

MEETING OF THE BOARD OF DIRECTORS  
PLUM CREEK CONSERVATION DISTRICT  
LOCKHART, TEXAS 78644  
February 21st, 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/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). Mark Northcut of NRCS attended the meeting via Zoom. Alfonso Sifuentes of Integrated Waste Solutions Group (IWSG) and Graham Moore of Alliance Regional Water Authority were present. 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. 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 January 17<sup>th</sup>, 2023. Mr. Peter Reinecke made a motion that the minutes of the regularly scheduled meeting held on January 17<sup>th</sup>, 2023, be accepted as mailed out. Mr. Tom Owen provided the second and the motion was approved unanimously.

1:01 PM 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 President Holt requested discussion of agenda item V regarding the Operations and Maintenance Agreement and Land Rights requirements for the rehabilitation of Floodwater Retarding Structure 28. Mr. Meyer stated that a meeting had been held with Mark Northcut and Brian Wenberg of NRCS to discuss the prerequisites for Site 28 rehabilitation, specifically the required metes and bounds survey. Mr. Meyer expressed to NRCS that this requirement could limit PCCD's ability to carry out the terms of the original easement. Mr. Northcut indicated that a metes and bounds survey was required, but it did not need to be recorded, nor used to amend the current easement. Mr. Northcut also indicated PCCD could use the metes and bounds survey to revise the original easement, if needed, in the future. Mr. Meyer had asked Mr. Northcut whether the costs of the survey would be covered under the construction reimbursement. Mr. Northcut indicated that it could be reimbursed by funds allocated as in-kind services for land rights. Mr. Holt had asked where the requirement for a metes and bounds survey had originated. Mr. Meyer/Mr. Northcut had stated that this requirement is listed in NRCS' National Watershed Program Manual and Handbook. Mr. Bob Wilson requested a copy of this. Mr. Northcut stated the current manual/handbook is available on NRCS' website. Mr. Bob Wilson stated that a dialogue was needed between NRCS and local sponsors notifying them of any handbook/manual updates. Mr. Northcut stated that it was the responsibility of the state program managers to notify local sponsors about updates. Mr. Meyer confirmed with Mr. Northcut that before the Site 28

Rehabilitation Project could begin, PCCD would need a metes and bounds survey, a land rights assurance form submitted with an attorney opinion letter, other required permits, and the signed Site 28 O&M Agreement. Mr. Meyer noted that the Site 28 O&M Agreement also had signature lines for Caldwell-Travis Soil and Water Conservation District and Hays County Soil and Water Conservation District. Mr. Meyer then requested an update on funding from Mr. Northcut. Mr. Northcut stated that he was still working on the funding aspects for this agreement. Mr. Northcut stated after receipt and review of the final designs, NRCS had requested and received additional construction funds, which could be added to the existing agreement via an amendment. Mr. Northcut emphasized that NRCS's goal was to award a contract this fiscal year. Mrs. Lucy Knight made a motion to approve the resolution to approve the Site 28 O&M Agreement. Mr. Tom Owen provided the second and the motion was approved unanimously.

1:27 PM

President Holt requested discussion of agenda item VI regarding a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson presented a slideshow about the Alliance Regional Water Authority (ARWA) and the Guadalupe-Blanco River Authority (GBRA) project, which both have well fields within the Carrizo barrier island complex. Mr. Feathergail Wilson stated he had obtained numerous samples from wells that were 50 to 150 miles away from this area. Mr. Feathergail Wilson presented a geological cross section for areas between the ARWA wells and GBRA wells that indicate a very porous and permeable section of the Carrizo aquifer. Per President Holt's request at December's meeting, Mr. Feathergail Wilson informed the Board that the estimated cost to drill and complete an open-hole, 3000-foot Edwards saline well with a 12.75" hole, including an epoxy pipe, would be \$600,000. This well, Feather estimated, would produce 1500 to 2000 gallons per minute.

2:03 PM

President Holt requested discussion of agenda item VII regarding Alliance Regional Water Authority (ARWA) permit review. Mr. Meyer stated that PCCD is required to review all water well production permits every 5 years. Mr. Meyer had Mr. Feathergail Wilson perform an analysis of the geology and the aquifers within a 4 mile radius of the permitted wells. Mr. Meyer further explained that a number of specific items were reviewed that included an evaluation of Desired Future Conditions, Rule 20, pumping compliance, water rights leases, and mitigation. Mr. Meyer stated that ARWA was compliant with their Water Well Field Production and Transportation Permit. Mr. Meyer stated he had discussed the required monitoring well with Graham Moore of ARWA, who indicated that ARWA planned to seek bids in March of 2023 to drill the monitoring well. Mr. Meyer explained that when ARWA had originally applied for the permitted well location (well #1), one of the requirements was that it had to be within 500 feet from the property line. Mr. Meyer informed the Board that ARWA discovered that the property line was incorrect, which therefore caused ARWA's proposed location to be out of compliance. Mr. Meyer discussed possible options to rectify this. Mr. Moore indicated that they would be open to either of these options, but would need to work with the property owner's preference. Mr. Meyer and Mr. Moore agreed to continue working on resolving this issue and to present a solution to the Board for consideration at a future date.

2:10 PM

President Holt requested discussion of agenda item VIII regarding a presentation from Environmental Park 130 Landfill. Mr. Alfonso Sifuentes from Integrated Waste Solutions Group (IWSG) informed the Board that IWSG was the parent company/owner of the 130 landfill and Central Texas Refuse. Mr. Sifuentes gave a visual presentation and stated that the entire site was 1229 acres, but upon completion, the landfill footprint will only be 250 acres. Mr.

Sifuentes stated 100 acres will be used for a business park and that IWSG had initiated construction on a community center with anticipated completion in the third quarter of 2023. This date should correspond with the estimated completion date of PCCD's Site 21 rehabilitation project. Mr. Sifuentes stated it was IWSG's hope to establish a partnership with PCCD in the future that would involve the creation of a wildlife reserve.

2:23 PM President Holt requested discussion of agenda item IX regarding PCCD's Quarterly Investment Report. Mrs. Knight stated she had reviewed and signed the report for the year ending 2022. Mrs. Knight informed the Board that the CD PCCD had with Texas Trust Bank was renewed at a 3.5% interest rate for 6 months only in case the interest rate increased further. Mrs. Knight stated she had spoken with Broadway Bank regarding the CD PCCD has with them. Mrs. Knight advised the bank that PCCD wanted to use the once-a-year option to lock into a higher interest rate. Mrs. Knight stated she will keep the Board apprised.

2:36 PM President Holt requested discussion of agenda item X regarding the consideration of drilling a Wilcox monitoring well. Mr. Meyer indicated that PCCD was still working with Mr. Tom Owen on the access use agreement for the Wilcox monitoring well.

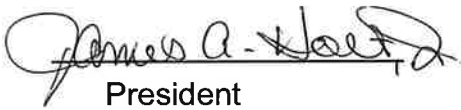
2:36 PM President Holt requested discussion of agenda item XI regarding a DRAFT Interlocal Agreement for GMA 10. Mr. Meyer stated that one of the main purposes of GMA 10 was to propose and adopt Desired Future Conditions (DFC). Mr. Meyer reminded the Board that he was currently the Interim Coordinator for GMA 10. Part of the duties were to draft a GMA 10 interlocal agreement and to develop a Request for Qualification to hire a DFC technical consultant. Mr. Meyer asked Mr. Bob Wilson for his assistance with the GMA10 interlocal agreement. As part of this agreement, a Contract/Funds Manager would be needed to work with the technical consultant. Mr. Meyer asked the Board if they wanted PCCD to be the Funds Manager, or if they preferred that another district have this responsibility. The Board asked about the possible costs that might be incurred by PCCD if they were chosen as the Funds Manager. Mr. Bob Wilson stated a GMA 10 agreement could be written to have each district reimburse PCCD for any associated costs. Mr. Meyer stated he would be attending a GMA 10 meeting on March 1, 2023, and would update the Board at the next meeting.

2:51 PM President Holt requested discussion of agenda item XII regarding PCCD's Record Retention Policy and Retention Schedule. Mr. Meyer informed the Board that three elements of compliance needed to be sent to the Texas State Library and Archives Commission (TSLAC): (1) a record management policy, (2) a records retention schedule, and (3) a designation of a records management officer (RMO). Mr. Meyer reminded the Board that in 1991 PCCD submitted an ordinance to TSLAC that created a Records Management Program. Mr. Meyer asked the Board if they wanted to (1) use the 1991 ordinance, (2) use the template that was recommended by TSLAC, or (3) have Bob Wilson amend the 1991 ordinance. The Board requested that the 1991 ordinance be amended. Mr. Meyer stated that once the ordinance was amended, the records retention schedule would need to be approved and submitted to TSLAC. The Board was given a second draft of the retention schedule to review. Mr. Meyer pointed out that the suggested retention schedules for these newly added records would be in accordance with the Texas Commission on Environmental Quality's "Water District Financial Management Guide."

2:59 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer gave a status report on Site 12 and informed the Board that D.R. Horton had sent a proposed draft easement release with a proposed metes and bounds survey to Mr. Bob Wilson for review. Mr. Meyer presented the Board with a visual presentation comparing the proposed metes and bounds survey to PCCD's current easement. Mr. Meyer stated that there were some areas that encroached and/or were within PCCD's general easement. The area that PCCD had previously acquired from Ky-Tex Properties L.P. for easement purposes was not included in DR Horton's proposed release easement. PCCD's access to the site was also not included. Mr. Bob Wilson sent this information to D.R. Horton's attorney so that modifications could be made. Mr. Meyer stated that D.R. Horton informed him that they would be developing condominiums and apartments on the west side of the dam. Mr. Meyer noted that the west side of the dam was also PCCD's proposed campsite and asked for feedback from the Board regarding securing the campsite area for rehabilitation purposes. The Board requested a written agreement to designate the campsite area. Mr. Meyer gave a status report on Site 34. Mr. Meyer contacted the property owner of Site 34, LLTXP and requested they complete PCCD's Easement Use Application. The application had been submitted and was being reviewed by PCCD. Mr. Meyer requested that LLTXP send a letter to the Texas Commission on Environmental Quality (TCEQ) Dam Safety Division regarding their proposed development. Mr. Meyer gave an update on Site 16. As requested by the Board previously, Mr. Meyer contacted NRCS about the excavation that had been done in the auxiliary spillway and the RV lots that were below the auxiliary spillway. NRCS responded that they would conduct a site visit at the end of February or March. NRCS stated in an email that the excavation and RV lots were in violation of the Texas Administrative Code Title 30 Part 1 Chapter 299 Subchapter B Rule 299.16(d)(2). Mr. Meyer further explained that a letter had been sent to the property owners informing them that they would need to send their designs to the TCEQ Dam Safety Division. Regarding Site 2, Mr. Meyer informed the Board that the contractor was behind schedule, as the original completion date was 02/20/2023. PCCD had proposed to extend the contract 84 days. The contractor reviewed the extension proposal, but also requested \$81,000 in addition to the time. Mr. Meyer informed the contractor that, if \$ 81,000 were requested, an extensive assessment for the delays and request for additional money would need to be done and that the results would need to be presented to the Board and possibly TSSWCB (who was funding the project) for final review approval. Mr. Meyer gave a status report on Site 10 and stated that they were a bit ahead of Site 2 on the RCC work. The contractor had completed the test section. Mr. Meyer gave a status report on Site 21. Mr. Meyer informed the Board that the contractor had made an error in the location (approximately 3 inches) of the impact basin headwall so slight revisions were made to the designs. Mr. Meyer informed the Board that he had received an email from Texas Alliance of Watershed Sponsors (TAWS) requesting that PCCD send a letter in support of the TSSWCB proposed Budget, specifically \$34 million for infrastructure and \$150 million dollars for critical dam rehabilitation. Mr. Meyer presented a draft support letter to the Board and asked if they wanted him to sign and send it. The Board agreed that the letter be sent.

- 3:29 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Wilson stated he had reviewed the Lieutenant Governor's legislative program and noted that 30 bills were listed and #28 was "Addressing Texas' Future Water Needs." Mr. Wilson stated that he had looked for all 28 bills, but none have been filed. He will keep the Board informed.
- 3:30 PM No Executive Session was held.
- 3:30 PM President Holt requested public comments. There were no public comments.
- 3:31 PM Mrs. Knight made a motion to adjourn. Mr. Fred Rothert provided the second and the motion to adjourn passed unanimously.

  
President

  
Vice-President