

**MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT  
LOCKHART, TEXAS 78644  
January 17th, 2023**

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, Mrs. Lucy Knight.

1:00 PM The meeting was called to order by President of the Board, James Holt, with the following Board members present: Peter Reinecke (Vice-President), Fred Rothert (Director) and Tom Owen (Director). Graham Moore with Alliance Regional Water Authority, Rob Hoffman, Merlin Friesenhahn, Mark Friesenhahn with Longhorn RV Resort were in attendance. Also present were PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson, and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Robert Barron. Mrs. Lucy Knight was not present at the meeting, but Mr. Bob Wilson announced that the 4 Board of Directors in attendance established a quorum. The minutes were transcribed by Nora Lopez-Castillo.

1:00 PM President Holt requested public comments. There were no public comments.

1:00 PM President Holt requested motions or comments regarding the minutes of the regularly scheduled meeting held on December 20<sup>th</sup>, 2023. Mr. Tom Owen made a motion that the minutes of the regularly scheduled meeting held on December 20<sup>th</sup>, 2023, be accepted as mailed out. Mr. Peter Reinecke provided the second and the motion was approved unanimously. President Holt asked if there was any unfinished business that required the Board of Directors' attention. Mr. Meyer stated that there was no unfinished business.

1:01 PM Mr. Daniel Meyer administered the oath of office to Mr. Fred Rothert and Mr. Tom Owen. Each newly elected Director then signed the oath of office.

1:02 PM President Holt requested discussion of agenda item VI regarding a presentation from Alliance Regional Water Authority (ARWA). Mr. Meyer introduced Graham Moore who provided a detailed presentation accompanied by a slide presentation of their phase 1B construction project, which includes 4 Carrizo Wells, well water collection line, new water treatment plant, and water transmission main segment encompassing about 89 miles. They have installed a 5 million-gallon storage tank in the Maxwell, Texas area. ARWA anticipates delivery of water by the end of 2023 to some customers.

1:04 PM President Holt requested discussion of agenda item VII regarding resolution to adopt PCCD's Groundwater Management Plan, which must be done every five years. Daniel Meyer informed the Board that two hearings were held: one in October of 2022 and one on January 13<sup>th</sup>, 2023. After the first hearing in October, the Texas Water Development Board made several recommendations/changes that needed to be incorporated in the plan to comply with the statute. PCCD incorporated these recommendations into the plan and the second hearing was then held. Mr. Owen made a motion that the Groundwater Management Plan Resolution be approved. Mr. Rothert provided the second and the motion was approved unanimously.

1:38

1:42 PM President Holt requested discussion of agenda item VIII regarding adding TexPool Prime to the District's Investment Portfolio. Mr. Meyer stated the Board requested more information regarding this matter at last month's meeting. Mr. Meyer contacted Federated Hermes who supplied the verbiage that could be used to amend PCCD's investment policy should the Board decide to add TexPool Prime. Mr. Meyer provided a brief summary of the TexPool versus TexPool Prime including an estimate of the amount of interest that would be accrued due to TexPool Prime's higher interest rate. Mr. Peter Reinecke made a motion not to add TexPool Prime to the District's Investment Portfolio. Mr. Rothert provided the second and the motion was approved unanimously.

1:46 PM Mr. Meyer stated that agenda item IX did not need to be discussed as no changes would be made to the District's Investment Policy.

1:47 PM President Holt requested discussion of agenda item X regarding quotes received for the Site 27 Fence Project. Mr. Meyer explained that the fence line along the upstream side of the dam was in disrepair and on several occasions PCCD staff members had repaired sections. The repair quote was for approximately 2,500 feet of new fencing and a 16-foot gate installed on the east end with braces and fence posts. Mr. Meyer stated that the quote was submitted to several contractors, but only one bid had been submitted. President Holt then announced the bid amount from Sexton at \$18,047.60 (eighteen thousand and forty-seven dollars and sixty cents). Mr. Reinecke made a motion to accept the bid from Sexton for the Site 27 Fence Project. Mr. Owen provided the second and the motion was approved unanimously.

1:49 PM President Holt requested discussion of agenda item XI regarding a request for releasing the flood easement on a 10.01 acres (Calvillo Subd.) for Site 14. Mr. Meyer reminded the Board that during December's board meeting, a motion was made to restate the easement with a metes and bounds description with consideration of the 547-foot elevation and to also include PCCD's Easement Use Policy. Mr. Meyer stated that Mr. Bob Wilson had compiled a draft but a survey and a document from the owners granting Mr. Doyal the authority to act on their behalf are still needed. Mr. Wilson reiterated that the draft does not release the easement, but only restates the area covered by the easement. This agenda item was tabled until the necessary items are received.

1:52 PM President Holt requested discussion of agenda item XII regarding request by Caldwell County to review a preliminary plat of Lake Longhorn Ranch at Site 34. Mr. Meyer provided a copy of the plat to the Board members. Mr. Meyer had been contacted by the Caldwell County engineer who stated that the Caldwell County Commissioners (CCC) were requesting feedback from the PCCD Board. Specifically, CCC wanted to know if the Board would object to the preliminary plat. Mr. Meyer stated it was his opinion that there could be potential impacts to the dam if the preliminary plat were to be developed as designed. The components of the preliminary plat that could possibly impact the dam are: (1) a proposed emergency easement access road which traverses across the auxiliary spillway and below the dam; (2) property tracts within the auxiliary spillway with possible fencing being allowed in this area; and (3) a lack of area needed for future repairs or rehabilitation. Mr. Meyer also noted that the plat did not designate the District's easement. Mr. Meyer stated that there is a drainage easement, but it is unclear if it is PCCD's. Mr. Bob Wilson stated that PCCD has no legal authority to approve/disapprove a plat for a subdivision. Mr. Meyer's recommendation was that the developers fill out PCCD's Easement Use Application. Mr. Meyer informed the Board that he had a meeting scheduled with the developers to discuss their plans further. The Board requested that Mr. Meyer inform the CCC that more information needs to be obtained before responding to their request. This agenda item will be brought before the Board once more information is received.

- 2:08 PM President Holt requested discussion of agenda item XIII regarding unapproved excavations at Site 16. Mr. Meyer stated that on January 9, 2023, Alan Burklund informed Mr. Meyer that he had driven by the site and noticed excavation. Alan Burklund and Robert Barron visited the site on that date and confirmed a 2-1/2 to 3 foot deep excavation running up the auxiliary spillway and then turning east heading toward the septic drain field. Mr. Meyer had sent a letter to Longhorn RV Park regarding this and also invited them to the Board meeting. Rob Hoffman with Longhorn RV Resort informed the Board that they had applied for a permit to install the septic line from Hays County and were approved. Mr. Hoffman stated that the line was inspected by Hays County Inspectors. Mr. Hoffman stated that they did not think the septic line would prohibit or cause impact to the dam nor did he believe that it would cause obstruction of the spillway or cause it not to function properly. Mr. Hoffmann asked the Board to allow the septic line to remain. Mr. Bob Wilson stated that the issue was that the spillway is part of the works of improvement and PCCD, as the primary local sponsor of the dam, has the responsibility to ensure that it continues to function properly. Mr. Wilson stated that NRCS will need to review the plans and inspect the area before a decision can be made. President Holt and the Board requested that PCCD staff notify NRCS and their engineers of this situation so that they can make their recommendations. Mr. Meyer stated that he had two more items to discuss regarding Site 16. Mr. Meyer stated that PCCD has easements downstream and that there is a plan to place RV lots in an area below the auxiliary spillway. Mr. Meyer is concerned that the RV lots may pose an impact on PCCD's easement and had asked the Board whether it should be reviewed by NRCS. Mr. Holt and the Board stated that this should also be reviewed by NRCS. Mr. Meyer stated the next item was concerning a 2018 proposal made by Longhorn RV Park to install a road along the outside auxiliary spillway dike. Mr. Meyer requested a status update. Mr. Hoffman stated that property located west of the dam had been sold to a developer about a year ago and the new owner had requested an emergency escape easement. Mr. Hoffman stated they informed the new owner that they would need to contact PCCD regarding this.
- 2:45 PM President Holt requested that agenda item XIV regarding the PCCD Quarterly Investment Report be tabled until next month's meeting when Mrs. Lucy Knight would be in attendance.
- 2:46 PM President Holt requested that agenda item XV regarding the consideration of drilling a Wilcox monitoring well. Mr. Meyer stated that Mr. Bob Wilson had looked into the legalities of the well being drilled on property owned by a PCCD Board of Director and he had also started to draft an access and use agreement for Mr. Owen's review. Mr. Bob Wilson stated that more information was needed and will be presented to the Board at a later time.
- 2:48 PM President Holt requested that agenda item XVI regarding the Operations and Maintenance Agreement and Land Rights Requirements for the rehabilitation of Floodwater Retarding Structure 28. Mr. Meyer stated that this item has been on the agenda for several months and is still awaiting a response from NRCS. Mr. Meyer stated that he had spoken with other NRCS staff informing them that the Board was hesitant to sign the O&M Agreement due to the requirement of a metes and bounds survey. Mr. Meyer also stated that he has an upcoming meeting with the landowner of Site 28 regarding compensation for land.
- 2:59 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson's presented a slideshow on freshwater depletion and the zero liquid discharge (ZLD) desalination process. ZLD can be utilized to produce water using abundant saline water. Feathergail Wilson proposed that PCCD inform the City about the ZLD process.
- 3:11 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

3:11 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave a status update on Site 6 overgrazing. PCCD was able to transfer the livestock from PCCD's site 6 easement into the adjoining property. Mr. Meyer apprised the Board of four concerns he had regarding Site 12. The first concern, Mr. Meyer explained, involves an area set aside for a 60-foot waterway design feature that was acquired from Ky-Tex Properties L.P. for future rehabilitation of the dam. The purpose of the 60-foot waterway is to drain outside water safely down to the creek without impacting the dam. D.R. Horton had started their design work which included a proposed road that was parallel to the auxiliary spillway berm and located in the same location as the proposed 60-foot waterway. PCCD had held a meeting with NRCS and D.R. Horton to discuss this conflict. D.R. Horton had asked if their road network and drainage system could serve the same purpose as the 60-foot waterway. NRCS reviewed this and stated that if D.R. Horton provides drainage with their subdivision and does not negatively impact the dam, there is no need for the 60-foot waterway easement. D.R. Horton expressed an interest in a release of this area and plans to attend a future Board meeting to do so. Mr. Meyer's concern was that if the easement were to be released and there were impacts to the outside auxiliary spillway dike, then who would be monetarily responsible for any repair. The second concern, explained Mr. Meyer, involves a culvert installed at the end of the auxiliary spillway, which is on the inside of PCCD's easement. One question NRCS had asked was who would be responsible for operating and maintaining the culvert. The third concern was about access to Site 12. Currently, D.R. Horton had given PCCD verbal acknowledgement that it would provide access, but Mr. Meyer would preferably like to request a written document from D.R. Horton designating access. The fourth concern was about PCCD's campsite location during the dam's future rehabilitation. Mr. Meyer recommended to the Board that PCCD establish a campsite. Mr. Meyer asked how PCCD wanted to address these four concerns. Mr. Bob Wilson and the Board recommended that PCCD address these issues when D.R. Horton presents the Board with a request for an easement release during the subdivision design phase. Mr. Meyer then presented the Board with a rough draft of PCCD's Records Retention Schedule for their review and comments. Mr. Meyer stated that this item will be placed on the agenda again. Mr. Meyer informed the Board that PCCD is required to submit a schedule to the Texas State Library and Archives Commission (TSLAC).

3:27 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson informed the Board that the Texas Water Development Board granted the City of San Marcos \$7,400,000 for drainage improvement and he recommended that PCCD keep in contact with Hays County. Mr. Bob Wilson stated that PCCD has the legal ability to investigate the desalination process. President Holt requested that PCCD research what the estimated costs (per 1,000 gallons) would be to drill a 3,000-foot well and then desalinate the water to drinking water standards.

3:35 PM President Holt moved the meeting into Executive Session for yearly employee reviews and subjects allowable.

- 3:46 PM Back in session. The Board thanked the staff for their exemplary service. Mr. Rothert made a motion to increase Robert Barron's salary from \$47,500 to \$55,000; to increase Nora Lopez-Castillo's salary from \$42,000 to \$55,000; to increase Alan Burklund's salary from \$50,000 to \$55,000; and to increase Daniel Meyer from \$90,000 to \$100,000. Mr. Owen provided the second and the motion passed unanimously. Mr. Reinecke made a motion that the increases be retroactive to January 1, 2023. All Board members voted aye, and the motion passed unanimously.
- 3:46 PM President Holt requested public comments. There were no public comments.
- 3:47 PM Mr. Rothert made a motion to adjourn. Mr. Owen provided the second and the motion to adjourn passed unanimously.



President



Vice-President