

MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT  
LOCKHART, TEXAS 78644  
April 19th, 2022

Notices of this regular meeting were posted in the Hays and Caldwell 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 Rotherth (Director) and Tom Owen (Director). Also present were PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson, and PCCD staff members Daniel Meyer, Karen Brooks, Nora Lopez-Castillo, Matt Shaw, and Alan Burklund. Nathan Richardson (Brightwork Real Estate), Graham Moore (Cool Breeze Consultants), Jerry Hendrix (City of Kyle); Chris Bradford (Attorney for Sunfield), and Bob Wilson were also in attendance. Minutes were transcribed by Nora Lopez-Castillo.

1:00 PM President Holt requested public comments. Nathan Richardson with Brightwork Real Estate and Graham Moore with Cool Breeze Consultants. They are the developers/engineers of a proposed gas station on Lehman Road in Kyle, Texas. This area includes PCCD's easement for Site 2. They were told by the City of Kyle that a Letter of No Objection was necessary from PCCD. They requested the District's assistance with obtaining the letter and/or final approval from National Resources Conservation Service (NRCS), as their original submittal was on 11/30/2021. On 12/30/2021 they received comments back from NRCS, which they resubmitted additional modification to their designs on 01/31/2022. To-date, they have not received any further communication from NRCS. Daniel Meyer stated that NRCS is backlogged. Bob Wilson explained and clarified the nature of the agreements PCCD has with NRCS to operate and maintain the dams. The District would be willing to write a letter stating the District's position after the NRCS review was completed.

1:07 PM President Holt requested motions or comments regarding the minutes of the regular scheduled meeting held on March 15<sup>th</sup>, 2022. Mrs. Knight made a motion that the minutes of the regular schedule meeting held on March 15<sup>th</sup>, 2022 be accepted as mailed out. Mr. Reinecke provided the second and the motion was approved unanimously.

1:07 PM President Holt requested any unfinished business that required the Board of Directors' attention. Mr. Meyer explained that there was no unfinished business.


1:08 PM President Holt requested discussion of item V on the agenda. Mr. Meyer discussed granting Nora Lopez-Castillo, Office Secretary, online banking access with view-only privileges to assist with expediting payments to contractors. Mrs. Knight made a motion that access be granted. Mr. Reinecke provided the second and the motion was approved unanimously.

1:16 PM President Holt requested discussion of Item VI on the agenda regarding bids received for the Site 37 fence project. Mr. Bill Harrison addressed the board voicing his concerns about the type of fence material used by the District. Mr. Meyer informed the Board of Directors that the Plum Creek Conservation District had received 2 bids for the fence project. Mr. Meyer stated that one of the bids had been received after the deadline and could not be considered by the Board. President Holt then announced the bid amount of the single bid from Sexton, Inc. at sixty-five thousand four hundred dollars (\$65,400). Mrs. Knight made motions to select the single and lowest bidder, Sexton, Inc., for the Site

37 fence project, and to grant President Holt the authority to sign the Notice of Award and Contract. Mr. Reinecke provided the second and the motions were approved unanimously.

- 1:41 PM President Holt requested discussion of item VII on the agenda regarding a proposal from Mr. Charles D. Nash concerning Site 2. Mr. Chuck Nash and Mr. McDonald are partners on this project and are requesting approval to discharge residual runoff from a private lake on the land to be developed once that Lake had been filled. Mr. McDonald planned on being available via Zoom; however, he was not able to attend. Mr. Meyer showed a map of site 2's easements and their proposed development locations to the Board. . The City of Kyle requested that Nash/McDonald obtain a letter from the District. Bob Wilson stated that the District has no authority to approve or disapprove of any planned development of this property, but pursuant to the District's easement on the property, the District has the right to object to any activity, including development, on the portion of the property encumbered by the easement to the extent it impacts or impairs the District's easement rights. Mr. Tom Owen requested Bob Wilson write a letter to Mr. Nash explaining this and President Holt then requested and received consensus of the Board.
- 1:53 PM President Holt requested discussion of item VIII on the agenda regarding the City of Kyle and Site 2. Mr. Jerry Hendrix, Assistant City Manager for the City of Kyle, was seeking the Board's approval to use the area around Site 2 for the City of Kyle's 4<sup>th</sup> of July fireworks event. The board approved this request once Mr. Hendrix confirmed that the contractor's rights, worksite, and equipment would be protected and that steps would be taken to ensure that the public would not have access to the construction area.
- 2:04 PM President Holt requested discussion of item IX on the agenda regarding proposed easement agreement for site 8. Daniel Meyer stated that the Board had previously approved certain areas and the proposed agreement was submitted to NRCS for review. NRCS responded with a letter stating new recommendations including increasing the elevations of the easements three (3) feet above the top of the dam. A discussion was held about the possible implications of this particular recommendation. The developer stated they would be able to meet this recommendation if needed. The Board stated that no action could be taken until final agreement can be proposed for the Board's final approval.
- 2:17 PM President Holt requested discussion of item X on the agenda regarding Site 10 matters. Daniel Meyer stated that PCCD had received the new worksite relocation cost estimate from Solid Bridge Construction. Vance Bridges with Solid Bridge Construction, LLC, contractor for Site 10, attended via Zoom. Chris Bradford, attorney for Sunfield, Ryan Burkhardt (Sunfield Representative), Scot Whitwer (Sunfield Representative) and Ben Williams, Sunfield's engineer, were also present at the meeting. Several line items of the proposal were reviewed with Sunfield representatives and Solid Bridge Construction. Sunfield and Solid Bridge Construction agreed to discuss items that could be removed from the proposed cost estimate. Mr. Bradford stated that once both parties reach a final agreement on a new estimate that reflected the discussed changes and/or removal of certain line item, Sunfield would pay the relocation costs using monies from Sunfield MUD (Municipal Utility District) that were slated to be paid to PCCD in the amount of \$250,000. Sunfield would then pay the remaining balance if the relocation started within 30 days with \$100,000 being paid on removal of the existing equipment and other payments being made according to established benchmarks.
- 2:53 PM President Holt moved the meeting into Executive Session to discuss site 10 matters.
- 3:32 PM Back in session. Bob Wilson informed Sunfield representatives and Vance Bridges that the Board instructed him to work with both parties to come to a final agreement with the understanding that there would be no out-of-pocket costs to PCCD other than the \$250,000. Once this was reached, the Board would be able to take final action.

- 3:35 PM President Holt requested discussion of item XI on the agenda. Mr. Meyer requested holding off on discussing the draft mitigation plan
- 3:35 PM President Holt requested discussion of item XII on the agenda. Mr. Meyer requested holding off on discussing a DRAFT District Easement Use Policy.
- 3:36 PM President Holt requested discussion of item XIII on the agenda regarding PCCD's Quarterly Investment Report. Lucy Knight stated that the report had been received and reviewed.
- 3:36 PM President Holt requested a report from PCCD Geologist, Mr. William Feathergail Wilson. Mr. Feathergail Wilson requested holding off on the report.
- 3:36 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.
- 3:37 PM President Holt requested an O & M report from PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer reported that a letter had been sent to Charles Appleby (VP of Environmental Park 1-30) about designated locations for the Site 21 rehabilitation project (specifically worksite). Mr. Meyer discussed Site 12, stating that DR Horton's designs are still being reviewed by NRCS. In addition, Mr. Meyer mentioned that the locations of areas needed for the site 12 rehabilitation would need to be planned with DR Horton. Mr. Meyer notified the Board that D.R. Horton had removed the District's entrance gate and portions of its easement fence and had excavated portions of the outer auxiliary berm. D.R. Horton verbally agreed to correct these issues. Mr. Meyer stated since there had been several instances where D.R. Horton had altered the District's easement, he asked Bob Wilson to write a letter informing D. R. Horton to repair these alterations. Mr. Meyer informed the Board that the Site 2 state upgrade project is behind schedule. The contractor stated this was due to delays in receiving submittal approvals and Requests For Information determinations by AECOM (Engineering Company who designed the dam). Mr. Meyer also reported on a developer who had purchased approximately 900 acres on the west side of 34 and was planning to build approximately 2500 homes. Another developer purchased area on the east side of Site 34 and has requested a meeting with PCCD to discuss the easement. A question arose regarding Site 34 and Maxwell SUD water lines and PCCD's easement agreement. Mr. Meyer stated further research of this issue is needed. Mr. Meyer also stated that he discovered survey stakes that go across the District's auxiliary spillway. Mr. Meyer will be reaching out to the new owner regarding this. Last, Mr. Meyer reminded the Board Members of the Cyber-security training requirement.
- 3:50 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson updated the board on new proposed rules regarding discharge permits. Mr. Wilson stated that he would be performing further research on NRCS' recommendation of increasing the elevations of the easements three (3) feet above the top of dam for site 8.
- 3:58 PM President Holt requested public comments. There were no public comments.
- 3:58 PM Mr. Rothert made a motion to adjourn. Mr. Reinecke provided the second and the motion to adjourn passed unanimously.

  
President

  
Vice-President