

**BOJORQUEZ**  
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March 12, 2013

Mayor Lee Leffingwell  
Austin City Hall  
301 W. Second St., Second Floor  
Austin, TX 78701

***VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***  
***#7011 0470 0003 4310 4984***

***RE: Request to Incorporate: Hornsby Bend Incorporation Committee, Inc.***

Mayor Leffingwell,

The Hornsby Bend Incorporation Committee, Inc. ("HBIC") respectfully requests permission from the Austin City Council, by ordinance or resolution, to hold an incorporation election. Please see: (1) the HBIC's enclosed request; (2) a map of the proposed incorporation area; (3) supporting resolutions from: (a) the Travis County Firefighters Association District 4, (b) three homeowners associations, and (c) the Kennedy Ridge Water Supply Corporation; and (4) ESD #4's meeting minutes stating its support. (17 pages total including this page.) The HBIC respectfully requests a response within **forty-five (45) days** from your receipt of this letter in order to comply with the next steps of the State's statutory requirements, if needed.<sup>1</sup>

Please note, with existing businesses, schools, places of worship and emergency services in the proposed area, among other entities, there is already a compact center or nucleus of population around which the proposed incorporation area has developed.<sup>2</sup> In addition, the area is capable of receiving municipal services.

<sup>1</sup> Tex. Loc. Gov't Code § 42.041.

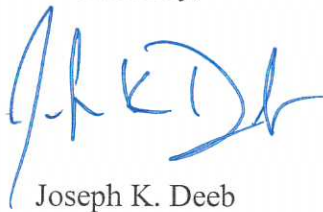
<sup>2</sup> *Needham v. Wilbank*, 595 S.W.2d 849 (Tex. 1980).

Some of the reasons the HBIC requests incorporation:

- Provide improved protection for Hornsby Bend area residents;
- Address excessive water rates;
- Improve infrastructure;
- Enhance emergency services in the area;
- Issue franchises to reduce area residents' expenses for commonly used services;
- Apply for federal grants, access funding available to taxing entities and municipalities;
- Establish food pantries and food banks; and
- Address pressing environmental concerns that potentially decrease property values and increase health risks in the community.

Thank you for your consideration.

Sincerely,



Joseph K. Deeb

Assistant Special Counsel to the  
Hornsby Bend Incorporation Committee, Inc.

cc: Virginia Collier, City of Austin, Planning and Development Review Department  
Jackie Chute, City of Austin, Planning and Development Review Department  
Alan J. Bojorquez, Special Counsel to the Hornsby Bend Incorporation Committee, Inc.

Enclosures

STATE OF TEXAS

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COUNTY OF TRAVIS

## PETITION

### REQUEST FOR AN INCORPORATION ELECTION

Dear Mayor and Council Members,

We, the residents and property owners of Hornsby Bend (collectively referred to as the "Proposed Area") are requesting the City of Austin, Texas, permission for the opportunity to hold an election to incorporate the Proposed Area as a Type A, general-law city to be named the CITY OF HORNSBY BEND, TEXAS. A map of the proposed area is attached.

In the Hornsby Bend Census Designated Place (CDP), there are not 2,400 registered voters and many on the list are erroneous, having moved away and never having been removed from the voter registration rolls. From June, 2012, until December, 2012, the Hornsby Bend Incorporation Committee, Inc. surveyed each of the over 2,400 homes in greater Hornsby Bend. In that time, we accumulated over 1,200 signatures from property owners and voters in the community in support of our movement and we confidently state that we represent the will of over 50% of the property owners and registered voters in the proposed area.<sup>1</sup> Truly, we estimate that we collected the signatures of over 70% of all registered voters.

Our home is facing multiple critical issues directly impacting our properties, our environment, and our lives. These issues range from excessive water rates, inadequate infrastructure, lack of basic human health services, lack of basic city services, and understaffed emergency services, among other things. Thanks to the excessive cost of living, residents are losing their homes and, occasionally, simply leaving them vacant. On our roads, friends and family are losing their lives. The lack of a community clinic, especially an emergency care clinic, has led our community to have the worst medical transport response times in the county. Although Travis County Sheriffs do a fantastic job with the resources allocated to them, they are spread too thinly as evidenced by the high accident and death rate on FM 969 and the excessive break-ins we have experienced in 2012, as evidenced by SpotCrime.com data.

In addition, a lack of a comprehensive transportation and business development plans centered on the existing communities designed to address congestion issues in the near term will perpetuate the loss of life on FM 969 and further precipitate declines in property values. These are situations that could be addressed with the presence of a municipality with the power to draft resolutions, enact ordinances, manage zoning and business growth, address environmental issues, and give the residents a voice in issues related to the continued growth of the area. There is

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<sup>1</sup> Tex. Loc. Gov't Code § 42.041(b).



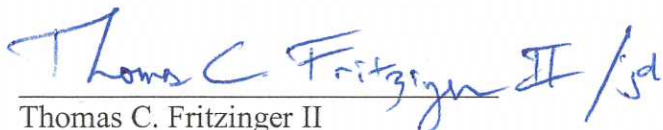
currently no short or long-term scenario in which the City of Austin annexes our community or the surrounding area.

Acting in our own interest for a Municipal Seal, we will receive and use funds from the State and US treasuries as a municipality with dominion to self govern. This is to include all such funds that provide for funding to municipalities from the General Funds and all other departmental funding through the State and Federal Government.

We shall continue as an established part of the metropolitan area of the City of Austin and feel our position adds to the overall strength and long-term growth plans of eastern Travis County. However, our intent is to increase upon our growth and our ability to maintain Law and Order to our region keeping with the growth by the establishment of City Ordinances enforced by city police and intra-local agreements with Travis County.

In addition to thousands of residents of the Hornsby Bend area, the movement is supported by local businesses, religious leaders, and property owners' organizations. Pursuant to § 42.041 (a) of the Texas Local Government Code, our first legal step is to approach the City of Austin and request an incorporation election. **We request the honor of a response to this query within forty-five (45) days of your receipt of this letter.** If after sixty (60) days we have not received a response we will assume that it is the City of Austin's intention not to allow our community to conduct an incorporation election and are prepared to move to the next step. For the sake of the nearly ten thousand residents of Hornsby Bend, we pray that you consider this request seriously and allow us to conduct an election.

Accompanying this request is a series of resolutions and decisions by community organizations and elected leaders in support of our movement. Should the City of Austin wish to discuss the issue further, we are available at your convenience.

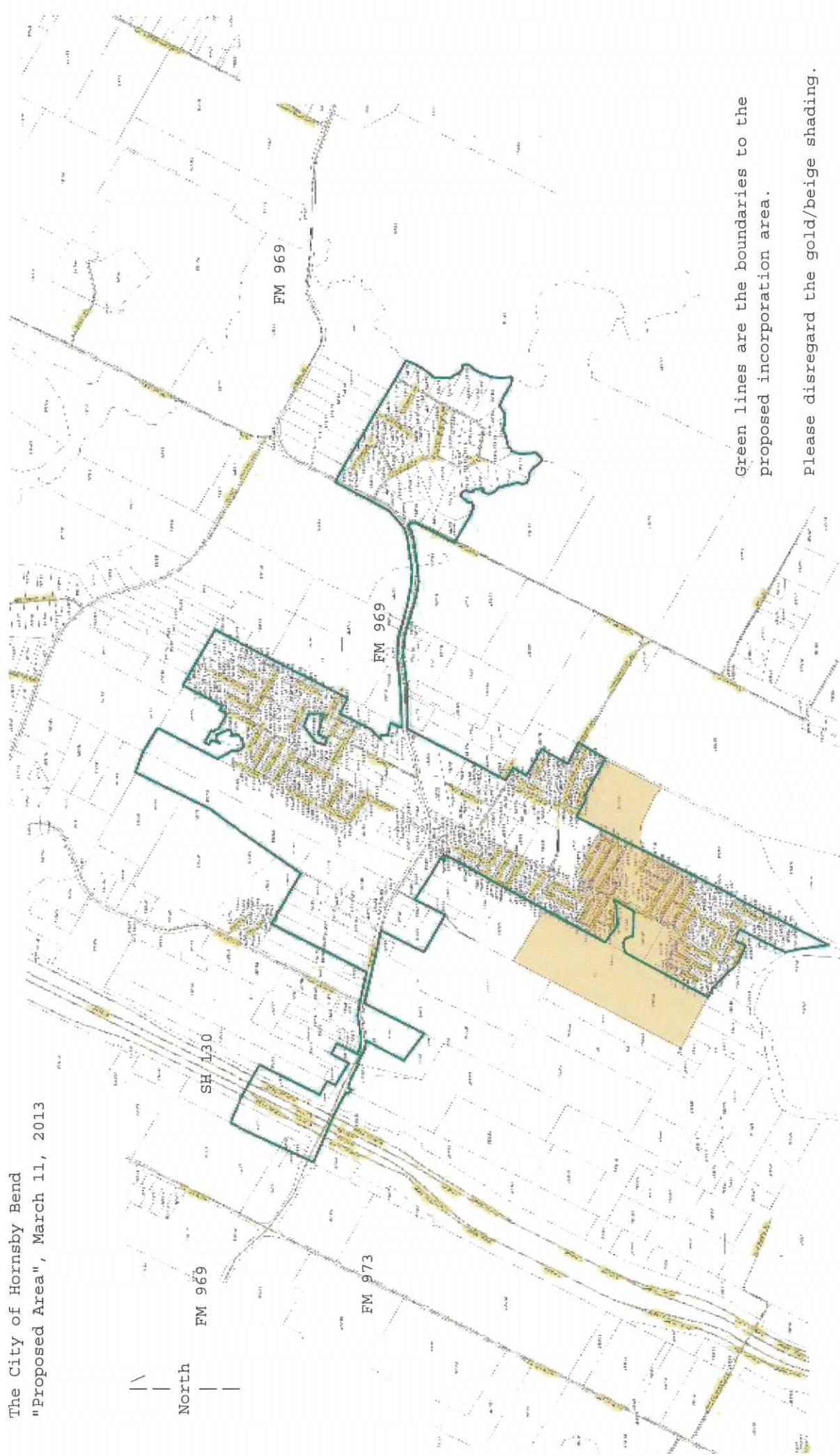
A handwritten signature in blue ink that reads "Thomas C. Fritzinger II" followed by a stylized "sd" or "sd" mark.

Thomas C. Fritzinger II  
President, Hornsby Bend Incorporation Committee, Inc.

4725 Castleman Dr.  
Austin, TX 78725  
Cell: 512-680-6350

TCF/jd

The City of Hornsby Bend  
"Proposed Area", March 11, 2013



Green lines are the boundaries to the  
proposed incorporation area.  
Please disregard the gold/beige shading.



STATE OF TEXAS

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COUNTY OF TRAVIS

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**REQUEST TO THE AUSTIN CITY COUNCIL  
FOR CONSENT TO HOLD INCORPORATION ELECTION**

**WHEREAS,** the undersigned are elected officials representing employees, voters and residents of **Travis County Firefighters Association District 4 Local 4848** (the "Union"), which lies within the area subdivided into tracts in Austins Colony and the immediate surrounding areas in Travis County, Texas (referred to collectively hereinafter as the "Proposed Area"); and

**WHEREAS,** the Union, make, execute and deliver this request on behalf of the Union; and

**WHEREAS,** the Proposed Area is an isolated, unique, distinctly defined community that is largely self-sustaining and functioning in manners similar to a municipality, although without municipal police powers and funding abilities; and

**WHEREAS,** a survey of the Proposed Area's voters, residents and property owners have indicated that a majority of the respondents favor incorporation so as to exercise the rights of self-government and gain the authority and responsibility that municipalities possess; and

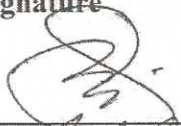
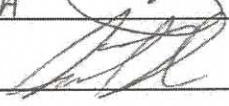
**WHEREAS,** a significant number of the Proposed Area's residents have expressed to their duly elected representatives on the Union's EBoard the desire of residents to put the issue of incorporation before the voters; and

**WHEREAS,** the Union's EBoard is committed to enhancing emergency services, providing expanded emergency services, the continued protection of the residents of the Proposed Area, and welcomes the opportunity to cooperate with the governmental bodies involved in the regulation and development of future emergency services, increased funding levels for the Union, and the improvement of emergency services currently provided to residents within the Proposed Area.

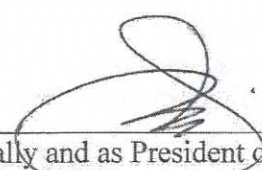
**NOW THEREFORE,** the EBoard of the Travis County Firefighters Association Local 4848 respectfully Petition and Request:

**SECTION ONE:** That the Honorable City Council of the City of Austin, Texas ("City Council") consent to the community of the Proposed Area to hold an incorporation election regarding the Proposed Area, as described on Attachment "A" and which lies wholly within the extraterritorial jurisdiction of the City of Austin.

**SECTION TWO:** That the City Council adopt a resolution or ordinance granting the City Council's authorization for the qualified voters in the Proposed Area to initiate incorporation proceedings as provided by law to incorporate the Proposed Area as a Type A, general-law city to be known as the City of Hornsby Bend.

Name	Signature	Address	Position
ANDREW GARCIA		11607 PAUL E ANDERSON	PRESIDENT
Aaron Duval		AVSTIN, TX 78748	Secretary-Treasurer

Filed, this \_\_\_\_ day of \_\_\_\_\_, 2012, with the City Clerk of the City of Austin, Texas.

  
Individually and as President of the EBoard,  
Travis County Firefighters Association Local 4848

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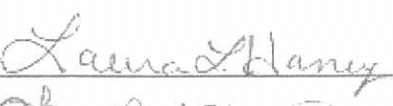
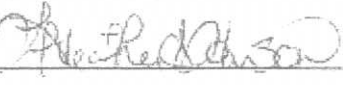
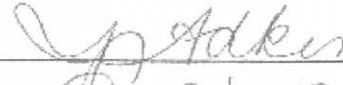
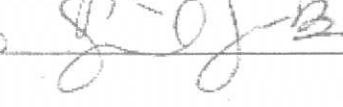
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**SECTION ONE:** That the Honorable City Council of the City of Austin, Texas ("City Council") consent to the community of the Proposed Area to hold an incorporation election regarding the Proposed Area, as described on Attachment "A" and which lies wholly within the extraterritorial jurisdiction of the City of Austin.

**SECTION TWO:** That the City Council adopt a resolution or ordinance granting the City Council's authorization for the qualified voters in the Proposed Area to initiate incorporation proceedings as provided by law to incorporate the Proposed Area as a Type A, general-law city to be known as the City of Hornsby Bend.

Name	Signature	Address	Position
Laura L. Haney		15211 Bullace	President
Neelther Ann Johnson		15302 Minetark Way	Secretary
Jessi Adkins		15207 Bullace	V. Pres
April Yates Blanco		15205 Sepul Palm	Director

Filed, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, with the City Clerk of the City of Austin, Texas.

Individually and as President of the  
Austins Colony Home Owners' Association

STATE OF TEXAS

COUNTY OF TRAVIS

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**REQUEST TO THE AUSTIN CITY COUNCIL  
FOR CONSENT TO HOLD INCORPORATION ELECTION**

**WHEREAS,** the undersigned are qualified voters and residents within the area subdivided into tracts in Austins Colony and the immediate surrounding areas in Travis County, Texas (referred to collectively hereinafter as the "Proposed Area"); and

**WHEREAS,** the Board of Directors of the Austins Colony Home Owners' Association, Inc., a Texas non-profit corporation (the "Association"), make, execute and deliver this request on behalf of the Association; and

**WHEREAS,** the Proposed Area is an isolated, unique, distinctly defined community that is largely self-sustaining and functioning in manners similar to a municipality, although without municipal police powers and funding abilities; and

**WHEREAS,** a survey of the Proposed Area's residents and property owners has indicated that a majority of the respondents favor incorporation so as to exercise the rights of self-government and gain the authority and responsibility that municipalities possess; and

**WHEREAS,** a significant number of the Proposed Area's residents have expressed to their duly elected representatives on the Association's Board of Directors the desire of residents to put the issue of incorporation before the voters; and

**WHEREAS,** the Association's Board of Directors is committed to preserving property values, increasing amenities, the protection of the residents of the Proposed Area, and welcomes the opportunity to cooperate with the governmental bodies involved in the regulation of development affecting property values, the reduction of expenses, and the improvement of services provided to residents and homeowners within the Proposed Area.

**NOW THEREFORE,** the Board of Directors of the Austins Colony Home Owners' Association respectfully Petition and Request:

**SECTION ONE:** That the Honorable City Council of the City of Austin, Texas ("City Council") consent to the community of the Proposed Area to hold an incorporation election regarding the Proposed Area, as described on Attachment "A" and which lies wholly within the extraterritorial jurisdiction of the City of Austin.

**SECTION TWO:** That the City Council adopt a resolution or ordinance granting the City Council's authorization for the qualified voters in the Proposed Area to initiate incorporation proceedings as provided by law to incorporate the Proposed Area as a Type A, general-law city to be known as the City of Hornsby Bend.

Name	Signature	Address	Position
MELVIN D. GREEN	<i>Melvin D. Green</i>	14710 DEAF Smith Blvd	DIRECTOR
Aleah Smith-Clark	<i>Aleah Smith-Clark</i>	14610 Highsmith St.	Director
Thomas Fritzingar	<i>Tom Fritzingar</i>	4725 Catleman Dr.	Director
Laura Belieu	<i>Laura Belieu</i>	14516 Rumpel St	President
Eugene Wilson	<i>Eugene Wilson</i>	4718 Sojourner	Vice Pres.
Gorgony T. McMASTER	<i>Gorgony T. McMaster</i>	14505 Sandifer Ln	Secretary
Kathleen McHuff	<i>Kathleen McHuff</i>	14505 Sandifer St	Director

Filed, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, with the City Clerk of the City of Austin, Texas.

*Laura Belieu*

Individually and as President of the  
Austins Colony Home Owners' Association



STATE OF TEXAS

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COUNTY OF TRAVIS

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## REQUEST TO THE AUSTIN CITY COUNCIL FOR CONSENT TO HOLD INCORPORATION ELECTION

**WHEREAS,** the undersigned are qualified voters and residents within the area subdivided into tracts in Austins Colony and the immediate surrounding areas in Travis County, Texas (referred to collectively hereinafter as the "Proposed Area"); and

**WHEREAS,** the Board of Directors of the Austins Colony Home Owners' Association, Inc. Phase III, a Texas non-profit corporation (the "Association"), make, execute and deliver this request on behalf of the Association; and

**WHEREAS,** the Proposed Area is an isolated, unique, distinctly defined community that is largely self-sustaining and functioning in manners similar to a municipality, although without municipal police powers and funding abilities; and

**WHEREAS,** a survey of the Proposed Area's residents and property owners has indicated that a majority of the respondents favor incorporation so as to exercise the rights of self-government and gain the authority and responsibility that municipalities possess; and

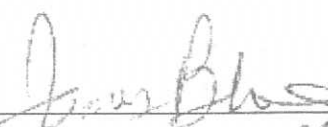
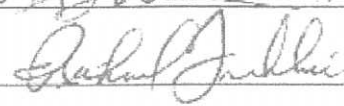
**WHEREAS,** a significant number of the Proposed Area's residents have expressed to their duly elected representatives on the Association's Board of Directors the desire of residents to put the issue of incorporation before the voters; and

**WHEREAS,** the Association's Board of Directors is committed to preserving property values, increasing amenities, the protection of the residents of the Proposed Area, and welcomes the opportunity to cooperate with the governmental bodies involved in the regulation of development affecting property values, the reduction of expenses, and the improvement of services provided to residents and homeowners within the Proposed Area.

**NOW THEREFORE,** the Board of Directors of the Austins Colony Home Owners' Association Phase III respectfully Petition and Request:

**SECTION ONE:** That the Honorable City Council of the City of Austin, Texas ("City Council") consent to the community of the Proposed Area to hold an incorporation election regarding the Proposed Area, as described on Attachment "A" and which lies wholly within the extraterritorial jurisdiction of the City of Austin.

**SECTION TWO:** That the City Council adopt a resolution or ordinance granting the City Council's authorization for the qualified voters in the Proposed Area to initiate incorporation proceedings as provided by law to incorporate the Proposed Area as a Type A, general-law city to be known as the City of Hornsby Bend.

Name	Signature	Address	Position
JAMES BLIDDEN		3902 SOJOURNER AUSTIN, TX 78725	TRES.
Richard Franklin		3906 SOJOURNER AUSTIN 78725	VP

Filed, this \_\_\_\_ day of \_\_\_\_\_, 2012, with the City Clerk of the City of Austin, Texas.

Individually and as President of the  
Austins Colony Home Owners' Association  
Phase III

STATE OF TEXAS  
COUNTY OF TRAVIS

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**REQUEST TO THE AUSTIN CITY COUNCIL  
FOR CONSENT TO HOLD INCORPORATION ELECTION**

**WHEREAS,** the undersigned is a qualified voter and property owner within the area subdivided into tracts in Austins Colony and the immediate surrounding areas in Travis County, Texas (referred to collectively hereinafter as the "Proposed Area"); and

**WHEREAS,** the Board of Directors of the **Kennedy Ridge Water Supply Corporation**, a Texas non-profit corporation (the "Corporation"), make, execute and deliver this request on behalf of the Corporation; and

**WHEREAS,** the Proposed Area is an isolated, unique, distinctly defined community that is largely self-sustaining and functioning in manners similar to a municipality, although without municipal police powers and funding abilities; and

**WHEREAS,** a survey of the Proposed Area's residents and property owners has indicated that a majority of the respondents favor incorporation so as to exercise the rights of self-government and gain the authority and responsibility that municipalities possess; and

**WHEREAS,** a significant number of the Proposed Area's residents have expressed to their duly elected representatives on the Corporation's Board of Directors the desire of residents to put the issue of incorporation before the voters; and

**WHEREAS,** the Corporation's Board of Directors is committed to preserving property values, increasing amenities, the protection of the residents of the Proposed Area, and welcomes the opportunity to cooperate with the governmental bodies involved in the regulation of development affecting property values, the reduction of expenses, and the improvement of services provided to residents and homeowners within the Proposed Area.

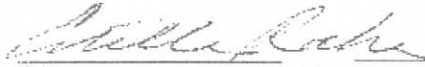
**NOW THEREFORE,** the Board of Directors of the Kennedy Ridge Water Supply Corporation respectfully Petition and Request:

**SECTION ONE:** That the Honorable City Council of the City of Austin, Texas ("City Council") consent to the community of the Proposed Area to hold an incorporation election regarding the Proposed Area, as described on Attachment "A" and which lies wholly within the extraterritorial jurisdiction of the City of Austin.



**SECTION TWO:** That the City Council adopt a resolution or ordinance granting the City Council's authorization for the qualified voters in the Proposed Area to initiate incorporation proceedings as provided by law to incorporate the Proposed Area as a Type A, general-law city to be known as the City of Hornsby Bend.

Filed, this 13<sup>th</sup> day of Nov., 2012, with the City Clerk of the City of Austin, Texas.

  
Individually and as President of the  
Kennedy Ridge Water Supply Corporation

**Travis County Emergency Service District #4**  
**Minutes of the Commissioner's Meeting**  
**August 22, 2012**

The regular called meeting of Travis County Emergency Service District #4 was held on Wednesday, August 22, 2012, at 11800 N. Lamar Blvd., Ste. 4B, Austin, TX. The President being in the chair and a quorum present, the meeting was called to order at 12:37 pm.

Present: Commissioners Maple, Herman, Williams, and Cannon. Commissioner Wills from 12:43pm to 1:32pm.

Not present:

Visitors: Chief Soliz, Bob Grady, Penny Freemyer, Michelle McRae, Capt. Beals, BC Reynolds, DO Humphries, DO Gatica, AC Botello, Christian Farr

Consider and take appropriate action on the minutes of the July 2012 regular meeting.

After reviewing the July 2012 regular meeting minutes, Commissioner Cannon made a motion to approve the minutes as submitted. Commissioner Herman seconded the motion and the motion passed unanimously.

Consider and take appropriate action on the July 2012 treasurer's report.

Bob Grady presented the commissioners with the July 2012 treasurer's report. After review and discussion, Commissioner Wills made a motion to approve the treasurer's report of July 2012, including expenditures over \$2,000., and approve the line item expenditures as reflected in attached treasurer's report pages. Commissioner Cannon seconded the motion and the motion passed unanimously.

Discussion and possible action to amend the 2011-2012 budget, including adding a line item for reserve funds.

Bob presented the commissioners with recommendations for amending the budget. Commissioner Herman made a motion to table the action of amending the budget until the September meeting, as the final bills resulting from the remodeling of St. 401 should be received by then. Commissioner Williams seconded the motion and the motion passed unanimously.

Review and possible adoption of the 2012-2013 budget.

After review and discussion, Commissioner Maple made a motion to accept the proposed 2012-2013 budget. The board agreed that Chief Soliz and Bob should determine a realistic amount for the line item to be known as the Assigned Fund Balance. Commissioner Williams seconded the motion and the motion passed unanimously.

Discussion and possible action to update the Driving Record Points System.

Commissioners agreed to move this item to the September meeting.

Discussion and possible action on an alternate location for St. 404.

No discussion.

Please See Page 2



Discuss and consider supporting the City of Hornsby Bend Incorporation.

Commissioner Wills briefly spoke regarding the City of Hornsby Bend. Commissioner Wills made a motion for Travis County ESD #4 to support the efforts of Hornsby Bend to become incorporated. Commissioner Williams seconded the motion and the motion passed unanimously. The commissioners also want to emphasize that they want to protect their investment in St. 401, and preserve the relationship ESD #4 has with the community.

Citizens Communications.

None.

Department updates.

Chief Soliz updated the commissioners with the following:

- Training preparation using Tetra KO, a corn starch based medium for fire suppression that doesn't harm the environment
- Call volume comparable to last year
- County's desire for the next budget to include a wildfire-only helicopter, but ongoing issues with supporting it financially have yet to be determined (APD has purchased a helicopter with possible use helping with wildfire suppression), and a request for 3 medical ground units

Executive Session.

Commissioner Maple made a motion to move to executive session. Commissioners adjourned at 1:40pm.

Public Session.

Commissioners returned to public session at 1:55pm. In executive session, the following items were discussed:

- Driving records/Criminal Histories  
10 Approved      \_\_\_\_\_ Denied      2 Conditional

Commissioner Cannon made a motion to recognize exemplary service by the Wildland Mitigation Officer, Kenny Humphries, to become equivalent in rank and payscale to that of a salaried lieutenant. Commissioner Williams seconded the motion and the motion passed unanimously.

Next commissioners meeting will be September 26, 2012.

Commissioner Maple asked for support from the board to enter into negotiations with a possible ESD #4 and ESD #12 merger in the future.

Commissioner Maple made a motion to adjourn the meeting. The meeting adjourned at 2:10 pm.