

MINUTES OF MEETING  
OF THE  
BOARD OF DIRECTORS

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, at 4:00 p.m. on August 22, 2019, and 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

All members of the Board were present at the commencement of the meeting with the exception of Director Lucas. In addition, Kristi Hester of Inframark, the District's general management and operations contractor, Matt Kutac of the law offices of Matthew B. Kutac, PLLC, Judy McAngus, paralegal with Winstead PC, and Lauren Barzilla with CMA Engineering ("CMA"), the District's engineers, were present for such meeting. George Baker, a former Board member and resident of the District, was also present.

1. Director Botts opened the meeting with the Board's review of the Minutes of the July 11, 2019 Board meeting. Upon motion by Director Robison, seconded by Director Botts and unanimously carried, the Minutes were approved with a minor correction.

2. In connection with a request from Laura and Joel Guidry for a variance regarding access to the District's greenbelt area behind their home (located within the District at 528 Drury Lane) for a pool construction project, Director Kelly confirmed that upon visiting the site that there was definitely an insufficient amount of space on either side of the residence and their neighbors' homes for the large scale equipment that was needed for the pool contractor to be access the backyard. Also, it was confirmed that the homeowner's property was just a few houses down from a roadway access point and that no district facilities (drip irrigation or other above-ground or in-ground component of the District's system) were behind the home or along the access route. Director Botts, who serves on the Customer Care committee with Director

Kelly, reported that Director Robison had inadvertently referenced the matter in a conversation, and due to concerns with respect to the open meetings act, he would abstain from discussion and voting on the matter. Director Botts did note, however, that he had not discussed the matter with Director Robison, and discontinued the conversation.

Matt Kutac noted that in preparation for the meeting, he had prepared a form of Order Granting Variance and posted it on the Google Drive for review by the Board members in advance of the meeting. He further noted that the Order provides for the execution of a letter agreement by the customers, which shall be returned to the District's General Manager, Inframark, prior to utilization of the District's greenbelt property to access their residence from Kit Carson Road. He confirmed that the letter agreement limits use of the District property for only those construction activities related to the pool construction project that are not capable of being performed by access through or across that portion of the Customer's property that is located adjacent to their Drury Lane address.

For the record, it shall be noted that the District's adopted Amended Rules and Regulations dated June 26, 2019, prohibit the following activities: (1) use or damage of District park and greenbelt property in providing access for the construction or installation of a swimming pool (Rule 3.10(a)); (2) use of a motor vehicle on District park and open space property, except as authorized by the District (Rule 6.07); and (3) use of heavy equipment and machinery on real property owned by the District, except as authorized by District (Rule 7.01(c)).

In addition, the Rules provide that the Board may grant a variance suspending application of a Rule upon application and a finding of the Board that (1) granting the variance is justified under the circumstances; (2) the variance will not result in material harm to the District, or concessions or mitigation offered by the applicant sufficiently offset any material harm to the District; and (3) denial of the requested variance would result in unreasonable difficulty or undue burden for the application under the circumstances.

Following a briefing on such matters and addressing concerns raised by Director Kelly as to a further review of the form of the Order to insure that the granting of such variance would not put the District at a liability risk from other possible utility providers in such area, upon motion by Director Kelly, seconded by Director Robison and unanimously carried, the Board approved the Order Granting Variance as relates to the property at 528 Drury Lane, Austin, Texas, a copy of such final Order being attached hereto to as **EXHIBIT "A"**. The record shall reflect that Director Botts abstained from such vote.

With regard to discussions of the greenbelt area at such location, former Director George Baker inquired as to whether the greenbelt area that backs up to Palisades Drive could be revisited to determine whether it could be moved up on the mowing schedule. He noted that it appeared that area was only being mowed perhaps twice a year. It was agreed that such matter should be addressed at a subsequent meeting, and that the Parks Committee could begin reviewing such matter in the meantime.

There being no further business to conduct, Director Robison moved that the meeting be adjourned, which motion was seconded by Director Dally and unanimously approved, and the Board adjourned until further call.

APPROVED AND ADOPTED this 12<sup>th</sup> day of September, 2019.

  
Daniel B. Robison, Secretary

