

**MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
November 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. The following Board members were present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rothert (Director) and Tom Owen (Director). PCCD Attorney Bob Wilson, PCCD Geologist Feathergail Wilson (via ZOOM), and PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Tyler Farco were present. Lance Finnefrock, Site 2 Project Engineer, and Bill Chapman, Site 2 Inspector, both with AECOM, attended the meeting via Zoom. Steve Bednarz with the Texas State Soil and Water Conservation Board attended the meeting via Zoom. Jean Ann Maynard, PCCD Contract Consultant, attended the meeting via Zoom. Brad Bechtol with Montoya Anderson Construction (MAC), Inc. was present. 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 October 17th, 2023. Mrs. Lucy Knight made a motion that the minutes of the regularly scheduled meeting held on October 17th, 2023, be accepted as mailed out. Mr. Peter Reinecke 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 stated that agenda item IX regarding Site 2 Upgrade Project matters would be moved up and become the next item to discuss. Mr. Meyer stated that two main project items still needed to be completed: (1) temporary seeding, which was required by the Storm Water Pollution Prevention Plan (SWP3) and the Texas Pollutant Discharge Elimination System (TPDES) with the primary goal of erosion and sediment control and (2) permanent seeding, which was required by the Contract Construction Specification VI, to establish the permanent grass coverage of the dam. Mr. Meyer stated he had invited the following people to attend the meeting: Lance Finnefrock, Site 2 Project Engineer, and Bill Chapman, Site 2 Inspector, both with AECOM; Steve Bednarz with the Texas State Soil and Water Conservation Board; and Jean Ann Maynard, PCCD Contract Consultant. Mr. Meyer provided the Board with a summary of events. Mr. Meyer informed the Board that at the September 2023 Site 2 safety meeting, options for temporary and permanent seeding for the dam were discussed. Mr. Meyer informed the Board that at that meeting he stated he preferred the temporary seeding (winter type rye mix) be applied in the fall, which would cover the SWP3 requirements, and then later in the spring of 2024, the permanent seeding could be completed. Mr. Meyer stated that at that meeting, Brad Bechtol, Site 2 Contractor, suggested that the temporary and permanent seeding be combined and applied at the same time in the fall. Mr. Meyer stated much correspondence ensued between PCCD and

the contractor regarding this matter. Mr. Meyer stated that the contractor had been informed that PCCD did not object to the contractor's suggestion; however, an issue arose regarding how payment would be made for the combined seeding. Mr. Meyer stated that MAC wanted to be paid 85% for the combined seeding as soon as it was applied and would return in the spring to reseed areas if needed. Mr. Meyer stated that PCCD's position was that the contractor would be paid for the seeding in the spring after PCCD had been able to evaluate the extent of grass coverage. In addition, Mr. Meyer stated MAC had also requested that the seeding be implemented via a contract modification. Mr. Meyer stated that Jean Ann Maynard had advised against executing a contract modification since the proposed seeding would not meet the contract specifications. Mr. Meyer stated that MAC was also requesting that the contract retainage funds be released. Mr. Meyer informed the Board that the surety company that issued MAC's payment and performance bond recommended that the District protect itself and advised that the retainage not be released. A lengthy discussion was had with input and comments from Daniel Meyer, Steve Bednarz, Jean Ann Maynard, Brad Bechtol, Lance Finnefrock, and PCCD attorney Bob Wilson regarding the situation. After that discussion, Brad Bechtol stated he would broadcast the winter seed for temporary seeding (at no cost) as soon as the site had sufficiently dried, would return to complete the hydromulch/seeding in the spring, and would continue to maintain erosion control. The Board had a discussion on whether to retain or release any portion of the retainage funds. Mrs. Knight made a motion to release 50% of the total retainage with the next payment. Mr. Owen provided the second and the motion was approved unanimously.

2:11 PM

President Holt requested discussion of agenda item V regarding a resolution to approve the Caldwell County Appraisal District's Tax Rolls for PCCD groundwater. Mr. Meyer stated the resolution is required by Property Tax Code Section 26.09. Mr. Meyer explained that the tax roll calculated the amount of tax that would be imposed by PCCD. Mrs. Knight made a motion to approve and authorize Mr. Holt to sign the resolution for PCCD groundwater. Mr. Rothert provided the second and the motion was approved unanimously.

2:15 PM

President Holt requested discussion of agenda item VI regarding a resolution to approve the Caldwell County Appraisal District's Tax Rolls for PCCD surface water. Mrs. Knight made a motion to approve and authorize Mr. Holt to sign the resolution for PCCD flood control. Mr. Owen provided the second and the motion was approved unanimously.

2:16 PM

President Holt requested discussion of agenda item VII regarding the Site 28 Rehabilitation Project. Mr. Meyer stated that the 404 Permit was still pending approval by the U.S. Army Corps of Engineers, but all necessary information had been submitted. Mr. Meyer stated the survey was at a standstill, as the attorneys for the survey company were reviewing the contract. Mr. Meyer then asked Mr. Bob Wilson to discuss with the Board the status of the land rights letter as well as the outcome of the meeting that had been held with the Site 28 landowners and their request for compensation. Mr. Bob Wilson stated that the land right letter now included a clause that even if the metes and bounds description was different from the existing easement, PCCD was reserving its rights under the original easement for purposes such as dam maintenance, inspection, rehabilitation, etc. Mr. Bob Wilson stated that the letter also includes the statement that PCCD has the power of eminent domain. Mr. Bob Wilson stated he was confident that the land rights letter could be written and submitted. Mr. Bob Wilson stated that he and Mr. Meyer held a meeting with the Site 28 landowners during which he informed them that

they might be entitled to compensation for soil, if the contractor chose to use and then purchase it from the landowner. Mr. Bob Wilson informed the landowners that they were not entitled to any compensation because their predecessors had signed the easement that granted PCCD the rights needed to perform the rehabilitation project. At the landowners' request, Mr. Wilson stated that PCCD would include a clause in the bid packet that stated the contractor would need to negotiate compensation with the landowner if the contractor chose to use their in-place soil versus using an outside source.

2:28 PM President Holt requested discussion of agenda item VIII regarding the Site 10 Rehabilitation Project. Mr. Meyer informed the Board that the Site 10 project was finished and presented slides of the completed project. Mr. Meyer stated that PCCD had not received the final \$100,000 payment that was due to Solid Bridge Construction as part of the campsite relocation agreement. Mr. Bob Wilson stated that if the payment was not received, PCCD would have to begin some type of action to collect the payment that had been agreed upon.

2:30 PM President Holt requested discussion of agenda item X regarding the GMA 10 Interlocal Agreement (ILA). Mr. Meyer stated a draft agreement had been sent out to all GMA-10 members for review and some members were having their attorney review the agreement, which could result in changes. Mr. Meyer stated no action was needed until the final version could be presented to the Board.

2:31 PM President Holt requested discussion of agenda item XI regarding a contract between PCCD and Collier Consulting to assist GMA 10 members develop Desired Future Conditions (DFCs) and perform modeling. Mr. Meyer stated that the contract had been drafted and sent to all GMA 10 members as well as Collier Consulting for review. Mr. Meyer informed that until a response was received from Collier, no action was needed. Mr. Bob Wilson mentioned that the contract between PCCD (as an agent for GMA-10) and Collier Consulting included a provision that would allow Collier Consulting to request an increase over the budgeted amount. Mr. Bob Wilson stated that the contract included a provision that would allow Daniel Meyer to amend the contract to approve this type of increase. Mr. Bob Wilson stated he had prepared a resolution for the Board's consideration that would grant Mr. Daniel Meyer this authority. No action was taken at this time.

2:35 PM President Holt requested discussion of agenda item XII regarding the 5-year review of the Luling Production Well Permits. Each Board member was given a copy of Permit Review Checklist, a map of the Luling Well Locations, and a map of wells that had been drilled in the vicinity of the Luling Permitted Wells. Mr. Meyer requested that Tyler Farco present the report to the Board. Tyler stated the review was completed on November 14, 2023. Tyler informed the Board that the wells were not currently in operation so many of the review questions were not applicable. Tyler explained to the Board that he had used two analyses to determine that the water levels in the vicinity of the permitted wells were compliant with Rule 20. Tyler informed the Board that within a one-mile area, nine wells have been drilled since 2017 and all were within PCCD's District.

2:40 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson's presented a slideshow on several topics included: how carbon-14 was used to age date water, how alternating sand and impermeable shale in an aquifer slowed the movement of water, and the importance of proper screen placement and/or the use of more than one screen in water wells to accurately determine the amount of water available.

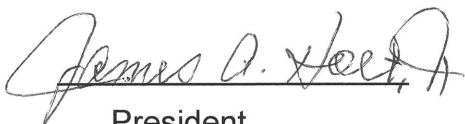
3:02 PM President Holt requested a report from the NRCS' District Conservationist, Mr. Jeremy Hasty. Mr. Hasty was not in attendance.

3:02 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer presented slides of the roller-compacted concrete (RCC) issues at Site 21 and stated that the structural engineer (hired by the contractor) had created and submitted a repair plan and that the repairs were in progress. Mr. Meyer informed the Board that PCCD had received letters from an attorney on behalf of a subcontractor that stated they would be filing a lien on the property due to claims of Unpaid Labor or Material. Mr. Meyer had requested Bob Wilson's assistance with this matter. Mr. Bob Wilson informed Mr. Meyer that certain steps needed to be taken regarding this type of matter, the first of which was to officially request payment bond information from PCCD. Mr. Meyer stated an appropriate response letter had been sent to the attorney. Mr. Meyer gave an update on Site 6 and stated that the gates remained locked (to keep the horses out) and some winter grass was growing; however, there were several goats grazing on the property. Mr. Meyer stated a second letter had been sent to the landowner. Mr. Meyer stated the landowner had started building a fence to keep the goats in one area, but this fence had been attached to PCCD's fence. Mr. Meyer reminded the Board that PCCD's easement terms stated the landowner would need to receive authorization from PCCD to do that. Mr. Meyer stated he had sent the landowner a letter regarding this. Mr. Meyer gave an update on Site 34 and stated that the Lake Longhorn owners had submitted a new plat that moved the location of PCCD's campsite as previously discussed. Mr. Meyer stated the CCR restriction clause had not been received yet. Mr. Meyer gave an update on site 12. Mr. Meyer reminded the Board that as part of the executed easement restatement with D.R. Horton, a discussion had been held regarding the culverts that were near PCCD's auxiliary spillway dike. Mr. Meyer stated that a recent three-inch rainfall had caused erosion of the auxiliary spillway dike. Mr. Meyer stated he and Bob Wilson had worked on a letter to request repair of the erosion. Mr. Meyer stated that the letter was sent to East Hays MUD #1 (the entity now responsible for the culverts). Mr. Meyer stated he would keep the Board apprised of the situation.

3:17 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson informed the Board that he had attended the Texas Alliance of Watershed Sponsors Workshop with Mr. Meyer. Mr. Bob Wilson stated he spoke about encroachments in easements by developers.

3:22 PM President Holt requested public comments. There were no public comments.

3:22 PM Mr. Owen made a motion to adjourn. Mr. Rothert provided the second and the motion to adjourn passed unanimously.



President



Vice-President