

MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
MAY 17, 2022

Notices of this regular meeting were posted in the Caldwell and Hays County Courthouses at least 72 hours prior to the meeting. Receipts of the notices are on file in the office of Plum Creek Conservation District.

Checks were reviewed and signed, just prior to the call to order, by Treasurer/Secretary, Lucy Knight.

- 1:00 PM The meeting/hearing was called to order by President of the Board, James Holt, with the following Board members present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rothert (Director) and Tom Owen (Director). Also present were PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson, and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Matt Shaw, and Alan Burklund. Tres Howland with TDI Engineering; Vance Bridges with Solid Bridge Construction, Chris Bradford, Attorney for Sunfield were in attendance.
- 1:01 PM President Holt requested public comments. There were no public comments.
- 1:01 PM President Holt requested motions or comments regarding the minutes of the regular scheduled meeting held on April 19th, 2022. Mrs. Knight made a motion that the minutes of the regular scheduled meeting held on April 19th, 2022, be accepted as mailed out. Mr. Reinecke provided the second and the motion was approved unanimously.
- 1:02 PM President Holt requested any unfinished business that required the Board of Directors' attention. Mr. Meyer explained that there was no unfinished business.
- 1:02 PM President Holt stated that the agenda would be changed, moving item XI up to allow PCCD's Geologist, Feathergail Wilson, to present his verbal report and slide presentation earlier in the meeting. Mr. Wilson discussed the projected demand for lithium in the future, specifically for use in batteries. Mr. Wilson stated that there was a prospect of lithium being present in the water of injection wells in Caldwell County, particularly the Luling area. His presentation highlighted various methods of being able to extract lithium from the water and desalinate the water. Mr. Wilson requested that the Board designate funds to begin a research project that would include gathering samples of the water for analysis. Mr. Wilson stated that Luling Ag Foundation had shown interest in participating in this research project. Mr. Holt stated that before the Board could make a decision, further information was required, specifically the cost of the project and who would be partnering with the District on this project
- 1:27 PM President Holt requested discussion of Item V on the agenda regarding quotes received for the mowing of Sites 1, 5, 6, 7, & 28. Mr. Meyer informed the Board of Directors that the Plum Creek Conservation District had received 2 bids for the mowing project. President Holt then announced the bid amounts of each bid with Unity Contractor Services, Inc. at fourteen thousand six hundred and seventy dollars (\$14,670.00) and TerraSol at three thousand eight hundred and seven dollars (\$3,807.00). Mrs. Knight made a motion to select the lowest bidder, TerraSol, for the mowing project for several of the District's Flood Control Structures. Mr. Fred Rothert provided the second and the motion was approved unanimously.

1:30 PM President Holt requested discussion of item VI on the agenda regarding the Center Street Village project (Site 2). Daniel Meyer provided a brief summary of the 35-acre project. Mr. Meyer informed the Board that on December 15th, 2004, PCCD had written a letter to Mr. Howland stating that the plan had been reviewed and if the guidelines of the plan were followed, PCCD had no objection to the project moving forward. Tres Howland from TDI Engineering informed Mr. Meyer that a portion of the project had been completed, some changes had been made, and the plans were being reviewed by the City of Kyle. Mr. Howland stated the City of Kyle was requesting a Letter of No Objection from PCCD. Mr. Meyer sent the letter to National Resources Conservation Service (NRCS) for review in January but had not received a response. Mr. Howland gave an updated presentation regarding the project and requested reaffirmation of no objection from the Board regarding the project. Mr. Tom Owen made a motion that PCCD reaffirm approval of the plan that was submitted in 2004. Mrs. Lucy Knight provided the second and the motion was approved unanimously.

1:42 PM President Holt requested discussion of item VII regarding proposed easement agreements for Site 8 with different landowners. Mr. Meyer stated PCCD received a letter from NRCS that recommended that the easement area be increased up to 3 feet past the dam in case rehabilitation of the dam was needed. Mr. Meyer explained that the current metes and bounds meets this requirement. Mrs. Lucy Knight made a motion to authorize Mr. Holt to sign both easement agreements. Mr. Tom Owen provided the second and the motion was approved unanimously.

1:55 PM President Holt requested discussion of item VIII regarding acting on Site 10 matters. Mr. Meyer gave an update regarding events that occurred after the last board meeting, specifically the contractor stating they would not consider relocating unless the National Resources Conservation Service (NRCS) inspector was replaced. PCCD and NRCS both asked for documentation to substantiate this request. Mr. Meyer asked NRCS for a transfer of inspectors between Site 10 and 21. NRCS denied this request. On May 9th, 2022, a follow-up Zoom meeting was then held between NRCS, Mr. Holt, Mr. Meyer, and Mr. Bob Wilson to gain understanding on the reason for the denial. Mr. Meyer was still awaiting a response from NRCS; however, during the board meeting, a letter was received from NRCS stating that the request was again denied, reiterating that supporting evidence was needed and no documentation had been provided from the contractor as previously requested. Vance Bridges of Solid Bridge Construction discussed reasons he had for requesting the inspector removal, but ultimately decided to rescind his request. Mr. Bob Wilson confirmed with Mr. Bridges and Sunfield that they had been negotiating and come to an agreement about the relocation work and its costs. Mr. Bob Wilson indicated the relocation could be done through a change order. Jean Ann Maynard asked NRCS if a change order was within the scope of the contract; and NRCS said "no." Mr. Bob Wilson stated his recommendation was for PCCD to move forward with the change order to avoid the costs and lengthy time of litigation as well as halting the dam's rehabilitation work. Chris Bradford also voiced his concerns about delaying the relocation.

2:30 PM President Holt moved the meeting into Executive Session to discuss site 10 matters.

- 3:22 PM Back in session. Lucy Knight made a motion that PCCD enter into an agreement with Sunfield as negotiated by Mr. Bob Wilson and Chris Bradford, Attorney for Sunfield and once all parties signed the agreement, PCCD issue the change order to NRCS. Mr. Tom Owen provided the second and the motion was approved unanimously
- 3:24 PM President Holt requested discussion of item IX regarding draft mitigation plan. Mr. Meyer requested holding off on discussing and acting on the draft mitigation plan.
- 3:25 PM President Holt requested discussion of item X regarding acting upon a DRAFT District Easement Use Policy. Mr. Meyer requested holding off on discussing and acting the DRAFT District Easement Use Policy.
- 3:25 PM President Holt requested a report from the NRCS' District conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.
- 3:25 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave an update on Site 2. Work was suspended when the contractor damaged a City of Kyle reclaimed water line. The contractor has temporarily repaired the line and is working with the City of Kyle to lower the line. Mr. Meyer showed presentation slides of the progress on Site 10. Mr. Meyer gave an update on Site 21 stating to-date there have been no issues or concerns. Mr. Meyer gave an update on the upcoming Site 37 Fence Project and informed the Board that he had spoken with Mr. Bill Harrison who expressed his disappointment/frustration with the Board's decision after last month's meeting. Mr. Harrison requested Mr. Meyer ask the Board to change the bottom rung of the fence material. Mr. Tom Owen made a motion that the District check to see if the project contractor could use this different material without a change in the cost. Mrs. Lucy Knight provided the second and the motion was approved unanimously. Mr. Meyer informed the Board that the District's Groundwater Management Plan is coming up on its five-year renewal. The plan will need to be revised, a hearing will be held, and the revised plan will have to be approved 90 days before December 2022.
- 3:40 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson stated that all his comments had been made throughout the meeting.
- 3:40 PM President Holt requested public comments. There were no public comments.
- 3:41 PM Mr. Owen made a motion to adjourn. Mr. Reinecke provided the second and the motion to adjourn passed unanimously.



 President



 Vice-President