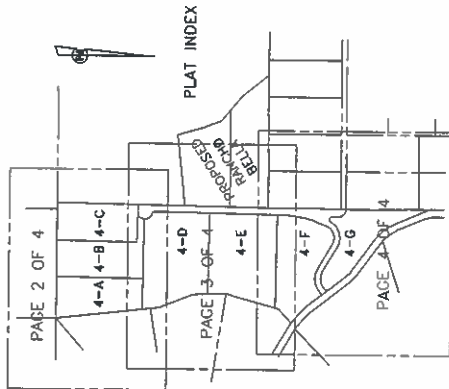
SUMMARY:

Dripping Springs Ranch is a subdivision located off of Sunset Canyon Drive in Precinct 4. Phase 2 of Dripping Springs Ranch was platted in 1997 and at that time consisted of 11 large residential lots. Currently there are 19 residential lots and the proposed replat of Tract 4 will increase the density to 26. Tract 4 is 56.77 acres in size and the developer has proposed 7 residential lots averaging 8.11 acres in size.

The developer plans on constructing a new privately maintained roadway, Horse Trail Drive, to serve these 7 lots as well as 2 lots adjacent to Tract 4. Horse Trail Drive begins at lot 7 and is accessed via Cattle Trail Drive. Cattle Trail Drive is a private road currently maintained by the existing owners in Dripping Springs Ranch, Phase 2. The maintenance of the road is coordinated through the Dripping Springs Ranch Road maintenance association. The developer has met with the members of the RMA and agreed on the lot configuration, maintenance concerns, and deed restrictions. All new lots using Cattle Trail Drive will contribute to the maintenance of that road, only the newly platted lots will maintain Horse Trail Drive.

The developer has mandated the use of rainwater collection on each lot, but has completed the necessary steps to allow for individual wells to be drilled. Each lot will also be served by an individual OSSF. There are no variances and the division is located in the ETJ of Dripping Springs. A public hearing is required prior or concurrent with final plat approval. However the construction documents for the proposed roadway have to be approved prior to final plat approval. Once a definitive time is know, the public hearing will be called.

REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH PHASE 2



STATE OF TEXAS :
COUNTY OF HAYS :

KNOW ALL MEN BY THESE PRESENTS That we, The Harold Eugene Williams Trust, being the owners of 56.78 acres, more or less, of land area in the JAMES PIERCE DRIPPING SPRINGS RANCH PHASE 2, a subdivision in Hays County, Texas, according to the plat hereof as recorded in Volume 7, Page 397, Plat Records of Hays County, Texas, do hereby certify that we, the undersigned, have conveyed to us by deed of record in Volume 2952, Page 496, Official Records of Hays County, Texas, DO HEREBY SUBMIT said 56.78 acres, in accordance with the plat shown hereon, to be known as:

REPLAT OF TRACT 4, DRIPPING SPRINGS RANCH, PHASE 2

in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the owners of the property shown hereon the use of all streets and easements

WITNESS OUR HANDS, this the ____ day of ____ A.D. 2009.

Harold Eugene Williams Trust
Harold Eugene Williams, Trustee
18640 FM 1826
Dripping Springs, Texas 78620

STATE OF TEXAS :
COUNTY OF HAYS :

This instrument was acknowledged before me on the ____ day of ____ 2009, by Harold Eugene Williams, in the capacity as stated above.

Notary Public in and for
the State of Texas

STATE OF TEXAS :
COUNTY OF HAYS :

I, Hermann Vigil, a Registered Professional Engineer in the State of Texas, do hereby certify that all Lots have been surveyed in accordance with the Rules of Hays County for On-Site Sewage Facilities. The plat hereof is subject to the Development Regulations of Hays County.

Hermann Vigil, P.E.No. 50759

Date

PLAT NOTES:

There shall be a 10' wide utility easement along either side of all side (tract) lines, and a 20' wide utility easement along all rear (tract) line and along either side of all roadways.

This subdivision is not within the Edwards Aquifer Recharge Zone according to the base map compiled by the Texas Department of Water Resources, which is within the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer.

This subdivision is located within the extra territorial jurisdiction (ETJ) of the City of Dripping Springs.

No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County Community Panel#48209C065E, effective date February 18, 1998.1

Driveway culverts shall have a minimum diameter of 18 inches.

Construction of roadway and drainage improvements may begin once the Hays County Road Department has approved construction plans.

In order to promote safe use of roadways and preserve the conditions of public utility easements, the following shall be permitted to occur within this subdivision: (a) Driveway Permit has been issued by the Road Department of Hays County, and (b) the driveway satisfies the minimum spacing requirement for driveways set forth in Sections 7.4 and 7.5 of the Hays County Subdivision Regulations.

The requirement concerning construction standards for mailboxes installed within the driveway easement and along streets and highways and requiring all such mailboxes to be made of galvanized materials, as defined in the ordinance.

All construction of roads or streets shall comply with the Temporary Construction Erosion Controls Manual of the Hays County Subdivision and Development Regulations.

No construction of other development may begin until all Hays County Development Requirements have been met.

REVISED: APRIL 28, 2009
DATE: DECEMBER 8, 2008
FILE: BELLAARD / 14PG1.P1

ACCEPTED AND AUTHORIZED FOR RECORD by the City Council of the City of Dripping Springs, Texas on the ____ day of ____ A.D. 20__

Todd Purcell, Mayor
Attested By: Jo Ann Touchstone, City Secretary

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION

No structure in this subdivision shall be occupied until connected to an individual water supply or a state-approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may be the best renewable water source.

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Environmental Health.

No construction or other development within this subdivision may begin until all Hays County Development Permit requirements have been met.

Jerry Borcherting
Resource Protection, Transportation and Planning

Date

Tom Pope
Floodplain Administrator

Date

THE STATE OF TEXAS:
THE COUNTY OF HAYS:
LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT I, LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, HAVE REVIEWED THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT IN BOOK ____ PAGE ____

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF ____ 20__ A.D.

ELIZABETH SUMTER
COUNTY JUDGE
HAYS COUNTY, TEXAS

LINDA FRITSCH
COUNTY CLERK
HAYS COUNTY, TEXAS

THE STATE OF TEXAS:
THE COUNTY OF HAYS:

I, LINDA FRITSCH, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND IT CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____ A.D., AT ____ O'CLOCK ____ M., DULY RECORDED ON THE ____ DAY OF ____ 20__ A.D. AT

NUMBER ____ M., PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT ____ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF ____ 20__ A.D.

LINDA FRITSCH, COUNTY CLERK
HAYS COUNTY, TEXAS

SHARED ACCESS DRIVEWAYS:
All lots served by a Shared Access Driveway are restricted to one single family residence per lot and if any other Development of a Dwelling Unit occurs on any of the lots obtaining access through the Shared Access Driveway, then such new Dwelling Unit must be constructed on a separately platted lot with direct frontage onto and physical access to a Permitted Street prior to construction of the Dwelling Unit. A duplex will not be considered a single-family residence for purposes of this sub-paragraph.

The Homeowners of the Single Family Residences obtaining access through the Shared Access Driveway shall be solely responsible for all maintenance of the driveway, including maintaining any drainage structures associated with the driveway. The driveway must be maintained at all times in a condition that will permit unencumbered vehicular access by emergency vehicles.

STREET AND RIGHT OF WAY:
Cattle Trail Drive is existing and currently privately maintained. Horse Trail Drive will be privately maintained.

LOT SIZES:
This subdivision contains 7 lots averaging 7.547 acres each in land area. There are 2 lots larger than 10 acres and 5 lots larger than 5 acres and smaller than 10 acres.

QUALIFYING LOTS:
Residential lots are limited to one single-family residence per lot and TNRC Regulated Development is prohibited.

SCHOOL DISTRICT:
This subdivision is within the boundaries of the Dripping Springs Independent School District.

UTILITY INFORMATION:
Each lot will be served by an individual well and on-site sewage facility. Electric utility service will be provided by Pedernales Electric Cooperative. Telephone utility service will be provided by Verizon. Gas utility service will be provided by individual propane tanks.

Land Surveying Company
4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005
CWM

LOT AREA SUMMARY:

LOT 1	5.668 ACRES±
LOT 2	6.050 ACRES±
LOT 3	6.050 ACRES±
LOT 4	10.774 ACRES±
LOT 5	10.816 ACRES±
LOT 6	8.079 ACRES±
LOT 7	5.668 ACRES±
HORSE TRAIL DRIVE	3.930 ACRES±
TOTAL AREA	56.780 ACRES±

STATE OF TEXAS :
COUNTY OF HAYS :
That I, C. Michael McMillin, Jr., do hereby certify that I have caused to be made a true and accurate survey of the land shown thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of Hays County, Texas.

C. Michael McMillin, Jr., R.P.L.S. No. 4267 Date

REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH PHASE 2

RESUBDIVISION OF TRACT 18-B2 OF THE
RESUBDIVISION OF TRACT 18-B OF THE
REPLAT OF TRACT 18 OF THE
LANIER RANCH ADDITION AMENDED
(7/293)

TRACT 18-B2A
LOWELL E. WILLIAMS, ET UX
(TRACT 18-B2A, 10.00 ACRES)
(1258/115)
[R71111]

S 89°54'30"W 1041.25'
(S 89°47'17"W 1041.35')

REPLAT OF TRACT 1 OF
LANIER RANCH ADDITION- AMENDED
(5/278)

TRACT 1A
JULIA BETH MILES
(A PORTION OF TRACT 1A)
(41.57 ACRES)
(1453/482)
[R33770]

OC RANCH, LTD.
(127.86 ACRES)
(3182/711)
[R17043]

MATTHEW I. SCHREINER, ET UX,
(4.31 ACRES)
(2489/755)
[R70372]

LEGEND

- IRON ROD FOUND
- 600 NAIL FOUND
- 1/2" IRON ROD SET

SCALE 1" = 100'

TRACT 6-B

CALVIN E. GOODEN, ET UX,
(TRACT 18-B2, 10.00 ACRES)
(1845/865)
[R97842]

4-A

5.668 ACRES±

4-B

6.050 ACRES±

4-C

5.606 ACRES±

4-D

6.050 ACRES±

TRACT 6-A

REPLAT OF TRACT 6 IN
DRIPPING SPRINGS RANCH PHASE 2
(9/147)

REVISED: APRIL 28, 2009
DATE: DECEMBER 6, 2008
FILE: BELLA.GRD / 14P02.PLI

Lead Surveying Company
4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78758
(512) 343-1970
FAX (512) 346-1005

REPLAT OF TRACT 4 DRIPPING SPRINGS RANCH PHASE 2

ALLISON HADLEY WILCOX, ET ALIUS,
(50.478 ACRES)
(1253/730)

[R17055] & [R17058]

①

PROPOSED
RANCHO BELLA

THE EUGENE HAROLD WILLIAMS TRUST
(15.628 ACRES)
(2952/496)

[R17054] & [R17057]

②

SANITARY EASEMENT
EXISTING WELL

2

HAYS COUNTRY ACRES
(2/67)

JAYNE ELLEN HECKMAN
(LOT 1)
(5.000 ACRES)
(S1868/18)

[R29797]

(N 00°21'21"E 650.31')
< N 0°24'E 450.21' >
N 00°24'45"E 450.09'

4-F
8.079 ACRES±

SANITARY EASEMENT
EXISTING WELL

↑ SEE PAGE 4 OF 4

4-C

4-B

4-A

TRACT 6-B

CALVIN E. GOODEN, ET UX,
(TRACT 6-B 14.13 ACRES)
(1645/885)
[R97842]

A REPLAT OF TRACT 6 IN
DRIPPING SPRINGS RANCH PHASE 2
(9/147)

TRACT 6-A

HERMAN F. WATERS, ET UX,
(TRACT 6-B 14.98 ACRES)
(1645/386)
[R97841]

4-D
10.774 ACRES±

4-E
10.816 ACRES±

A REPLAT OF TRACT 5 IN
DRIPPING SPRINGS RANCH PHASE 2
(10/312)

TRACT 5-A

KEVIN ROBINSON, ET UX,
(TRACT 5-A 6.51 ACRES)
(2871/456)
[R103737]

CATTLE TRAIL DRIVE

LEGEND

- IRON ROD FOUND
- ▲ 600 NAIL FOUND
- 1/2" IRON ROD SET



SCALE 1" = 100'

Land Surveying Company
4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005

RECORDED: APRIL 28, 2008
DATE: DECEMBER 8, 2006
FILE: BELLAORD / T4FG3PL1



Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

08-4-68 Rancho Bella Subdivision. Discussion and possible action to consider approval of preliminary plan.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

SUMMARY:

The proposed Rancho Bella Subdivision is located on 15.6 acres located off of Deerfield Road in Precinct 4. The proposed development will include 2 lots averaging 7.83 acres in size. Deerfield Rd. is a shared access easement and Hays County Development regulations require that division occur only off of a permitted roadway. The owner of this tract also owns Tract 4 in Dripping Springs Ranch. He plans to use the roadway from the replat of Tract 4 Dripping Springs Ranch, Horse Trail Drive, for primary access to the 2 lots in Rancho Bella. Because Horse Trail accesses from a privately maintained road, the developer has met with the RMA and reached an agreement granting access rights to the 2 lots in Rancho Bella Subdivision. As a condition of use, the future owners of all lots in Rancho Bella will contribute to the maintenance of Cattle Trail Drive as well as Horse Trail Drive.

The developer has mandated the use of rainwater collection on each lot, but has completed the necessary steps to allow for individual wells to be drilled. Each lot will also be served by an individual OSSF. There are no variances and the division is located in the ETJ of Dripping Springs.

McELROY, SULLIVAN & MILLER, L.L.P.

MAILING ADDRESS:
P.O. BOX 12127
AUSTIN, TX 78711

ATTORNEYS AT LAW
1201 SPYGLASS DRIVE, SUITE 200
AUSTIN, TX 78746

TELEPHONE
(512) 327-8111

FACSIMILE
(512) 327-6566

April 29, 2009

VIA U.S. Mail and email @hwraustin@aol.com

Harold Eugene Williams Trust
c/o Gene Williams
16640 FM 1826
Driftwood, TX 78619

RE: Settlement Agreement re: Replat of Tract 4, Dripping Springs Ranch, Phase 2, and Related Matters.

Dear Gene,

This letter agreement ("Agreement") is entered into by and between the Dripping Springs Ranch Road Maintenance Association, Inc. ("RMA") and Gene Williams, Tona Robison, The Harold Eugene Williams Trust, and any corporation, partnership, joint venture, trust or other entity or individual owning any interest in the lands specifically described as follows (collectively or individually "Williams"):

- (a) Tract 4, Dripping Springs Ranch, Phase 2, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 7, Pages 395-397, Plat Records of Hays County, Texas; and
- (b) that certain 15.6628 acre tract, more or less, described in Exhibit 2, to Exhibit C hereto (together (a) and (b) referenced as the "Williams-Owned Lands").

Williams previously proposed to subdivide the Williams-Owned Lands into 11 tracts as depicted on Exhibit A and sell said tracts for residential development. Williams proposes that ingress and egress to those tracts be made through use of RMA-owned roads ("RMA Roads"). The RMA Roads are Dripping Springs Ranch Road and Cattle Trail Drive. The RMA is concerned that the increased traffic along RMA Roads caused by Williams' proposed development of the Williams-Owned Lands will create unsafe conditions and accelerate the need for road repairs and other maintenance activities. Further, the RMA wishes to ensure that traffic along RMA Roads be limited to RMA members and their families and invitees. Williams acknowledges that the +/- 15.6628 acre-property (or proposed lots 1 and 2 as depicted on Exhibit B) does not have an easement or other legal access to use the RMA Roads absent this Agreement.

To address these issues and other concerns, the Parties agree as follows:

1. Williams has agreed to revise Exhibit A to provide for a total of 9 tracts ("the 9 Tracts"). The revised plat depicting the 9 Tracts (Tracts 4-A through 4-G and Tracts 1 and 2) is attached as Exhibit B and shall be submitted to Hays County and the City of Dripping Springs for approval. Prior to making any revisions to Exhibit B, Williams must first obtain RMA approval. The total number of Williams-Owned Lands that shall be allowed to access and use RMA Roads for ingress and egress shall be limited to the 9 Tracts as configured on Exhibit B.
2. Subject to item 1 above and prior to the first reading of the proposed subdivision at Hays County Commissioners Court, Williams shall deed restrict all Williams-Owned Lands for which Williams seeks ingress and egress via RMA Roads. The deed restrictions shall provide that: (a) Williams and all future owners of the Williams-Owned Lands are required to become members of the RMA; (b) all construction equipment used for home construction, road construction or other construction on or for the benefit of the Williams-Owned Lands shall access said lands using roads other than RMA Roads (e.g. Fawn Meadow); (c) development of the Williams-Owned Lands shall be for residential purposes only and not for commercial purposes; (d) in no event shall Williams or any future owners, tenants or occupants of the Williams-Owned Lands provide access to RMA Roads to owners, tenants or occupants of lands located outside of Dripping Springs Ranch Phase II (with the exception of proposed lots 1 and 2 as shown Exhibit B) or to owners, tenants or occupants of lands whose owners are not members of the RMA; and (e) in no event shall any vertical improvements such as a riding arena, barn, stable, light pole or home be constructed within 100 feet of the east property line of proposed Tract 4-E from the flattened (leveled) pond north to the north east corner of proposed Tract 4-E, Dripping Springs Ranch, Phase 2, as such lot is depicted on Exhibit B hereto. All deed restrictions shall be covenants running with the land and shall be made expressly enforceable by the RMA and its individual members. Williams shall execute and file for recording in the deed records of Hays County the Declaration attached as Exhibit C to fulfill the requirements of this paragraph. Williams warrants and agrees to provide and has provided the RMA with accurate property descriptions of the Williams-Owned Lands depicted on Exhibit B and to identify for the RMA the record owner of the Williams-Owned Lands as of the time of the execution of this Agreement.
3. Prior to selling any of the 9 Tracts depicted on Exhibit B, Williams shall erect a gate between Williams' proposed Horse Trail Drive and Fawn Meadow to prevent access to RMA Roads via Fawn Meadow except to the extent access is required for construction equipment, garbage trucks, emergency vehicles or for emergency ingress and egress by RMA members (see item 7 below) and except to the extent the owners of the 9 Tracts desire ingress or egress via Fawn Meadow Drive.
4. Subject to the pre-approval conditions set out below, Williams shall provide the equipment and labor necessary to improve, widen and grade Dripping Springs Ranch Road at the approach to the low water crossing from the north side of Pier Branch Stream ("DSR Road Improvements"). The purpose of the DSR Road Improvements is to improve safety and visibility at that location. Prior to initiating any work, Williams shall submit a proposed work plan to Ron Bischoff of Doucet & Associates detailing the proposed DSR Road Improvements, provide Bischoff with an equipment list identifying the equipment Williams plans to use to perform the proposed DSR Road Improvements, and obtain Bischoff's written pre-approval of a

Work Plan prior to initiating work on the DSR Road Improvements. Also, Bischoff must approve the DSR Road Improvements upon completion of the work. Prior to initiating the DSR Road Improvements, Williams shall contract with the persons or entity operating the equipment used in the DSR Road Improvements and shall provide the RMA with a certificate of insurance evidencing that Williams is adequately insured. Williams shall also be responsible for the removal of all dirt and debris generated by and during the DSR Road Improvements and shall obtain all access or authorization necessary for conducting the DSR Road Improvements, though the RMA shall assist and cooperate in obtaining said access or authorization. The cost to resurface any portion of the DSR Road Improvements, however, shall be a cost borne by the RMA. Williams requests that the DSR Road Improvements be performed during the fall of 2009 because Williams anticipates his equipment being available at that time.

5. Williams shall pay the RMA \$2,000 for the gate assessment and \$250 for the 2009 Annual Dues (for RMA taxes and insurance) by May 1, 2009, and pay the RMA \$500 by October 1, 2009, for future road improvements. These same assessments/fees are being assessed against all other RMA members in 2009.

6. Williams shall pay the RMA an additional \$4,000.00 by May 1, 2009. This amount shall be used for future maintenance or improvement to RMA Roads existing at the time of this Agreement (i.e. Dripping Springs Ranch and Cattle Trail Drive) pursuant to membership vote conducted in compliance with RMA Bylaws. The Parties acknowledge that this payment benefits the RMA and adds value to Williams' proposed development. This amount would be in addition to fees and assessments that might otherwise be assessed against all members pursuant to a vote conducted in compliance with the RMA Bylaws.

7. Williams shall execute and file for recording in the deed records of Hays County a perpetual emergency easement in favor of the RMA, its members and their invitees. The emergency easement shall allow ingress and egress across Horse Trail Drive (or such other road as may be constructed on Williams-Owned Lands) to allow passage between Cattle Trail Drive and Fawn Meadow. Use of the emergency easement by RMA members shall only be allowed in the event the low water crossing across Pier Branch stream becomes impassable due to flood, damage, destruction or other unsafe condition. RMA members' use of the emergency easement shall be of temporary duration (i.e. access shall be available only until such time as the low water crossing is repaired or otherwise made safe for traffic by passenger car). The Emergency Easement attached as Exhibit D fulfills the requirements of this paragraph.

8. Prior to beginning the construction of any improvement described in paragraph 2(e) above on proposed Tract 4-E, Dripping Springs Ranch, Phase 2, a drainage analysis shall be performed by an independent third party professional civil engineer to ensure that there is no runoff or drainage of manure, water contaminated with fecal matter and/or mud across Tract 5-A, Dripping Springs Ranch Phase 2, from any riding arena, barns or stables constructed on proposed Tract 4-E, Dripping Springs Ranch, Phase 2. See Exhibit B. Selection of the independent third party professional civil engineer shall be by mutual agreement of the owners of the two tracts referenced in this paragraph, said agreement shall not be unreasonably withheld by either party. Williams hereby agrees to pay for said drainage analysis.

9. The RMA agrees not to oppose William's proposed re-platting and subdivision of Williams-Owned Lands as depicted on Exhibit B.

10. Upon recording, Williams shall provide copies of Exhibits C and D to the RMA.

11. This Agreement is binding upon and shall inure to the benefit of the Parties and their respective heirs, successors and assigns, including but not limited to Williams and any corporation, partnership or other entity or individuals that own any interest in the Williams-Owned Lands.

12. This Agreement is fully supported by consideration, the sufficiency of which is hereby acknowledged by the Parties.

13. The persons signing below are fully authorized to do so and have taken all steps necessary to bind Williams and the RMA respectively.

14. This Agreement is expressly made effective on April 29, 2009.

Please indicate your agreement by signing and dating in the spaces provide below and either fax or email me a copy and mail me one (1) original for my records.

Sincerely,



Thomas M. Weber
for the RMA

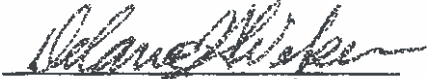
AGREED AS TO SUBSTANCE AND FORM:

WILLIAMS:

By: Gene Williams

Title: Individually and as Trustee of the Harold Eugene Williams Trust

RMA:



By: Delane Weber

Title: Vice-President

9. The RMA agrees not to oppose William's proposed re-platting and subdivision of Williams-Owned Lands as depicted on Exhibit B.

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Please indicate your agreement by signing and dating in the spaces provide below and either fax or email me a copy and mail me one (1) original for my records.

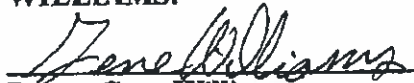
Sincerely,



Thomas M. Weber
for the RMA

AGREED AS TO SUBSTANCE AND FORM:

WILLIAMS:



By: Gene Williams

Title: Individually and as Trustee of the Harold Eugene Williams Trust

RMA:

By: _____
Title: _____

[illegible]

PAGE 1 OF 4

LINDA FROISHE, COUNTY CLERK
HAYS COUNTY, TEXAS

107 AREA SUMMARY:

LOT	ACRES
LOT 1	2.088 ACRES
LOT 2	6.050 ACRES
LOT 3	5.806 ACRES
LOT 4	5.587 ACRES
LOT 5	3.412 ACRES
LOT 6	1.175 ACRES
LOT 7	7.487 ACRES
LOT 8	5.837 ACRES
LOT 9	3.991 ACRES
TOTAL ACRES	54.780 ACRES

BERNARD HENRIY MEYER DEPT
 501 1200 20 1000
 341 50 81 1000 30 1000
 341 50 81 1000 30 1000
 341 50 81 1000 30 1000

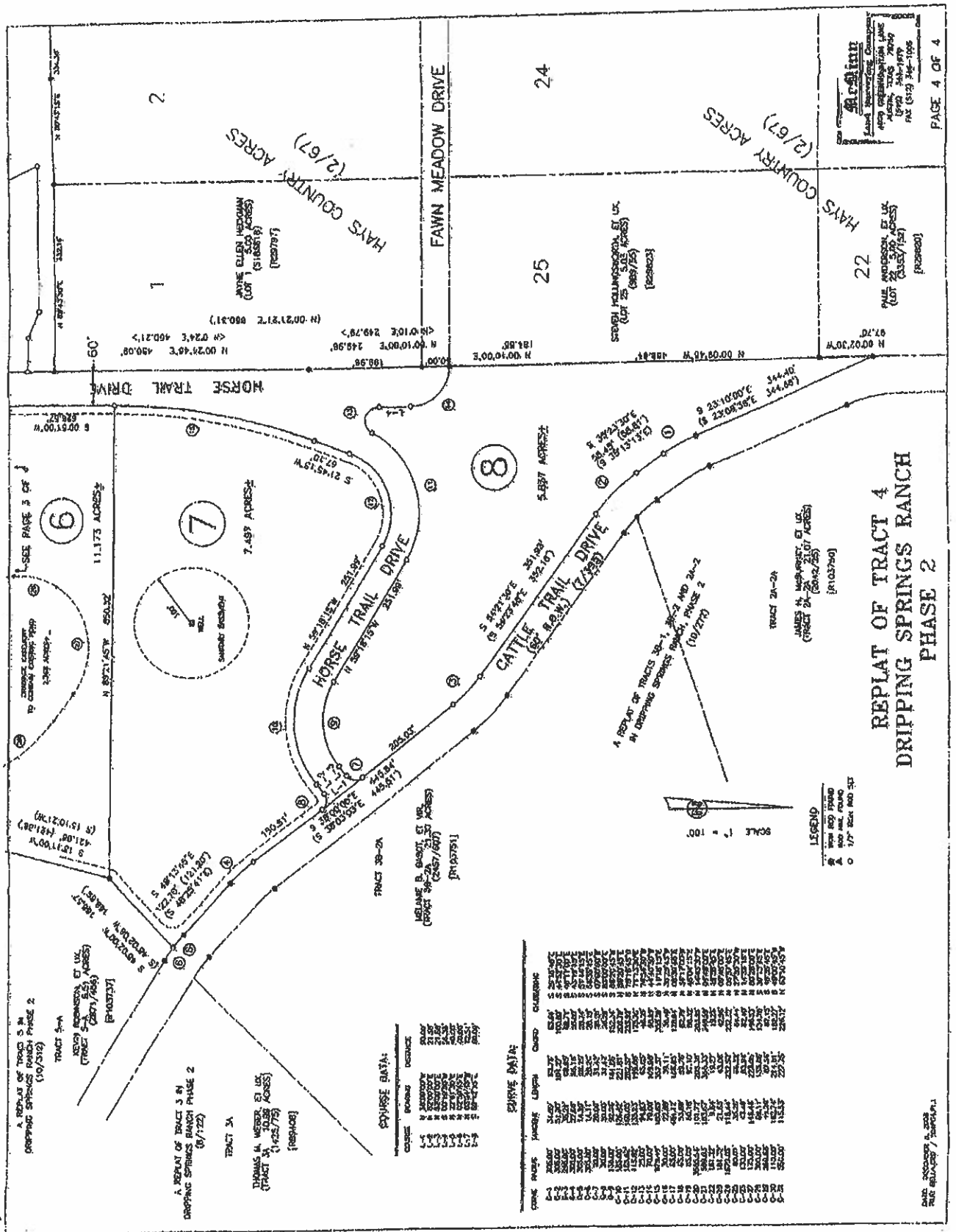
LOWELL E. WILLIAMS, ET
 (TRAC) 18-82A 1000

REFUGES OF TRACT 1 OF
LAUREL RANCH ADDITION- AMENDED
(75-2778)

W. K. B. 12

(1961/1962) и (1962/1963)
(1962/1963)
СНП И ВОДИНА АСТРА МОСКИ

PAGE 2 OF 2



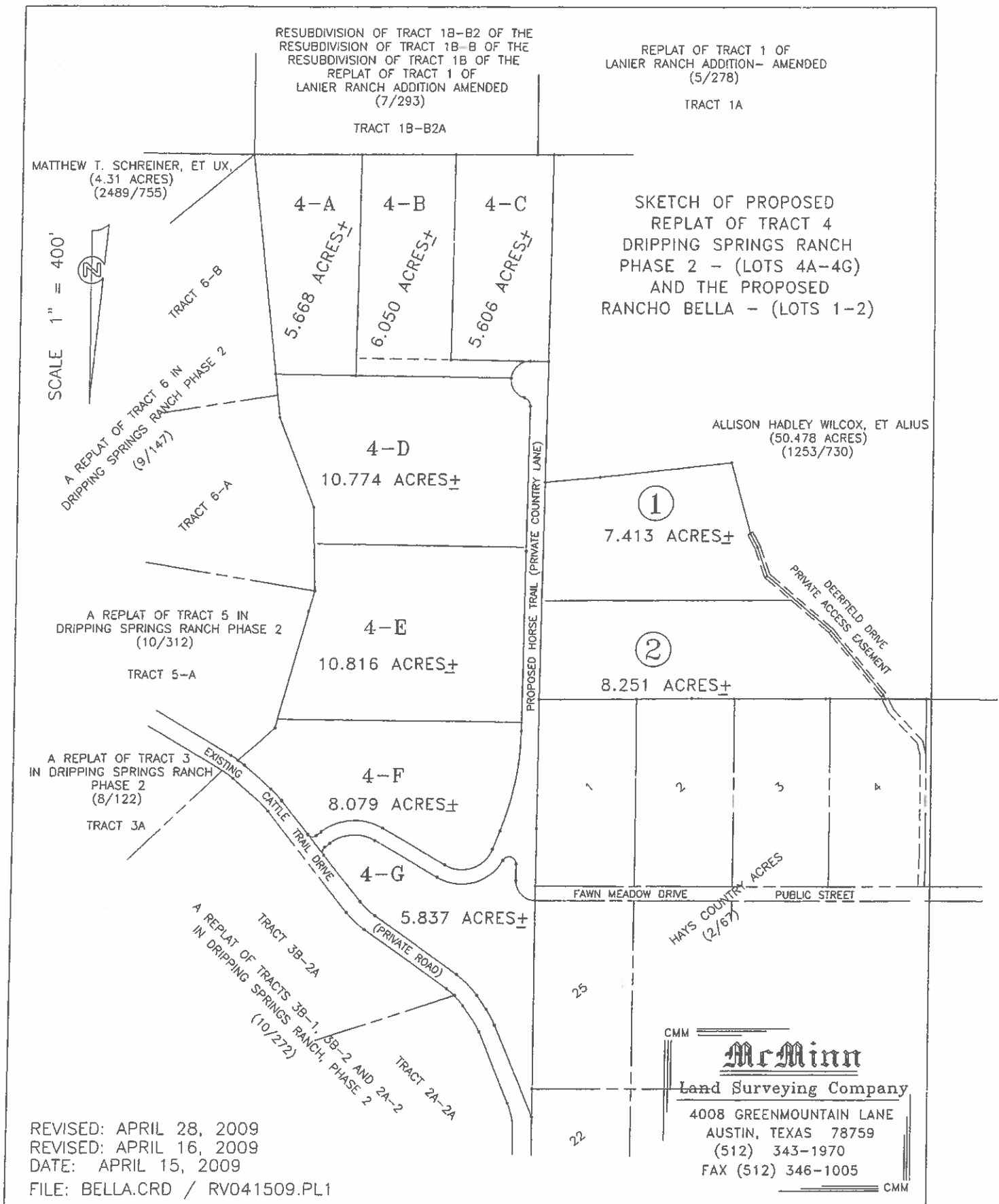


Exhibit B

EXHIBIT C

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DECLARATION OF COVENANTS RUNNING WITH THE LAND

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HAYS	§	

THIS DECLARATION OF COVENANTS RUNNING WITH THE LAND ("Declaration") is made this ____ day of April, 2009, by The Harold Eugene Williams Trust ("Declarant" or "Williams"), owner of those certain tracts of land more particularly described as follows (together the "Williams-Owned Lands"):

- (1) Tract 4, Dripping Springs Ranch, Phase 2, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 7, Pages 395-397, Plat Records of Hays County, Texas, as such plat may be from time to time amended (for reference, see Exhibit 1, Replat of Tract 4, Dripping Springs Ranch, Phase 2); and
- (2) the 15.6628 acre tract, more or less, more particularly described on Exhibit 2 hereto.

WHEREAS, Declarant desires access for the Williams-Owned Lands to Dripping Springs Ranch Road and Cattle Trail Drive ("RMA Roads") owned by the Drippings Springs Ranch Road Maintenance Association (the "RMA"), a Texas Non-Profit Corporation;

WHEREAS, Declarant desires that Declarant and Declarant's heirs, assigns, successors in interest, and all future owners of the Williams-Owned Lands be required to join and maintain membership in the RMA, or any similar successor organization formed for the purpose of maintaining the RMA Roads and, through membership in the RMA, work cooperatively with the other members or shareholders of the RMA to ensure the RMA Roads' upkeep and repair; and

WHEREAS, Declarant desires that all construction equipment used for home construction, road construction or other construction on or for the benefit of the Williams-Owned Lands shall access said lands using only roads other than RMA Roads (e.g. Fawn Meadow)

WHEREAS, Declarant desires that development of the Williams-Owned Lands shall be for residential purposes only and not for commercial purposes;

WHEREAS, Declarant desires that in no event shall Williams, or Williams' heirs, successors or assigns or any future owners, tenants or occupants of the Williams-Owned Lands provide access to RMA Roads to owners, tenants, or occupants of lands located outside of Dripping Springs Ranch Phase 2 (with the exception of proposed lots 1 and 2 as shown Exhibit 1) or to any other owners, tenants or occupants of tracts that are not members of the RMA; and

WHEREAS, Declarant desires that in no event shall any vertical improvements such as a riding arena, barn, stable, light pole or home be constructed within 100 feet of the east property line of proposed Tract 4-E from the flattened (leveled) pond north to the north east corner of proposed Tract 4-E, Dripping Springs Ranch, Phase 2, as such lot is depicted on Exhibit 1 hereto.

NOW, THEREFORE, Declarant, and any and all parties having any right, title or interest in the Williams-Owned Lands or any part thereof, hereby declares that the Williams-Owned Lands shall be held, transferred, sold, conveyed, assigned and occupied subject to the following covenants, terms, conditions and restrictions:

1. COVENANTS RUNNING WITH THE LAND. The following touch and concern the Williams-Owned Lands, shall constitute covenants running with the land, shall be binding upon all parties having any right, title, or interest in the Williams-Owned Lands, in whole or in part, and their heirs, successors, and assigns, and shall be enforceable as provided for in this Declaration:

(a) Declarant and Declarant's heirs, assigns, successors in interest, and all future owners of the Williams-Owned Lands are required to join and maintain membership in the RMA, or any similar successor organization formed for the purpose of maintaining the RMA Roads and, through membership in the RMA, work cooperatively with the other members or shareholders of the RMA to ensure the RMA Roads' upkeep and repair;

(b) All construction equipment used for home construction, road construction or other construction on or for the benefit of the Williams-Owned Lands shall access said lands using only roads other than RMA Roads (e.g. Fawn Meadow);

(c) Development of the Williams-Owned Lands shall be for residential purposes only and not for commercial purposes;

(d) In no event shall Williams, or Williams' heirs, successors or assigns, or any future owners, tenants or occupants of the Williams-Owned Lands, provide access to RMA Roads to owners, tenants, or occupants of lands located outside of Dripping Springs Ranch Phase 2 (with the exception of proposed lots 1 and 2 as shown on Exhibit 1) or to any other owners, tenants or occupants of lands whose owners are not members of the RMA; and

(e) In no event shall any vertical improvements such as a riding arena, barn, stable, light pole or home be constructed within 100 feet of the east property line of proposed Tract 4-E from the flattened (leveled) pond north to the north east corner of proposed Tract 4-E, Dripping Springs Ranch, Phase 2, as such lot is depicted on Exhibit 1 hereto.

2. ENFORCEMENT. The covenants, conditions and restrictions contained herein may be enforced, through any proceeding in equity or at law, by Declarant, any owner of the Williams-Owned Lands, the RMA or the RMA's individual members.

IN WITNESS HEREOF, Declarant executed this Declaration ____ day of April, 2009.

DECLARANT, The Harold Eugene Williams Trust

By: Gene Williams
Title: Trustee

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on April ____, 2009 by Gene Williams, Trustee of the Harold Eugene Williams Trust.

Notary Public, State of Texas
Printed Name: _____
Commission Expires: _____

2052/498

Waterloo Surveyors Inc.

Office: 512-491-9602
Fax: 512-330-1621

Thomas P. Dixon
R.P.L.S. 4324
J11205

EXHIBIT "A"

April 17, 2006

FIELD NOTES

FIELD NOTES FOR 15.6628 ACRES OF LAND, MORE OR LESS BEING ALL OF THAT CERTAIN 11.6128 ACRES OF LAND OUT OF THE JAMES B. FIER SURVEY IN HAYS COUNTY, TEXAS, AS CONVEYED TO MELINDA BALLARD, TRUSTEE OF THE MELINDA BALLARD REVOCABLE TRUST RECORDED IN VOLUME 1892, PAGE 567, DEED RECORDS OF HAYS COUNTY, TEXAS; TOGETHER WITH ALL OF THAT CERTAIN 3.78 ACRES OF LAND OUT OF THE JAMES B. FIER SURVEY IN HAYS COUNTY, TEXAS, CONVEYED TO MELINDA BALLARD, TRUSTEE OF THE MELINDA BALLARD REVOCABLE TRUST RECORDED IN VOLUME 2132, PAGE 824, DEED RECORDS, HAYS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found at the southeast corner of Lot 1, Hays County Acres, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 67, Plat Records of Hays County, Texas, same being on the west line of Tract 4, Dripping Springs Ranch Phase 2, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Volume 17, Page 397, Plat Records of Hays County, Texas, for the S.W. corner hereof;

THENCE S00°51'38"W along the west line of Tract 4 for a distance of 755.83 feet to an iron rod found for the S.E. corner hereof;

THENCE S84°37'27"W for a distance of 189.34 feet to an iron rod found;

THENCE S83°30'44"W for a distance of 452.51 feet to an iron rod found for the S.W. corner hereof;

THENCE N15°32'52"W for a distance of 254.16 feet to an iron rod found in the center of a 20' wide access easement recorded in Volume 659, Page 427, Deed Records, Hays County, Texas;

THENCE the following six (6) courses and distances along the center of said access easement:

1. N28°39'21"W for a distance of 54.33 feet to a 60d Nail found;
2. N18°27'54"W for a distance of 104.63 feet to an iron rod found;
3. N48°36'30"W for a distance of 294.90 feet to a 60d Nail found;
4. N39°27'22"W for a distance of 289.83 feet to a 60d Nail found;
5. N25°12'35"W for a distance of 15.70 feet to a point under a cattle guard on the south line of Lot 4, Hays County, Acres, for the N.W. corner hereof;

THENCE S89°44'55"E for a distance of 191.48 feet to an iron rod found at the S.E. corner of Lot 4 and the S.W. corner of Lot 3;

THENCE the following two (2) courses and distances along the south line of Lot 3:

1. N89°38'57"E for a distance of 16.17 feet to an iron rod found;
2. N89°45'37"E for a distance of 318.07 feet to an iron rod found at the S.E. corner of Lot 3 and the S.W. corner of Lot 2;

THENCE the following two (2) courses and distances along the south line of Lot 2:

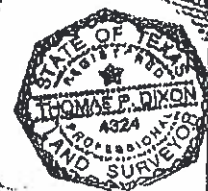
1. S89°25'33"E for a distance of 145.01 feet to an iron rod found;
2. N89°04'39"E for a distance of 189.41 feet to an iron rod found at the S.E. corner of Lot 2 and the S.W. corner of Lot 1;

THENCE N89°43'46"E for a distance of 332.17 feet to the POINT OF BEGINNING, containing 15.6628 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.

Thomas P. Dixon R.P.L.S. 4324

P.O. Box 160176
Austin, Texas 78716-0176



2.0

199642215

Surveyors License

Apr 28 06 04:44

Exhibit 2

EXHIBIT D

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EMERGENCY EASEMENT

STATE OF TEXAS	§	
	§	
COUNTY OF HAYS	§	KNOW ALL MEN BY THESE PRESENTS

This Emergency Easement ("Easement") is entered into by and between The Harold Eugene Williams Trust (hereinafter "Williams" or "Grantor"), the owner of Tract 4, Dripping Springs Ranch, Phase 2, a subdivision in Hays County, Texas, as depicted on the map or plat thereof recorded at Volume 7, Pages 395-397, Plat Records of Hays County, Texas ("Tract 4"), and the Dripping Springs Ranch Road Maintenance Association, Inc. (hereinafter collectively "Grantee" or "RMA"), a Texas non-profit corporation, and owner of Dripping Springs Ranch Road and Cattle Trail Drive, two private roads located in Dripping Springs Ranch, Phase 2.

1. GRANT OF EASEMENT.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, Grantor GRANTS AND CONVEYS to Grantee and its individual members, a perpetual and exclusive Easement and Right-of-Way upon and across Tract 4, as that Tract 4 may be subsequently subdivided or replatted, as necessary to allow travel by automobile between Cattle Trail Drive and Fawn Meadow Drive (a public road), as such roads are and depicted on the attached Exhibit 1. In traversing Tract 4, Grantee and its individual members shall confine their travel to the proposed Horse Trail Drive or such other roads (improved or unimproved) constructed by Grantor on Tract 4. Grantor agrees to provide Grantee and its individual members with reasonable access through any gates erected on or near Tract 4.

2. PURPOSE AND EXCLUSIVE CHARACTER OF EASEMENT.

This Easement, with all of its rights and privileges, shall be for the exclusive purpose of affording Grantee and its members with exclusive access to and from Cattle Trail Drive and Fawn Meadow Drive in the event of an emergency. Use of this Easement by Grantee or its members shall only be allowed in the event the low water crossing across Pier Branch stream becomes impassable due to flood, damage, destruction or other unsafe condition. Grantee's members' use of the Easement shall be of temporary duration (i.e. access shall be available only until such time as the low water crossing is repaired or otherwise made safe for traffic by passenger car).

3. TERM OF EASEMENT.

This Easement is perpetual, recognizing the Parties right to amend.

4. AMENDMENT.

The Parties hereto may amend this Easement by mutual agreement of the Parties but any such amendment must be in writing and recorded in the Official Public Records of Hays County, Texas.

5. ASSIGNMENT.

This Easement is binding upon and inures to the benefit of the Parties' respective descendants, heirs, successors and assigns.

6. EFFECTIVE DATE.

This Easement shall be effective as of April 29, 2009.

TO HAVE AND TO HOLD unto Grantee and their descendants, heirs and assigns, for the term and subject to all of the terms, conditions, exceptions and other matters herein provided. To the exclusion of any and all other warranties, expressed or implied and subject to the aforementioned matters, Grantor bind itself to warrant and forever defend the Easement here granted against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor, but not otherwise.

Executed this _____ day of April, 2009, at Dripping Springs, Texas.

GRANTOR: The Harold Eugene Williams Trust

By: Gene Williams
Title: Trustee

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of April, 2009 by Gene Williams, Trustee, on behalf of the Harold Eugene Williams Trust.

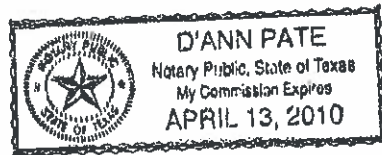
Notary Public, State of _____
Printed Name: _____
Commission Expires: _____

GRANTEE: DRIPPING SPRINGS RANCH ROAD MAINTENANCE ASSOCIATION, INC.

Delane Weber
By: Delane Weber
Title: Vice-President

STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 27th day of April, 2009, by Delane Weber, the Vice-President of the Dripping Springs Ranch Road Maintenance Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



D'Ann Pate
Notary Public, State of TEXAS
Printed Name: D'Ann Pate
Commission Expires: 4/13/10

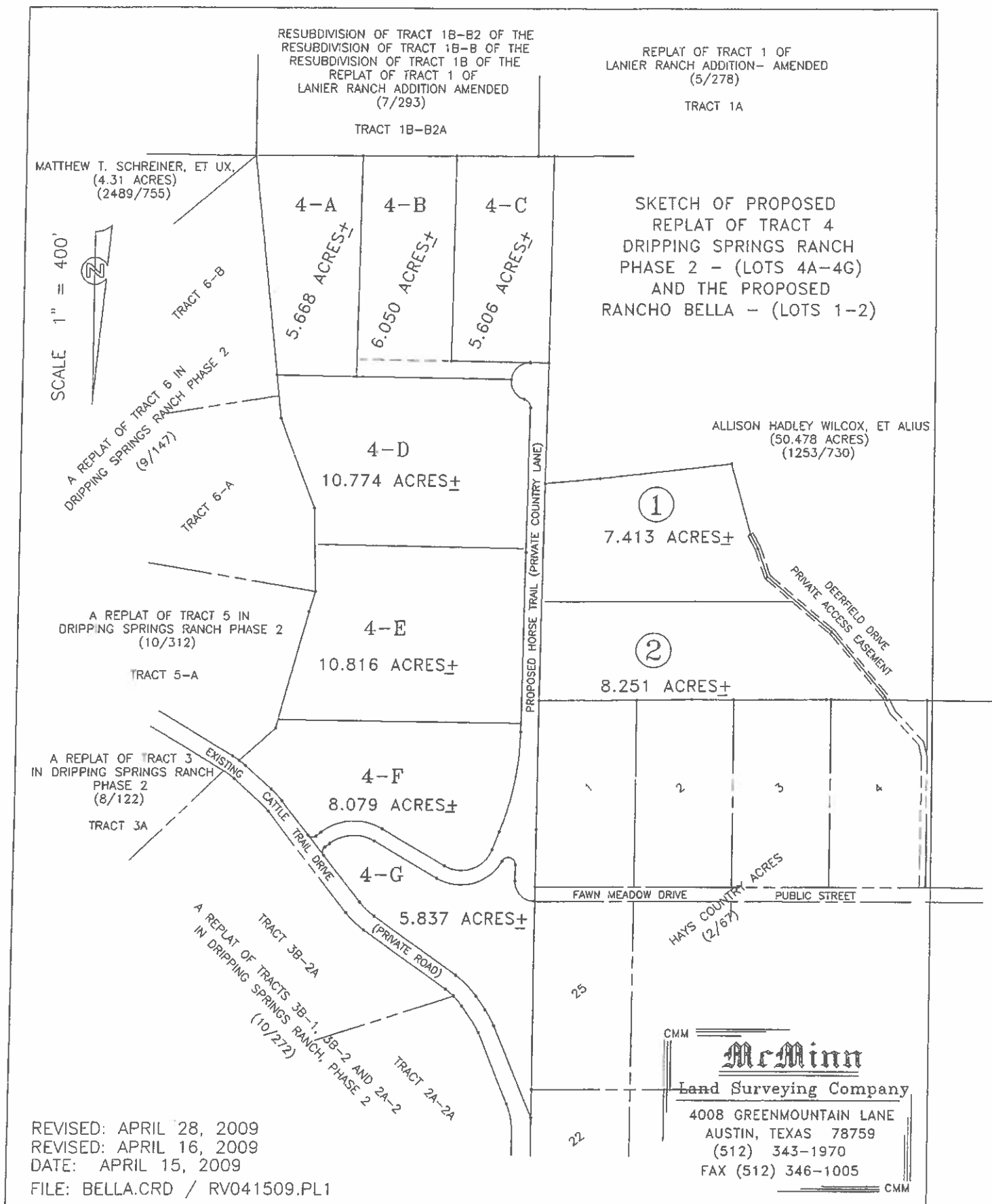


Exhibit 1

RANCHO BELLA

A SUBDIVISION IN THE
JAMES B. PIER SURVEY
HAYS COUNTY, TEXAS

PLAT NOTES:

There shall be a 10' wide utility easement along either side of all side tract lines, and a 20' wide utility easement along all rear tract line and along either side of all roadways.

This subdivision is not within the Edwards Aquifer Recharge Zone according to the base map compiled from U.S. Geological Survey and released by the U.S. Department of the Interior. This subdivision is within the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer.

This subdivision is located within the extra territorial jurisdiction (ETJ) of the City of Dripping Springs.

No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County Community Panel#48209C06SE, effective date February 18, 1998.1

Driveway culverts shall have a minimum diameter of 18 inches.

Construction of roadway and drainage improvements may begin once the Hays County Road Department has approved construction plans.

In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted to access onto a publicly dedicated roadway unless (a) a Driveway Permit has been issued by the Road Department of Hays County, and (b) the driveway meets the minimum spacing requirement for driveways set forth in Sections 7.4 and 7.5 of the Hays County Subdivision Regulations.

The requirement concerning construction standards for mailboxes installed within the right-of-way of streets and highways and requiring all such mailboxes to be made of collapsible materials, as defined in the ordinance.

All construction of roads or streets shall comply with the Temporary Construction Erosion Controls Manual of the Hays County Subdivision and Development Regulations.

No construction of other development may begin until all Hays County Development Requirements have been met.

STREET AND RIGHT OF WAY:

Horse Trail Drive is being constructed during development of the Replot of Tract 4 Dripping Springs Ranch Phase 2 and will be privately maintained.

LOT SIZES:

This subdivision contains 2 lots averaging 7.83 acres each in land area. There are 2 lots larger than 5 acres and smaller than 10 acres.

QUALIFYING LOTS:

Residential lots are limited to one single-family residence per lot and TNRCC Regulated Development is prohibited.

SCHOOL DISTRICT:

This subdivision is within the boundaries of the Dripping Springs Independent School District.

UTILITY INFORMATION:

Each lot will be served by an individual well and on-site sewage disposal system. Electric utility service will be provided by Electric Power Cooperative, Inc. Gas utility service will be provided by Verizon. Gas utility service will be provided by individual propane tanks.

STATE OF TEXAS :
COUNTY OF HAYS:

Know all men by these presents that we, The Harold Eugene Williams Trust, being the owner of 15.66 acres, more or less, of land area in the JAMES B. PIER SURVEY, in Hays County, Texas, as conveyed to us by deed of record in Volume 2852, Page 496, Official Records of Hays County, Texas, do hereby Subdivide said 15.66 acres, in accordance with the plat shown hereon, to be known as:

RANCHO BELLA

in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the owners of the property shown hereon the use of all streets and easements

WITNESS OUR HANDS, this the ____ day of _____, A.D. 2009.

Harold Eugene Williams Trust
15640 FM 1820
Driftwood, Texas 78620

STATE OF TEXAS :
COUNTY OF HAYS:

This instrument was acknowledged before me on the ____ day of _____, 2009, by Harold Eugene Williams, in the capacity as stated above.

Notary Public in and for
the State of Texas

STATE OF TEXAS :
COUNTY OF HAYS:

I, Hermann Vigil, a Registered Professional Engineer in the State of Texas, do hereby certify that all Lots have been designed in compliance with the Rules of Hays County for On-Site Sewage Facilities.
This is per Minimum Lot Sizing, Tables 10.1 (A, B & C), and is in accordance with the Subdivision Development Regulations of Hays County.

Hermann Vigil, P.E. No. 50259

Date

ACCEPTED AND AUTHORIZED FOR RECORD by the City Council of the City of Dripping Springs, Texas on the ____ day of _____, A.D., 20____

Todd Purcell, Mayor
Attest: Jo Ann Touchstone, City Secretary

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION

No structure in this subdivision shall be occupied until connected to an individual water supply or a state-approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rainwater collection is encouraged and in some areas may be the best renewable water source.

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Environmental Health.

No construction or other development within this subdivision may begin until all Hays County Development Permit requirements have been met.

Jerri Borcherting
Resource Protection, Transportation and Planning
Date

Tom Pope
Floodplain Administrator
Date

THE STATE OF TEXAS:
THE COUNTY OF HAYS:
I, LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE ____ DAY OF _____, 20____ A.D. THE COMMISSIONER'S COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT IN BOOK ____ PAGE ____.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20____ A.D.

ELIZABETH SUMTER
COUNTY JUDGE
HAYS COUNTY, TEXAS
LINDA FRITSCH
COUNTY CLERK
HAYS COUNTY, TEXAS

THE STATE OF TEXAS:
THE COUNTY OF HAYS:

I, LINDA FRITSCH, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND IT CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 20____ A.D. AT ____ O'CLOCK ____ M. PLAT RECORDED ON THE ____ DAY OF _____, 20____ A.D. AT ____ O'CLOCK ____ M. SAID COUNTY AND STATE IN DOCUMENT NUMBER ____ OFFICIAL PUBLIC RECORDS OF HAYS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE DAY OF _____, 20____ A.D.

LINDA FRITSCH, COUNTY CLERK
HAYS COUNTY, TEXAS

Land Surveying Company
4008 GREENMOUNTAIN LANE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005

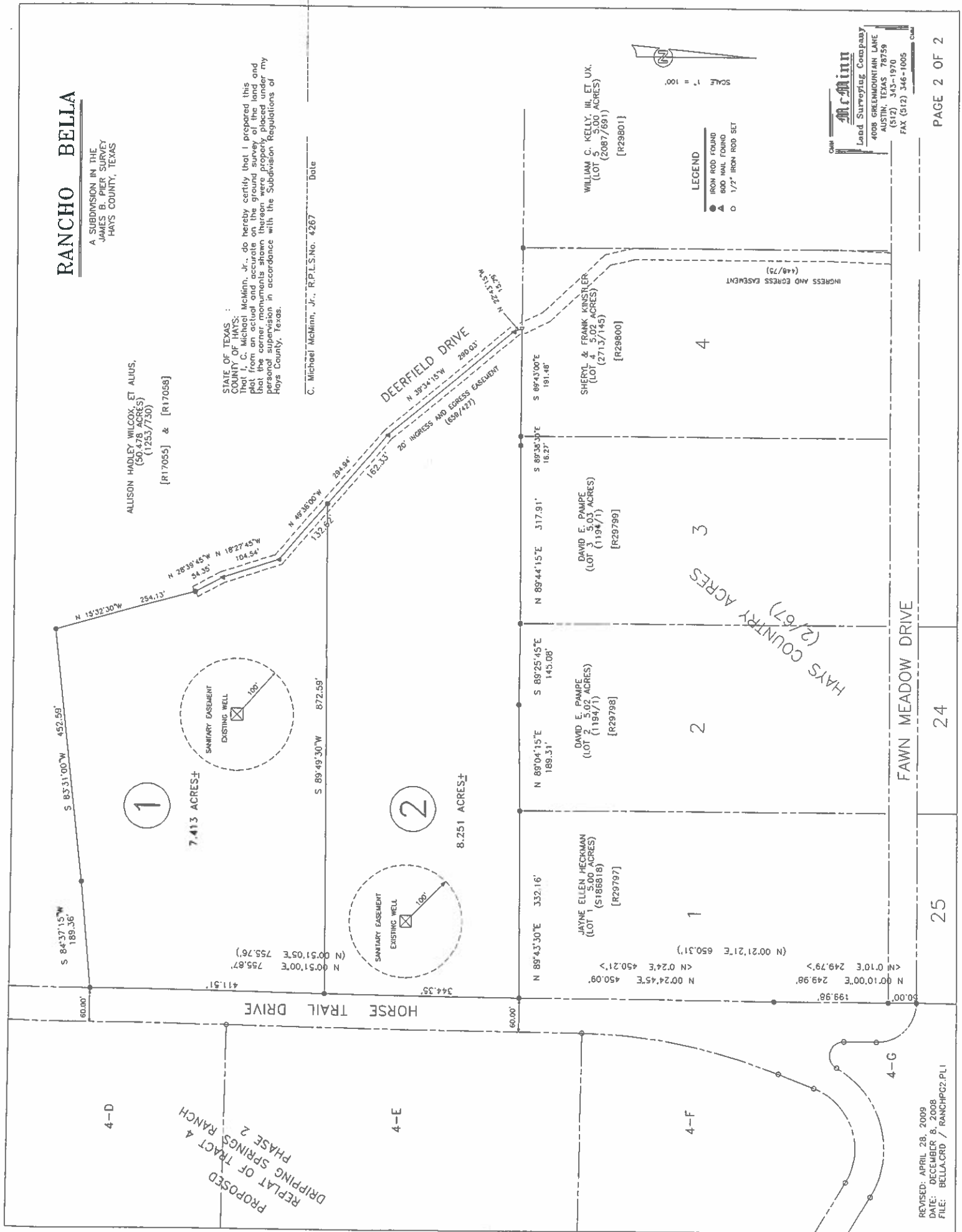
RANCHO BELLA

A SUBDIVISION IN THE
JAMES B. PIER SURVEY
HAYS COUNTY, TEXAS

ALLISON HADLEY WILCOX, ET ALIUS,
(50.478 ACRES)
(1253/730)
[R17055] & [R17058]

STATE OF TEXAS :
COUNTY OF HAYS :
I, C. Michael McMinn, Jr., do hereby certify that I prepared this
plat for C. Michael McMinn, Jr. and the ground survey of the land and
that the corner monuments shown thereon were personally placed by my
personal supervision in accordance with the Subdivision Regulations of
Hays County, Texas.

C. Michael McMinn, Jr., R.P.L.S. No. 4267 Date



LEGEND

- IRON ROD FOUND
- 600 NAIL FOUND
- 1/2" IRON ROD SET

McMinn
Land Surveying Company
4008 GREENMOUNTAIN LAKE
AUSTIN, TEXAS 78759
(512) 343-1970
FAX (512) 346-1005

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM:

09-4-06 Replat and Vacation of Lot 2, Watkins Subdivision No. 1. Discussion and possible action to consider approval of preliminary plan; call for public hearing on June 2, 2009.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

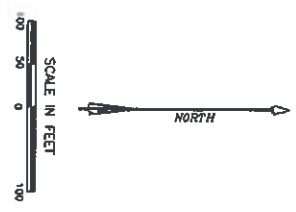
LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Garza

SPONSORED BY: Ford

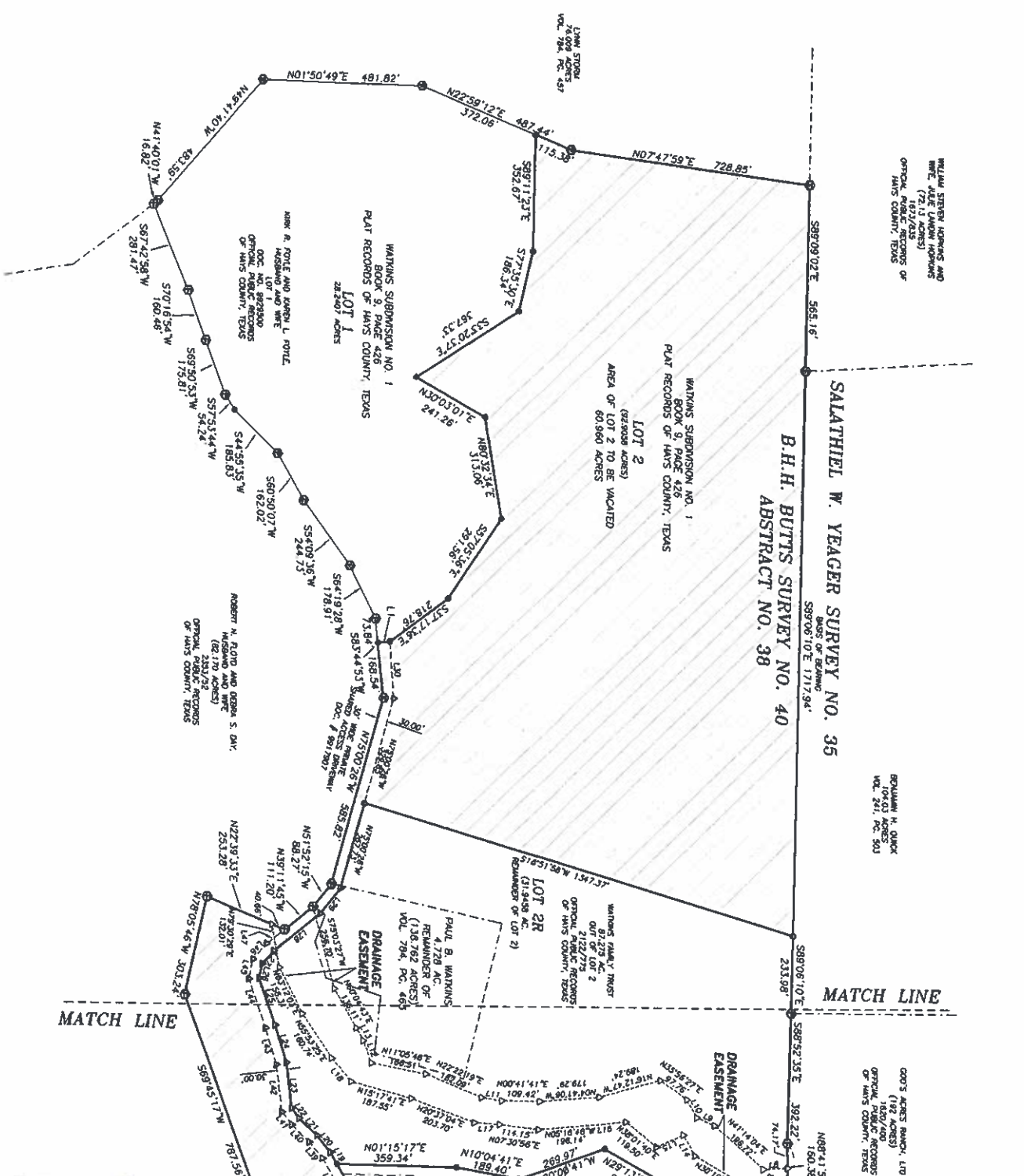
SUMMARY:

The Watkins Subdivision is a 3 lot subdivision located on 140 acres off of Gatlin Creek Road in Precinct 4. The subdivision was created on July 27, 2009, at that time the average lot size was 46 acres. The proposed action will vacate a 61 acre portion of lot 2 from the division, leaving a 32 acre lot (2R). The vacated portion of lot 2 is being sold to an adjoining land owner. The Commissioners Court approved a variance for the length of the existing shared access driveway at the time of original platting. All lots will continue to be served by an individual well and OSSF. There are no variances and the entire division is outside of the limits of any ETJ. A vacation/cancellation of a portion of the division requires a public hearing called for and notification be run for 3 weeks.



- LEGEND**
- ③ FORCE MAIN ROUND FOR CORNER
 - 1/2" ROUND ROD POINT
 - △ 1/2" ROUND ROD WITH PLASTIC CAP SET
 - ▲ MARK POINT
 - △ CALCULATED POINT

LINE	DIRECTION	LENGTH
L1	S89°13'07"E	35.90'
L2	S89°13'07"E	101.80'
L3	S89°13'07"E	101.80'
L4	S89°13'07"E	101.80'
L5	S89°13'07"E	101.80'
L6	S89°13'07"E	101.80'
L7	S89°13'07"E	101.80'
L8	S89°13'07"E	101.80'
L9	S89°13'07"E	101.80'
L10	S89°13'07"E	101.80'
L11	S89°13'07"E	101.80'
L12	S89°13'07"E	101.80'
L13	S89°13'07"E	101.80'
L14	S89°13'07"E	101.80'
L15	S89°13'07"E	101.80'
L16	S89°13'07"E	101.80'
L17	S89°13'07"E	101.80'
L18	S89°13'07"E	101.80'
L19	S89°13'07"E	101.80'
L20	S89°13'07"E	101.80'
L21	S89°13'07"E	101.80'
L22	S89°13'07"E	101.80'
L23	S89°13'07"E	101.80'
L24	S89°13'07"E	101.80'
L25	S89°13'07"E	101.80'
L26	S89°13'07"E	101.80'
L27	S89°13'07"E	101.80'
L28	S89°13'07"E	101.80'
L29	S89°13'07"E	101.80'
L30	S89°13'07"E	101.80'
L31	S89°13'07"E	101.80'
L32	S89°13'07"E	101.80'
L33	S89°13'07"E	101.80'
L34	S89°13'07"E	101.80'
L35	S89°13'07"E	101.80'
L36	S89°13'07"E	101.80'
L37	S89°13'07"E	101.80'
L38	S89°13'07"E	101.80'
L39	S89°13'07"E	101.80'
L40	S89°13'07"E	101.80'
L41	S89°13'07"E	101.80'
L42	S89°13'07"E	101.80'
L43	S89°13'07"E	101.80'
L44	S89°13'07"E	101.80'
L45	S89°13'07"E	101.80'
L46	S89°13'07"E	101.80'
L47	S89°13'07"E	101.80'



**REPLAT AND VACATION OF LOT 2
OF WATKINS SUBDIVISION NO. 1
HAYS COUNTY, TEXAS**

PROJECT NAME	WATKINS SUBD
DRAWING NAME	REPLAT AND VACATION
DATE	4/28/08
DRAWING FILE PATH	L:\WATKINS SUBDIVISION
FIELDNOTE FILE PATH	RA
REPLAT BY	TECHNOLOGY PARTNER-JA
CHECKED BY	TECHNOLOGY PARTNER-JA

LAND DESIGN SERVICES, INC.

512-258-7901

555 R041ND ROCK WEST DR.

ROUND ROCK, TEXAS 78661

LAND SURVEYORS

STATE OF TEXAS

1992

50

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE PHENOLIC CONSULTANTS TO GO FORWARD WITH BIDDING AND PROCUREMENT OF A DECK REMEDIATION CONTRACTOR AND A ROOF INSTALLATION CONTRACTOR FOR REMEDIATION AND REPAIR OF THE SHERIFF'S OFFICE ROOFTOP.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: Since remediation of the Sheriff's Office Rooftop is paid completely by settlement monies, Hays County's settlement consultant actually handles the bidding of remediation. As an option, Hays County may also request that Phenolic Consultants request proposals for the repair and replacement of the rooftop, after remediation. ~~Considering that this work involves unique reporting requirements under the settlement, staff recommends asking our consultants to bid both packages: 1) remediation, and 2) roof replacement.~~

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

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no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF AN AIRCRAFT, BETWEEN THE HAYS COUNTY SHERIFF'S OFFICE, THE SHERIFFS' ASSOCIATION OF TEXAS AND THE UNITED STATES DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF JUSTICE

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: INGALSBE

SPONSORED BY: INGALSBE

SUMMARY: Approval of this Agreement will allow the Hays County Sheriff's Office access to and the use of an aircraft to assist in law enforcement.

**AGREEMENT TO PARTICIPATE IN NATIONAL INSTITUTE OF JUSTICE LAW
ENFORCEMENT AVIATION TECHNOLOGY PROGRAM**

**MEMORANDUM OF UNDERSTANDING FOR THE USE OF RANS S-6, BETWEEN THE
HAYS COUNTY SHERIFF'S OFFICE, THE SHERIFFS' ASSOCIATION OF TEXAS AND
THE UNITED STATES DEPARTMENT OF JUSTICE, NATIONAL INSTITUTE OF
JUSTICE**

MEMORANDUM OF UNDERSTANDING ("MOU"), made as of the 5th day of May 2009, between the Hays County, Texas, a political subdivision of the State of Texas on behalf of Hays County Sheriff's Office ("Sheriff"), and the Sheriffs' Association of Texas ("SAT") and the United States Department of Justice, National Institute of Justice ("NIJ").

WITNESSETH

WHEREAS, the Sheriff currently does not have an aviation program or aviation assets to assist in law enforcement and public safety missions and there is a current need for aviation assets.

WHEREAS, NIJ in conjunction with SAT is willing to provide a grant to the Sheriff for the lease of a P92 Eaglet (light sport aircraft)("Aircraft") owned by the Sheriffs' Association of Texas and the United States Department of Justice.

WHEREAS, NIJ, SAT and the Sheriff desire to set forth their understanding of the terms and conditions governing the use and maintenance of the Aircraft.

NOW, THEREFORE, NIJ, SAT, and the Sheriff set forth their understanding as follows:

ARTICLE I
DEFINITIONS

1.1 Fuel Cost- Those fuel costs associated with Sheriff's aircraft usage, not to include money for the overhaul, replacement, hanger fees, inspection, maintenance, repair, insurance or any other fees, costs or expenses associated with the aircraft identified above.

1.2

1.3 PIC – pilot in command as defined by the FAA

1.4 VFR – visual flight rules as defined by the FAA

ARTICLE II
TERM AND TERMINATION

2.1 TERM: This MOU shall commence upon execution by the Parties, as of the date stated above, and shall continue until it is terminated.

2.2 TERMINATION: parties may terminate this MOU with or without cause under the following conditions:

2.2.1. With Cause: NIJ, SAT or the Sheriff may terminate this agreement with cause immediately by providing the other parties with written notification of its intent to terminate the agreement for cause. Cause shall be any of the following:

- Loss of the aircraft
- Loss of insurance coverage
- Loss of storage for the aircraft
- Breach of any requirement set forth in Articles III, IV, and V of this agreement

2.2.2. Without Cause: NIJ, SAT or the Sheriff may terminate this agreement without cause by providing sixty (60) days written notice of its intention to terminate the agreement.

2.2.4. Effect of Termination: In the event the MOU is terminated pursuant to sections 2.2.1. or 2.2.2. the aircraft will be promptly returned to the custody of NIJ or.

ARTICLE III **ORGANIZATION OF THE OFFICE**

3.1 Point of Contact: The Sheriff shall designate one individual to be the Point of Contact ("POC"). The POC shall have authority to bind the Sheriff to any decision made by the Sheriff with regards to the operation and maintenance of the Aircraft and participation in the Aviation Program. The Sheriff shall provide the name and contact information of the POC to SAT. The POC shall have the following responsibilities:

- 3.1.1 The POC shall communicate with NIJ and SAT regarding Aircraft maintenance, operations, and other matters concerning the Aviation Program.
- 3.1.2 The POC shall be responsible for managing the scheduling of Aircraft use and shall have the ultimate authority in deciding scheduling priority for Aircraft use.
- 3.1.3 The POC shall ensure that all invoices arising out of the fuel use of the Aircraft are paid in a timely manner.

ARTICLE IV **USAGE OF THE AIRCRAFT**

4.1 Law Enforcement Purpose: The parties understand that the aircraft shall be used exclusively for law enforcement operational missions and related training purposes.

4.2 Individuals Allowed to Use the Aircraft: The parties understand that the aircraft may only be operated by agents or employees of one of the parties who has received appropriate training such that their use is covered by the party's insurance. In addition, use of the aircraft shall conform to NIJ and SAT's recommended Operational Guidelines.

Fuel Cost: The Sheriff shall be responsible for fuel cost as defined in 1.1.

ARTICLE V **REPORTING**

- 5.1. Sheriff shall be responsible for submitting monthly reports to SAT describing the use of the Aircraft. The report shall be prepared in substantially the same form as the form provided in Appendix B. Failure to submit reports in a timely manner may be cause for immediate termination.

ARTICLE VI **INSURANCE**

- 6.1 SAT shall be responsible for obtaining and maintaining insurance for the Aircraft at all times.

ARTICLE VIII **NOTICES**

- 8.1 All notices and communication to the parties hereunder must be in writing and will be delivered to the party's POC by hand or sent by registered or certified mail, return receipt requested, or by overnight delivery service that provides a receipt to the sender. Receipt of a notice by the party to whom the notice is transmitted will be deemed to have occurred: (a) upon receipt, if hand delivered; (b) five days from the date of the mailing, if mailed; or (c) the next business day after delivery by overnight delivery service that provides a receipt to the sender.

- a) All notices and correspondence to SAT and NIJ must be delivered to the following addresses:

Title: Joe Peters
Sheriffs' Association of Texas
1601 S. IH-35
Autstin, TX 78741

With a copy to:

Timothy B. Adelman
180 Admiral Cochrane Drive
Suite 370
Annapolis, Maryland 21401

Title: Michael K. O'Shea
Law Enforcement Program Manager
U.S. Department of Justice /OJP/NIJ/OTD
810 7th ST., NW 7th FL
Washington, DC 20531

- b) All notices and correspondence to the Office s will be delivered to the following address(es) and addressee(s):

Tommy Ratliff
Hays County Sheriff
1307 Old Uhland Road
San Marcos, Texas 78666

ARTICLE IX
GOVERNING LAW

- 9.1 This MOU and its performance shall be governed by and construed in accordance with the laws of the State of Texas, without regard to choice of laws principles. By execution of this MOU, the parties consent to submit to the jurisdiction of the courts of the State of Texas, and the federal courts located within the State of Texas.

ARTICLE X
WAIVER

- 10.1 Waiver by NIJ or SAT of a breach of any provision of this MOU shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of the MOU unless and until the same shall be agreed to in writing by NIJ or SAT.

ARTICLE XI
SEVERABILITY

- 11.1 If any provision of this MOU shall, to any extent, be determined to be invalid or unenforceable, then the remainder of this MOU shall not be affected thereby, and each remaining provision of this MOU shall be valid and be enforceable to the fullest extent permitted by law.

ARTICLE XII
MODIFICATION

- 12.1 No modification, amendment, waiver or release of any provision of this MOU or of any right, obligation, claim or cause of action arising hereunder shall be valid or binding for any purpose unless in writing and duly executed by both Parties.

ARTICLE XIII
ENTIRE AGREEMENT

- 13.1 The written MOU contains all the terms and conditions agreed upon by the Parties, and no other agreement, oral or otherwise, regarding the subject matter of this MOU shall be deemed to exist or bind any of the parties hereto, or to vary any of the terms contained herein.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be effective on the day and year first above written.

By: _____
Title: U.S. Department of Justice/ OJP/NIJ/OTD, Michael K. O'Shea

By: _____
Title: The Sheriffs' Association of Texas, Joe Peters

By: _____
Title: Elizabeth Sumter, Hays County Judge

By: _____
Title: Tommy Ratliff, Hays County Sheriff

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Discussion and Possible action to accept donation of equipment from McCoy's Building Supply in exchange for banner placement and the use of the Civic Center 6 days for the remainder of 2009.

CHECK ONE: ☐ **CONSENT** ☒ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Barry Nelson

SPONSORED BY: Ingalsbe

SUMMARY: Please refer to attached back-up

Hays County / McCoy's Building Supply Facility Agreement

This is an agreement between McCoy's and Hays County regarding an in-kind donation to the Hays County Civic Center in exchange for placement of a banner (described below) which includes a McCoy's logo and tag line inside the arena at a location mutually agreed upon by McCoy's and the Civic Center Manager and use of the facility as described below. McCoy's agrees to donate the remaining amount of equipment (itemized below) needed to complete the arena project set forth by Mr. Barry Nelson, Civic Center Manager in exchange for the use of the Civic Center facility for six one-day McCoy's sponsored events prior to December 31, 2010. Events will be scheduled at a time that is mutually acceptable to McCoy's and the Civic Center Manager. This agreement also allows placement of a large banner (provided by McCoy's) welcoming people to the Civic Center and includes a McCoy's logo and tag line. Banner is to remain in place for a period no less than 5 years from June 1, 2009.

Hays County Official:

Date:

McCoy Corporation:



Date:
4-23-09

Equipment list:

6 - 12' premier panels:	\$ 893.94
2 - 10' X 9' premier bow gates:	\$1,199.98
2 - 10' premier free swing bow gates:	\$ 869.98
Freight Charges	<u>\$ 250.00</u>

Total value of materials provided: \$3,213.90

Agenda Item Request Form

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No later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Approval to purchase vehicle for Sheriff's Office in the amount of \$21,641.00.

CHECK ONE: ☒ **CONSENT** ☐ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Herzog/Maiorka/Broadbeck

SPONSORED BY:

SUMMARY: This vehicle is available through state contract and is totally equipped with police package and all lighting, sirens, etc. Funds are available in 01-418-5713 (vehicles). See quote

Agenda Item Routing Form

DESCRIPTION OF Item: Authorize the purchase a vehicle in the amount of \$21,641.00.

PREFERRED MEETING DATE REQUESTED: April 21, 2009

COUNTY AUDITOR

Typically Requires 1 Business Day Review

AMOUNT AND FUND LINE ITEM NUMBER \$21,641.00 01-418-5713

COUNTY PURCHASING GUIDELINES FOLLOWED: ____ Yes ____

PAYMENT TERMS ACCEPTABLE: ____ Yes ____

COMMENTS:

Bill Herzog

SPECIAL COUNSEL

Typically Requires 9 Business Day Review

CONTRACT TERMS ACCEPTABLE: ____

COMMENTS:

COMMISSIONERS' COURT

APPROVED/DISAPPROVED AND DATE: ____

COUNTY JUDGE

Signature Required if Approved

DATE CONTRACT SIGNED: ____



CONTRACT PRICING WORKSHEET

For Standard Equipment Purchases

Contract
No.:

VE03-06

Date
Prepared:

4/28/2009

This Form must be prepared by Contractor and given to End User. The H-GAC administrative fee shall be shown in Section F. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.

Buying Agency:	Hays County	Contractor:	Dallas Dodge
Contact Person:	Sherman Brodbeck	Prepared By:	Misti Dunlap
Phone:		Phone:	214-319-1336
Fax:		Fax:	214-319-1306
Email:		Email:	mdunlap@kag-1.net
Product Code:	C03	Description:	2009 Dodge Charger Police Package

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: 18607

Subtotal From Additional Sheet(s):		
Subtotal B:		1384

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Power Driver Seat, Street Appearance Group, Headlight LED,			
Grill LEDs, Rear LED Arrow, Undercover Console, Under-		Subtotal From Additional Sheet(s):	
Cover Siren Console, Siren Speaker	2600	Subtotal C:	2600

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 13%

D. Other Cost Items Not Itemized Above (e.g. Installation, Freight, Delivery, Etc.)

Description	Cost	Description	Cost
Delivery Fee	250		
		Subtotal D:	250

E. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C+D) 22841

Quantity Ordered: 1 X Subtotal of A + B + C + D: 22841 = Subtotal E: 22841

F. H-GAC Fee Calculation (From Current Fee Tables) Subtotal F: 600

G. Trade-Ins / Other Allowances / Special Discounts

Description	Cost	Description	Cost
Year Model & Mileage Discount	-1800		
		Subtotal G:	-1800

Delivery Date: TBD H. Total Purchase Price (E+F+G): 21641

Agenda Item Request Form

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Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Adopt a resolution in support of the Legislature passing HB 1215, HB 572 and HB 2272 regarding county collections.

CHECK ONE: **CONSENT** **X ACTION** ☐ **EXECUTIVE SESSION**

 ☐ **WORKSHOP** **PROCLAMATION** **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Judy Seim

SPONSORED BY: Commissioner Will Conley

SUMMARY:



111 E. San Antonio St., Suite 300
San Marcos, Texas 78666

May 5, 2009

RESOLUTION
IN SUPPORT OF, H.B. 1215 AND H.B. 572, H.B. 2272

WHEREAS, The Collection Improvement Program began over a decade ago and in 2005 the Texas Legislature recognized the importance of expanding the collection of court-ordered payments by adding article 103.0033 to the Code of Criminal Procedure; and

WHEREAS, Hays County was among 78 counties and cities required to implement these programs before 2007; and

WHEREAS, The Hays County Compliance Department opened its doors in October 2007 to begin collection compliance for the District and County courts; and,

WHEREAS, The Hays County Compliance Department has collected just over 3 million dollars for Hays County since its initiation and has collected an average of \$134,000. each month during 2008; and,

WHEREAS, The Department has averaged 105 new payment plans between the District and County courts each month; and,

WHEREAS, They have succeeded in collecting on 562 that were PAID IN FULL that may have otherwise resulted in non-collected revenue for Hays County; and,

WHEREAS, H.B. 1215 would amend Article 103.003 to include a Subsection (b-1) allowing a commissioners court of a county that implemented a collection improvement program under article 103.0033 to collect money payable under this title and as otherwise provided by law ; and

WHEREAS, H.B. 572 would allow for a commissioners court or governing body of a county or municipality as described by article 103.0033 to authorize the addition of collection fees under subsection (b) for a collection program performed by employees of the commissioners court of a governing body; and

WHEREAS, H.B. 2272 would allow a judge to order that any unpaid criminal court costs and fines be collected by execution against the defendant's property in the same manner as a judgment in a civil suit; and

WHEREAS, All three of these bills seek to enhance the collection of revenue for governmental entities and Hays County would like to be recognized as a leader in effective and proficient collection of funds that are owed.

NOW THEREFORE BE IT RESOLVED that the Commissioners' Court of Hays County, duly convened and acting in its capacity as the governing body of Hays County, does hereby support all three of these bills relating to the collection of court costs and fines. The Commissioners Court wishes to convey to the Legislature that these bills will be a step in the right direction in giving local governmental bodies the tools needed for successful collection programs across the State of Texas and we respectfully request that you pass all three bills during this 81st Legislative Session.

PROCLAIMED THIS THE 5th DAY OF May, 2009

Elizabeth Sumter
Hays County

Debbie Gonzales-Ingalsbe
Commissioner Precinct 1

Jefferson W. Barton
Commissioner Precinct 2

Will Conley
Commissioner Precinct 3

Karen Ford
Commissioner Precinct 4

Linda C. Fritsche
County Clerk

Agenda Item Request Form

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9:00 a.m. Every Tuesday

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no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Report by Counsel regarding policies related to the use of the Courthouse Grounds and other Hays County Properties. Possible Action May Follow.

TYPE OF ITEM: PRESENTATION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: SUMTER

SPONSORED BY: SUMTER

SUMMARY: Report will address concerns raised by the Court regarding the use of the Courthouse Grounds or other County property by the public for various events and functions.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m. on WEDNESDAY.**

Phone (512) 393-2205

AGENDA ITEM: Discussion and possible action to adopt a resolution in support of the proposed Loop 82 Improvement Project in San Marcos.

CHECK ONE: **CONSENT** ☒ **ACTION** ☐ **EXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY:

SPONSORED BY: Ingalsbe

SUMMARY:

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Authorize staff Commissioner, Precinct 3, to negotiate a contract for the purchase of property owned by Paul Dunn near the Northwest corner of Winters Mill Parkway and Kyle Road in Precinct 3.

TYPE OF ITEM: ACTION

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: CONLEY

SPONSORED BY: CONLEY

SUMMARY: Hays County has already been in negotiation with Erv Woolsey for the purchase of a final segment of the Winters Mill Hike and Bike Trail. Mr. Woolsey has since conveyed the subject property to Paul Dunn. With authority from Commissioners Court, staff and Commissioner should be able to negotiate a contract without delay.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m.** on **WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Workshop to discuss additions to Road Department building on Yarrington Road.

TYPE OF ITEM: WORKSHOP

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED:

LINE ITEM NUMBER OF FUNDS REQUIRED:

REQUESTED BY: Borcharding

SPONSORED BY: Sumter

SUMMARY: MRB Group, the architectural firm has completed the programming phase for the addition of office space to the Yarrington site. They would like to present to the Court their findings and discuss estimated costs of the proposed improvements.

Agenda Item Request Form

Hays County Commissioners' Court

9:00 a.m. Every Tuesday

Request forms are due in the County Judge's Office

no later than **2:00 p.m. on WEDNESDAY.**

Phone (512) 393-2205 Fax (512) 393-2282

AGENDA ITEM: Executive Session to discuss routine performance evaluations for the department manager, as well as other personnel (including specific crew superintendents and program supervisors), in the Resource Protection, Transportation and Planning Department, pursuant to Section 551.074 of the Texas Government Code. Possible action may follow.

CHECK ONE: ☐ **CONSENT** ☐ **ACTION** ☒ **XXEXECUTIVE SESSION**
☐ **WORKSHOP** ☐ **PROCLAMATION** ☐ **PRESENTATION**

PREFERRED MEETING DATE REQUESTED: May 5, 2009

AMOUNT REQUIRED: N/A

LINE ITEM NUMBER OF FUNDS REQUIRED: N/A

REQUESTED BY: Borcharding/Barton

SPONSORED BY: Commissioner Barton

SUMMARY: When the Commissioners Court consolidated various functions under the umbrella of Resource Protection, Transportation and Planning, and placed County Engineer Jerry Borcharding as the department manager, the Court recognized that this significantly added to the workload and duties for Mr. Borcharding. The Court committed to an on-going series of performance and compensation reviews as the department make-over "shakes out" over time. Last fall the Court committed to follow-up with Mr. Borcharding in executive session again early this year, but has not yet done so – thus this agenda item. In addition, an executive session now will give the Court the opportunity to review management and performance issues related to various key personnel in the department, including his management team, and to provide guidance on sensitive supervisory issues for Mr. Borcharding.