
NEWS

Naked City

Road Rage

BY ROB D'AMICO, FRI., JUNE 9, 2000



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By Doug Potter

Recent litigation and counteraccusations in Hays County show that in the war over development around the Edwards Aquifer, no one is willing to give an inch -- literally.

Under the shadow of a lawsuit and threats of criminal prosecution, Hays County Commissioners on May 30 fixed two errors in the county's **2025 Multi-Corridor Transportation Plan**, but a majority of the court ignored requests to clarify what some say is an illegal change to the plan -- a controversial road proposed through the aquifer's recharge zone that mysteriously moved about an inch (or the equivalent of about two miles) west on a map outlining the plan.

A citizens' **Blue Ribbon Committee** presented recommendations for the road plan on May 16, and the commissioners adopted their recommendations. However, a version with three significant changes showed up later in the offices of the **Capital Area Metropolitan Planning Organization (CAMPO)**, the regional body charged with planning for roadways and transportation funding.

"It was a bit disheartening to see the plan given to CAMPO in a form not given to commissioners," says **David Baker**, a Wimberley resident and Blue Ribbon Committee member. The **Hays County Water Planning Partnership (HCWPP)** sued the county two weeks ago, alleging that Commissioner **Bill Burnett** instructed county staff to illegally make changes to the

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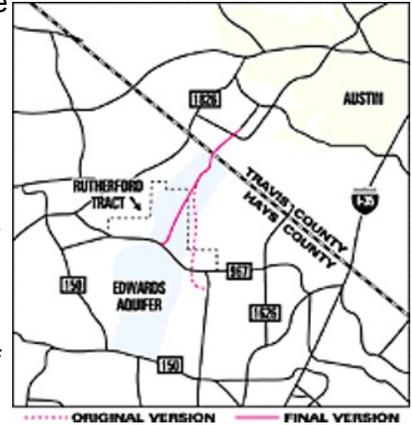
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Blue Ribbon Committee members and the HCWPP say that the three changes included an improper four-lane designation of a proposed roadway through the **Ruby Ranch** subdivision, an omission of a green-thatch overlay over the **Edwards Aquifer Recharge Zone** on the map designating it as an area that should not contain any major highways, arterials, or gas stations, and a westward shift of proposed Road No.1 through the recharge zone from Escarpment Boulevard and State Highway 45 to FM 967.

"When I saw what was submitted to CAMPO, I was stunned," Baker says. He notes that the change to proposed Road No.1 puts the alignment back a couple of miles to the west over the recharge zone in an area of the **Rutherford Ranch** that is slated for development. HCWPP members say Burnett made the change to accommodate new development.

Cypress Realty announced last week that it had purchased 2,700 acres of the Rutherford tract near the disputed alignment for \$11 million, but no plans for the land were announced. The company's president, **Stephen Clark**, could not be reached for comment on what the company's intentions are for the land.

The Commissioners Court met on May 30 to examine the differences in the two versions of the road plan. But the court did little to dispel confusion among Hays residents over why or how the changes were made.



The court unanimously passed separate motions to change the Ruby Ranch subdivision road proposal back to a two-lane neighborhood road and to put the aquifer overlay back on the map. However, little mention was made of the shift in the Road No.1 alignment, except by Commissioner **Susie Carter**, who asked that the situation be discussed and clarified. Her objections were ignored, and she was the only commissioner to vote "no" on County Judge **Jim Powers'** motion to "ratify" the road plan version adopted May 16 with the inclusion of only the two minor changes.

Commissioners Burnett, **Russ Molenaar** and **Debbie Ingalsbe** did say that they thought a May 16 motion keeping the Ruby Ranch road a neighborhood collector also meant that the proposed Road No.1 would go back to an alignment originally designated by transportation consultants west of the Blue Ribbon Committee's alignment. However, Foster and others say there's no logic behind that assumption. Furthermore, an examination of the May 16 minutes shows no mention of changes to Road No.1.

Foster says she offered a note to Judge Powers asking the court to fix the plan so that it was an exact representation of what was approved by commissioners on May 16. If the commissioners took that action, HCWPP would drop its lawsuit. The judge declined, however, and openly told the court that he would not be "manipulated" by any group.

"It was pretty hopeless," Foster says of the attempt to clarify what happened with the plan. She says the court's refusal to discuss the details on the disputed alignment of Road No.1 was a calculated tactic. "By discussing the change, they would be admitting they made a change," she says.

The HCWPP will therefore continue its lawsuit. Foster also says the group voted last Friday, June 2, to appeal its recent district court loss in another lawsuit against county commissioners. In that litigation, the HCWPP maintains that commissioners Burnett and Molenaar and Judge Powers violated the **Open Meetings Act** by attending a developer-sponsored dinner at the Salt Lick barbecue restaurant.

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