

**MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
July 15th, 2025**

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 A. Holt, Jr. The following Board members were present: Peter Reinecke (Vice President), Lucy Knight (Secretary/Treasurer), Fred Rothert (Director), Tom Owen (Director), and Lee Rust (Director). PCCD Attorney Bob Wilson was present. Austin Jarmusch with BGE, Inc, Mario Gonzales with D.R. Horton, and Susan Ayers with Hutcheson Bowers were present. D.R. Horton representatives and Feathergail Wilson attended the meeting via Zoom. PCCD staff members Daniel Meyer, Nora Lopez-Castillo, Alan Burklund, and Tyler Farco were present. Nora Lopez-Castillo transcribed the minutes.
- 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 June 17th, 2025. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on June 17th, 2025, be accepted as mailed out. Mr. Owen provided the second and the motion was approved unanimously. The minutes were signed.
- 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 receiving the PCCD Quarterly Investment Report. Mrs. Knight stated that the report had been reviewed and commented that the District continued to be in good financial shape. Mrs. Knight signed the report.
- 1:02 PM President Holt requested discussion of agenda item VI regarding releasing the easement associated with Site 25 (not built) for property located at 472 Pettytown Road, Dale, Texas (CCAD Property ID#14724) within the C.M. Cannon & N.V. Lawler surveys. Mr. Meyer stated that PCCD had received a call from the current landowner (Bard) requesting a release, as they were trying to establish a conservation easement. Mr. Meyer stated that the Bard property was once part of the Witter tract, which had an easement for the Site 25 dam project. Mr. Meyer informed the Board that the easement stated if the dam was not built after 10 years, the easement would expire. The landowner stated that despite this, the bank was insisting on a release. Mr. Meyer stated that this information was sent to Bob Wilson and Ed McCarthy. Mr. Meyer stated that Ed McCarthy had suggested that PCCD verify that no construction had been done in 1970 or 1974 and to find out what NRCS's requirements were regarding this request. Mr. Bob Wilson stated that NRCS had recommended that this project be removed from the watershed plan and that if the easement was released a copy be sent to them. Mr. Bob Wilson stated that he had a draft release document that he would review. Mr. Meyer and Mr. Wilson stated this would be on next month's meeting agenda for further consideration.

1:12 PM President Holt requested discussion of agenda item VII regarding engagement letter from Montemayor, Britton and Bender for auditing services. Each Board member was presented with a copy of the engagement letter. Mr. Meyer pointed out that the proposed cost for the single audit was \$15,000, which was \$250 more than last year. Mrs. Knight made a motion that PCCD enter into an agreement with this entity to perform the PCCD audit. Mr. Rothert provided the second and the motion was approved unanimously. Mr. Holt signed the engagement letter.

1:13 PM President Holt requested discussion of agenda item VIII regarding the professional services of McCarthy and McCarthy, LLP, Feathergail Wilson, James Jansen, and Deborah Hubert. Mr. Meyer asked Mr. Holt if these items should be considered together or separately. Mr. Holt asked that this be done separately. Mrs. Knight made a motion that PCCD approve the agreement with McCarthy & McCarthy. Mr. Rust provided the second and the motion was approved unanimously. Mr. Reinecke asked if monthly detailed invoices were provided; Mr. Wilson stated they did send in detailed invoices. Mrs. Knight made a motion that PCCD renew the contract with Feathergail Wilson. Mr. Rust provided the second and the motion was approved unanimously. Mr. Owen made a motion that PCCD approve the agreement for Jim Jansen to perform services in the amount of \$500.00. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Reinecke asked what these services included. Mr. Meyer stated that Mr. Jansen would conduct a review of the draft budget and then met with the staff to make recommendations to ensure the District would not be over budget. Mr. Reinecke asked what services Deborah Hubert provided. Mr. Meyer stated that Mrs. Hubert prepared schedules/documents for the audit, not the budget. Mrs. Knight made a motion that PCCD approve a contract with Deborah Hubert to prepare the working papers for the audit. Mr. Owen provided the second and the motion was approved unanimously.

1:21 PM President Holt requested discussion of agenda item IX regarding the recommendations and clarifications received from NRCS regarding the proposed Multifamily Prairie Lakes project at Site 12. Mr. Meyer stated he had received Ronald Gardner's response, which included additional requests for erosion control, specifically coming from the multifamily development to the reservoir. Mr. Meyer stated that Austin Jarmusch made design changes regarding this. Mr. Meyer stated that after that Ronald Gardner sent his recommendation letter that included 11 items. Mr. Meyer presented each Board member with 2 copies: a copy of the letter and a copy of the letter that included comments Mr. Meyer had regarding each item. Mr. Meyer stated that most items were satisfactory. Mr. Meyer informed the Board that D.R. Horton proposed to do extra excavation in the easement of 8000 cubic yards and NRCS was fine with this. Mr. Meyer stated that Ronald Gardner had asked about ingress and egress to the dam during rehabilitation. Mr. Meyer stated he would be sending Ronald Gardner information on the access that PCCD had at the end of the dam as well as the proposed additional area that was part of the condemnation action, which was about .6 of an acre. Mr. Meyer then stated that Ronald Gardner recommended that the District request an indemnification, be held harmless, for anything built within 100 feet of the dam. Mr. Meyer pointed out that there was a wastewater line that would go from the multifamily development, eventually across PCCD's access, and then would end up at a booster station. Ronald Gardner proposed moving the wastewater line 200

feet, but at least 100 feet. Mr. Meyer stated that the wastewater line design showed it would come within 20 feet of the current rehabilitation plans and Ronald Gardner had stated in his letter that it “will likely interfere with future construction, we strongly suggest the District work with the developer to move the line.” Mr. Meyer stated it would be difficult to move the line 200 feet. Austin Jarmusch asked if it would be possible to leave the line where it was and provide an indemnification to the District. Mr. Meyer stated there could be an indemnification or an indemnification and relocation. Mr. Meyer asked the Board what requirements they wanted for this project. Mrs. Knight asked whether it had been built yet, and Austin stated it had not. Mr. Owen stated it should be moved 100 feet. Austin had provided PCCD with a design to present to the Board. This design showed the wastewater line would be 70 feet from the pipe on the current rehabilitation plans. Mr. Mario Gonzales stated he would need to look at what implications this design could have on the adjacent single-family development. Mr. Meyer asked about the construction of the line and who owned the line. Austin stated the line would be constructed at the time of the multifamily development and then turned over to the MUD. Mrs. Knight stated whether the line was relocated or kept in the same location, PCCD would want indemnification. Mr. Meyer pointed out that indemnification was needed because the line would cross (underneath) PCCD’s easement access. Mr. Mario Gonzales stated this information would need to be relayed to the civils for the single-family development. Mr. Bob Wilson stated another issue had been raised regarding the line being under PCCD’s access, specifically statements had been made regarding whether the construction of the line could withstand the traffic that PCCD might need to put over the line when access was needed. Austin stated he would discuss with the construction team, but he did know the wastewater line was fairly deep, probably 10 to 15 feet deep, so he did not think there would be any type of construction concerns with vehicles or equipment going over the top, but the construction team would have a better grasp on that. Mr. Meyer asked the Board what kind of legal instrument they wanted to ensure the other recommendations Ronald Gardner stated in his letter were completed. Bob Wilson stated that this would need to be in the form of an agreement. It was decided that this would be on next month’s meeting agenda.

1:47 PM

President Holt requested discussion of agenda item X regarding the review and assessment of PCCD’s Drought Management Plan. Mr. Meyer turned this agenda item over to Tyler Farco. Tyler stated the average annual water level was 384.22 feet AMSL and that PCCD’s first stage of drought restrictions started at 375 feet. Tyler stated it had been determined that PCCD’s monitoring wells were reliable and effective in providing water levels. Tyler stated that the average decrease in well water levels from the previous year was .74 feet. Tyler compared the water level drawdowns to the yearly expected DFC water level drawdowns in the Middle Wilcox and the Lower Wilcox, which both revealed positive numbers. Tyler stated that no drought stage was in effect. Tyler stated in 2022, the Board had improved the Drought Management Plan, and it was fairly new so no recommendations or changes needed to be made. Tyler explained that PCCD had 5 drought stages, what the average water level in the District would need to be to trigger a restriction of water. Tyler stated that in certain scenarios, PCCD could recommend granting exemptions and variances on a case-by-case basis.

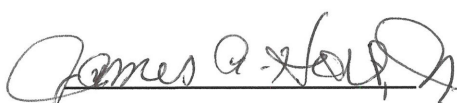
- 1:52 PM President Holt requested discussion of agenda item XI regarding considering PCCD offering rainwater harvesting incentives. Mr. Meyer stated Mr. Rust had sent him sample applications. Mr. Meyer presented the Board with information about several options including their costs, the time it would take for each option, possible legal issues, and what the potential benefits could be. Mr. Meyer discussed offering free rain barrels, working with large companies that were considering coming into the District that may not have enough water for their operations, offering a rebate based on gallons stored, offering a rebate on water usage, and offering tax exemptions. A brief discussion was held regarding what some of the options could entail. The Board requested that PCCD staff work with Mr. Rust on what type of program would be the best option and present this recommendation to the Board.
- 2:07 PM President Holt requested discussion of agenda item XII regarding the consideration of amending the Site 10 Amended Easement (2022). Mr. Meyer stated he did not have anything to present for this agenda item.
- 2:07 PM President Holt requested discussion of agenda item XIII regarding request for Recordable Release & Termination of Site 10 Temporary Construction Working Space and Access Easement. Mr. Meyer stated he did not have anything new to present for this agenda item.
- 2:08 PM President Holt requested discussion of agenda item XIV regarding the review of PCCD Policies according to Government Code Section 2256.005(e). Mr. Meyer informed the Board that while attending the Public Funds Investment training he learned that PCCD was required to review its policies annually. Mr. Meyer stated that he had compared PCCD's Investment Policy to the statutes. Mr. Meyer stated that PCCD's policies had been approved in 2012 and discussed some of the concerns that he had. Mr. Bob Wilson stated that he felt that the PCCD's current policy was adequate, but he would read the statute and discuss his findings at next month's meeting. Mr. Meyer informed the Board that a resolution stating that a yearly review of the investment policy was required and ready to be signed; however, Mr. Bob Wilson requested that this not be signed until next month's meeting.
- 2:20 PM President Holt requested discussion of agenda item XV regarding anything condemnation required as it relates to areas in and around Site 12. Mr. Meyer stated that Sue Ayers wanted to share information with the Board in an Executive Session. Mr. Holt stated that after a short 5-minute break, the Board would move into Executive Session.
- 2:25 PM President Holt moved the meeting into Executive Session.
- 3:32 PM President Holt called the meeting back into Regular Session. No action was taken on items discussed in the Executive Session.
- 3:32 PM President Holt requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson stated he would present his report at next month's meeting.
- 3:32 PM President Holt requested a report from the NRCS's District Conservationist. The NRCS's District Conservationist was not in attendance.


3:32 PM President Holt requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer presented the Board with a Tax Rate Planning Calendar. Mr. Meyer explained the required guidelines for scheduling the hearing and asked the Board to check their schedules to see if they would be available on September 9th, 10th, 11th, or 12th to hold the public hearing on the tax rate. Mr. Meyer stated that the City of Kyle asked if they could use the waste spoils that were left over from the Site 2 Upgrade project. Mr. Meyer stated he asked Bob Wilson who owned the waste. Bob Wilson stated that his question was "do the piles serve any purpose with respect to directing flow of water? Mr. Meyer stated the engineers had designed them so that when there was flow, it would flow away and not cause damage to the dam. Mr. Holt asked if both piles were below the dam; Mr. Meyer stated yes. Mr. Bob Wilson asked where the piles originated from, and Mr. Meyer stated the piles were from excavation done in the dam and borrow area. Mr. Bob Wilson stated that PCCD could not give permission to the City of Kyle regarding this, but PCCD would need to make the statement that PCCD did not make any warranty as to the suitability of the spoils for any particular purpose. Mr. Meyer gave an update regarding Site 17 and stated that PCCD needed the land rights for the project. Mr. Meyer stated he had looked at the easements and found that they were different from many of the other dams. Mr. Meyer stated a particular Site 17 easement included a map that designated where the access, borrow, and work site areas would be. Mr. Meyer stated the repair designs included other areas than those designated in the easement as the borrow area. Mr. Meyer informed the Board that he had asked Bob Wilson about this issue and Mr. Bob Wilson stated he would review. Mr. Meyer reminded the Board that the deadline for completing the required cybersecurity training was 08/31/2025.

3:43 PM President Holt requested a report from PCCD's Attorney, Bob Wilson. Mr. Bob Wilson stated that he had spoken with Mr. Meyer and Feathergail Wilson about a well on a property that may be subdivided into an RV park. Mr. Bob Wilson stated that the well was a permitted well, but not for that type of consumption and it was not an exempt well. Mr. Bob Wilson stated he would have to review PCCD's rules on permitted wells to see what power the Board had regarding this. Mr. Bob Wilson stated that in this case, because of the number of water connections in the RV park, it may need to be a designated as a public water supply. Mr. Bob Wilson stated he would also be reviewing legislation that could impact the District and would report back to the Board as needed.

3:45 PM President Holt requested public comments. There were no public comments.

3:45 PM Mr. Owen made a motion to adjourn. Mr. Rothert provided the second and the motion to adjourn passed unanimously.


President


Vice-President