

MINUTES OF THE MEETING  
OF THE  
BOARD OF DIRECTORS  
February 10, 2022

THE STATE OF TEXAS §  
COUNTY OF HAYS §  
HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 §

The Board of Directors (the “Board”) of Hays County Water Control and Improvement District No. 2 (sometimes referred to herein as the “District”) met in Special Session, on February 10, 2022 at Burgess & Niple, 35 Ledge Stone Drive, Austin, Texas 78737 and the roll was called to-wit:

Samantha E. Bethke	President
Lynn J. Lee	Vice President
Sean McGillicuddy	Secretary
William Carroll Kelly IV	Treasurer/Assistant Secretary
Vacant	Assistant Secretary

All members of the Board were present for the commencement of the meeting. It should be noted for the record that all Board members present voted on all matters that came before the Board. Also present were Matt Kutac of the law offices of Matthew B. Kutac, PLLC, Kristi Hester and Ceejay Jackson of Inframark, the District’s general management and operations contractor, Lauren Barzilla of Burgess & Niple (“BN”) the District’s engineers, and Hank Wilson and Tyler Prentkowski of Sunscape Landscaping, LLC. In addition, Vicki Hahn, paralegal with Winstead PC joined via teleconference.

1. Public Comment: Matt Kutac 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 is limited to statements of fact, recitation of current policy, clarifying questions and requesting that items be added to a future Agenda. Mr. Kutac called for public comment. Hearing none, the Public Comment session was closed and the Board proceeded to the next item of business.

2. Landscaping Proposal: The Board reviewed the landscaping proposal by Sunscape to provide landscaping services within the District. The Board recognized Hank Wilson from Sunscape Landscaping. Mr. Wilson presented his company’s proposal and a landscaping map which was revised by Lauren Barzilla to incorporate the proposed areas in Sunscape’s proposal. Mr. Wilson then reviewed the proposed Annual Service Schedule. During the discussions, a board member asked if any service (i.e., weed and/or ant control) did not work, would the District have to pay to have the area re-treated. Mr. Wilson assured the Board that if his company performs any service and it does not correct the issue, his company will provide that service again at no cost. Director Lee mentioned that the Board does not want Dianthus planted because the deer love to eat them and pull them out as soon as they are planted. Mr. Wilson mentioned that Sunscape

normally uses Vinca and Snap Dragons for seasonal color because the deer are not as attracted to those. However, he noted that if the deer are hungry enough, they will eat those as well. Mr. Wilson then noted that when they plant Vinca, it needs to be hot or the plant may not do well. He stated that he would try to get the Vinca planted as early in the season as he can and still have the plant thrive. The Board then discussed irrigation in the District and discussed the Park in the St. Ritchie area of the District (the "Park"). The Board questioned who would be providing the irrigation services for the Park. Mr. Wilson agreed to include the costs of irrigation services for the Park at no additional cost. The Board then discussed the 210 irrigation area and noted that they would prefer that it is mowed at least 2 times a year but if it needs to be mowed more often, due to rain and growth, that Sunscape let the Board know that it needs to be mowed so that the Board can consider paying for it to be mowed at that time. The Board let Mr. Wilson know that they want to keep the 210 area as natural as possible but they do not want it to get over 6' high. The Board and Mr. Wilson also discussed the time needed to mow the entire 210 irrigation area ("210 Area"). Mr. Wilson informed the Board that with the 210 Area being so large, it would probably take one person a full month of mowing to mow the 210 Area. He noted that after Sunscape mows the 210 Area for the first time, he will discuss with the Board and let them know if anything needs to be changed with respect to the mowing schedule or pricing for that the 210 Area. The Board re-iterated that they want Sunscape to keep an eye on the 210 Area and tell them when it needs to be mowed. They do not want to have to constantly check on it themselves and then request that Sunscape mow it. Mr. Wilson assured the Board that if they have to tell his company when something needs to be done then his company has "goofed." It was then noted that Jesse will be in the District because Sunscape is subletting space in the Belterra Centre. It was also noted that Sunscape has explored the entire District and is familiar with the area. When the Board mentioned that the existing landscaper was supposed to be providing services on a set schedule but didn't appear to be doing that, they were disappointed. Mr. Wilson assured the Board that his company enters the scheduled services, for the year, into a software program. When each service is due, the software program automatically prepares a ticket for such service and this procedure should prevent any services from being missed. When asked, Mr. Wilson stated that his company can start providing services on March 1<sup>st</sup> if they are given enough lead time. The Board next questioned whether service for the trails is included in the proposal. Mr. Wilson noted that grading and repair of the trails is not included in the proposal. Mowing, trimming and that type of service is included. He did note that they have a tamping machine that can use to fix minor issues in the trail but anything other than minor landscaping services are not included. Following a lengthy discussion, Mr. Kutac noted that in order for the Board to move forward, it needs to take action with respect to the draft agreement that he has prepared and it will also have to address the notice of termination to its current landscaper. The Board then discussed the fees associated with the proposal and compared those fees to the current landscaper. During this discussion the Board noted that the current landscaper has been trimming trees and leaving the cuttings throughout the District. Ms. Hester remarked that it may be hard to get a terminated landscaper to clean up those cuttings and switching over to a new landscaper may incur some incidental costs. The Board acknowledged that they understand that could happen. The representatives of Sunscape then left the meeting at approximately 10:35 AM. After another discussion, upon motion by Director McGillicuddy, seconded by Director Lee and unanimously carried, the Board approved Sunscape's proposal and authorized execution of the draft agreement in substantially the form as currently drafted by Mr. Kutac.

3. Landscaping Termination: After the discussion and vote above, upon motion by Director McGillicuddy, seconded by Director Bethke and unanimously carried, the Board

authorized Mr. Kutac to prepare and present a Notice of Termination to its current landscaper subject to full execution of the Sunscape Landscaping Agreement prior to the Notice of Termination being sent to the current landscaper. Director Lee outlined the credit (25% off the monthly service for September) that WLE/Brightview has agreed to give for the missed mowing on Labor Day. She noted that the credit is \$4,654.00. In connection with the termination, she thinks the District should accept the credit and pay all of the fees owed to the current landscaper. Following a brief discussion, upon motion by Director McGillicuddy, seconded by Director Lee and unanimously carried, the Board authorized paying any outstanding invoices due to WLE/Brightview while offsetting those invoices using the agreed upon credit.

4. Texas Community Propane Proposal: Mr. Kutac explained Texas Community Propane's proposal to install a 1,000 gallon propane tank near the Catalina Station in District 2. The District would pay for installation of the tank and for the propane but Texas Community Propane would supply the tank at no cost and would own the tank. Mr. Kutac then reviewed the one-page Letter Agreement with Texas Community Propane. Upon motion by Director Kelly, seconded by Director McGillicuddy and unanimously carried, the Board authorized the \$3,300 payment for the propane and installation of the propane tank.

5. Sludge Box Purchase: Ms. Hester explained the benefit of having a third sludge box in the District. She went on to explain that Reunion Ranch Municipal Utility District purchased a sludge box approximately 8 months ago and that they no longer need it. They are selling the used sludge box for \$30,000. She noted that a new sludge box costs approximately \$72,000 to \$75,000. She also noted that the price would be split with Hays County WCID No. 1. After a discussion, upon motion by Director Kelly, seconded by Director Lee and unanimously carried, the Board authorized Inframark to proceed with purchase of the sludge box, from Reunion Ranch MUD, at a cost not to exceed \$30,000.

6. Executive Session: No Executive Session was required.

7. Adjournment: There being no further business to conduct, Director Harris moved that the meeting be adjourned, which motion was seconded by Director Kelly and unanimously approved, and the Board adjourned until further call.

APPROVED AND ADOPTED on the 24<sup>th</sup> day of February 2022.

  
Sean McGillicuddy, Secretary

(DISTRICT SEAL)

