

MINUTES OF MEETING  
OF THE  
BOARD OF DIRECTORS  
July 7, 2022

THE STATE OF TEXAS §

COUNTY OF HAYS §

HAYS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 §

The Board of Directors (the "Board") of Hays County Water Control and Improvement District No. 1 (sometimes referred to herein as the "District") met in special session, open to the public, at Belterra Centre, 151 Trinity Hills Drive, Austin, Texas, the District's office within the District, for the purposes stated herein, on July 7, 2022 at 4:00 p.m. The roll was called of the members of the Board of Directors, (herein referred to as the "Board") to-wit:

Douglas L. Botts	President
Paul Kelly	Vice President
Daniel B. Robison	Secretary
Bill Dally	Treasurer/Asst. Secretary
Rick Lucas	Assistant Secretary

The Board convened the special meeting at 4:00 p.m. All members of the Board were present for the meeting except for Director Lucas. Also present were Matt Kutac of the Law Office of Matthew B. Kutac PLLC, Robby Callegari and Lauren Barzilla with Burgess & Niple (formerly CMA Engineering, Inc.), the District's engineers and Vicki Hahn, paralegal, with Winstead PC. In addition, Ms. Ceejay Jackson attended portions of the meeting when requested. All directors present when votes were taken voted on all matters unless an abstention is set out in any such item.

1. Mr. Kutac called for public communications and comments from any person and reviewed the following rules for public comment; (i) comments are limited to 3 minutes per person; and (ii) the Board cannot dialog or take any actions during public comment and responses are limited to statements of fact, recitation of current policy, clarifying questions and requesting that items be added to a future Agenda. Hearing none, the Public Comment session was closed and the Board proceeded to the next item of business.

2. Director Botts noted that Ms. Jackson is getting comments about the potholes on Nutty Brown and it is clear that the people commenting don't realize that Hays County is responsible for the roads, not the District. The Board discussed publishing the applicable phone number for residents to call the Hays County department tasked with repairing potholes in the road. Ms. Barzilla

then turned the discussion to pavement failures on Crampton Cove and Aspen Drive and presented pictures to the Board. She explained that the pavement failure on Crampton Cove runs above a wastewater pipe. Mr. Kutac noted that Hays County takes the position that if the pavement failure is anywhere near a wastewater or water pipe, the District is responsible for repairs. Director Botts pointed out that the District does not have road powers so it should be the county's responsibility. The Board then discussed the length of time it would take if they fought Hay County over whose responsibility the repairs should be and determined that the pavement failures need to be corrected sooner rather than later. Ms. Barzilla stated that there are a couple of factors that could have caused the pavement failure on Crampton Cove: (i) the leak that occurred when the pipe broke during Winter Storm Uri, and (ii) there is natural groundwater in the area. She stated that she called Terracon, a Geotechnical Engineering company and requested a cost proposal to provide a Geotechnical Engineering Report. The Board reviewed Terracon's proposal which included consulting and providing a report for each of the areas (Crampton Cove and Aspen Drive) separately or together. If done together, there is a significant cost savings on the consulting and reports. At this point, Ms. Barzilla noted that Terracon does not dig the test holes and noted that she has estimates from three companies to provide those services (Meyers Concrete - \$32,200, Inframark - \$34,479.45 and Dynamic Site Solutions - \$32,788). The Board then discussed the pros and cons of a temporary fix versus a permanent fix in light of the requirement that the District must solicit bids. Ms. Barzilla discussed the timeline of obtaining Board approval after the District receives Terracon's report, soliciting bids, opening bids and completion of the work and estimates that the repairs would be completed by the end of the year. It was noted that the area was approximately 25 feet long and four driveways are impacted. The Board also discussed that if the District proceeds with a temporary fix, it might be able to re-use the road base when it proceeds with the permanent fix. Ms. Barzilla recommends waiting to decide whether to do a temporary or permanent fix until after the District receives Terracon's report. She noted that it will take approximately 3 ½ weeks to get Terracon's report.

After a lengthy discussion, upon motion by Director Botts seconded by Director Kelly, and unanimously carried, the Board approved Terracon's geotechnical engineering proposal to provide consulting and a report for both Crampton Cove and Aspen Drive.

Upon motion by Director Botts, seconded by Director Dally and unanimously carried, the Board authorized Dynamic Site Solutions proposal for \$32,788 to excavate and temporarily patch the Crampton Cove area. It was noted that this estimate does not include the Aspen Drive excavation and repair.

The Board then asked Ms. Jackson to inform the residents of the above repairs via FaceBook and a blast e-mail.

The Board then discussed who should execute the contracts with Terracon and Dynamic Site Solutions and it was determined that the District, not the engineer, will execute both contracts.

Upon motion by Director Botts, seconded by Director Kelly and unanimously carried, the Board authorized Burgess & Niple to solicit bids for a permanent repair on Crampton Cove and Aspen Drive.

Director Botts noted that he asked Mr. Callegari to attend this Board meeting to discuss watering of the drip fields. Director Botts stated that when Glen was asked if the drip fields have been watered, he stated that he hasn't watered the drip fields since the beginning of the year and



that he was told by Kristi Hester and Jess Kennis not to water them. Mr. Callegari noted that he went out on June 21<sup>st</sup> to the WWTP. He spoke to Zach Willeford about the drip fields and Mr. Willeford told him that he does not know how to turn the water on in the drip fields and was never instructed to water them. Mr. Callegari noted that he and Mr. Willeford worked an hour trying to get the pumps to work. He stated that each drip skid has two pumps. One drip skid made a noise but didn't have water flow and neither pump on the second drip skid would turn over. The Board determined that it has been at least six months since Jess Kennis left Inframark and several months since Ms. Hester left so it appears that the drip fields haven't been watered in over six months. During his discussion with Mr. Willeford, Mr. Callegari told Mr. Willeford that the drip fields must be watered 1 to 2 times per week per state requirements. Mr. Callegari thinks that the solenoids are frozen. Director Botts asked if Inframark's contract requires them to pay for damages caused by their non-compliance with the contract. Mr. Kutac noted that it does and he would recommend that the District request that Inframark pay for the pumps and check the solenoids and make the repairs. Ms. Barzilla then noted that she and Mr. Callegari went out to the WWTP yesterday during lunch but not one was there and the gate was closed so they didn't touch anything. The Directors noted that time is of the essence in getting the skid pumps fixed. Director Robison noted that he has been asking Inframark for an Operations Manual for the WWTP for two years and has never received one.

3. Conduct Public Hearing regarding proposed updates to the District Water Conservation and Drought Contingency Plan ("District Plan") to align with changes to WTCPUA plan ("PUA Plan"). Mr. Kutac called for public comment. Upon motion by Director Botts, seconded by Director Kelly and unanimously carried, the Board closed the Public Hearing.

4. The Board then turned its attention to the Amended Water Conservation and Drought Contingency Plan and the differences between the District Plan and the PUA Plan. Mr. Kutac noted that the stages of the PUA Plan do not match up with the stages of the District Plan so Mr. Kutac has revised the District Plan to make the stages match the PUA's plan.

Mr. Kutac reviewed the redline of the District Plan with the Board. The Board then discussed whether the revised watering plan should be sent out via e-mail blast to the residents or just post an update on the watering rules on the website.

Upon motion by Director Botts, seconded by Director Robison and unanimously carried, the Board adopted the Amended Water Conservation and Drought Contingency Plan.

5. The Board asked Ms. Jackson to come back to the meeting and asked that Inframark prepare a Standard Operating Procedure to provide watering enforcement. It was noted that the District already has established fines for watering when watering is not allowed. They also noted that watering after 6:00 a.m. is not allowed. They then asked Ms. Jackson to send out an e-mail blast to the District's residents clarifying the watering policy and schedule.

6. Director Botts brought up the issue that Jessie Trevino with Sunscape needs guidance on when to cut the wildflowers. Director Botts proposes that Sunscape follow the Texas DOT schedule. The Board then discussed the issue at length. Upon motion by Director Botts, seconded by Director Kelly and unanimously carried, the Board voted to instruct Sunscape to start mowing the wildflowers within one month of Texas DOT starting to mow and completing the mowing within 1 month after Texas DOT completes their mowing of the wildflowers. With respect to the revision to the Sunscape's Landscaping Agreement, Mr. Kutac noted that he hasn't had a chance to discuss

it with them yet.

The Board returned to the discussion of the watering the drip fields and Inframark's liability for damages. Mr. Kutac noted that any damages due to Inframark's not complying with their contract is Inframark's responsibility.

7. With respect to an update regarding management and operation in light of Inframark staffing changes, the Board asked Mr. Kutac to draft a contract that is in the District's best interest and then forward it to some other companies to see if they are interested in providing the services set forth in the contract. Mr. Kutac would like to send out the draft contract out by the end of the week. It was noted that once the District chooses a company, they will then have a joint meeting with HCWCID No. 2 to decide how to proceed. The Board noted that they want to make sure the prospective company is in stable condition.

8. The Board did not go into executive session.

Adjournment: There being no further business to conduct, upon motion by Director Botts, seconded by Director Dally and unanimously carried, the Board adjourned until further call.

APPROVED AND ADOPTED on the 14th day of July 2022.



  
Daniel B. Robison, Secretary