MEETING OF THE BOARD OF DIRECTORS
PLUM CREEK CONSERVATION DISTRICT
LOCKHART, TEXAS 78644
September 15th, 2026

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 Mrs. Lucy Knight, Treasurer/Secretary.

1:00 PM The meeting/hearing was called to order by Vice-President of the Board, Mr. Tom Owen. The following Board members were present: Lucy Knight (Secretary/Treasurer), Fred Rothert (Director), Lee Rust (Director), and Jon Mitchell (Director). Shane Ice and Anthony Barley with NRCS were present. Matt Cullen with the City of Kyle was present. William Atkinson with the City of Kyle, representatives from MESA, Greg Bouton with Southern Infrastructure Group, Edmond McCarthy 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 Vice-President Owen requested public comments. There were no public comments.

1:00 PM Vice-President Owen requested motions or comments regarding the minutes of the regularly scheduled meeting held on August 18th, 2026. Mrs. Knight made a motion that the minutes of the regularly scheduled meeting held on August 18th, 2026, be approved. Mr. Rust provided the second and the motion was approved unanimously.

1:01 PM Vice-President Owen 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 Vice-President Owen requested discussion of agenda item V regarding the proposed tax rate of 0.0148 per $100 of valuation for flood control water / sign resolution. Mr. Meyer stated that the budget had passed, the tax rate had been proposed, the hearing had been held on the 9th, and no oral or written public comments had been received. Mr. Mitchell made a motion to approve the resolution as written (adopting the flood control tax rate of .0148). Mr. Rothert provided the second and the motion was approved unanimously. The resolution was signed.

1:02 PM Vice-President Owen requested discussion of agenda item VI regarding the proposed tax rate of 0.0189 per $100 of valuation for groundwater / sign resolution. Mrs. Knight made a motion to approve the resolution for the tax rate for groundwater (at 0.189). Mr. Rust provided the second and the motion was approved unanimously. The resolution was signed.

1:02 PM Vice-President Owen requested discussion of agenda item VII regarding the proposed second amendment to PCCD's 2025-2026 Budget. Mr. Meyer presented each Board member with a table that listed the specific budget line items that would be amended. Mr. Meyer stated that the reasons for the second amendment were to: (1) add the purchase of the vehicle, gas, and maintenance; (2) amend expense line items that had exceeded their budget, which were property easements and payroll. Mr. Meyer informed the Board that unused funds from the EWP Projects and Desalination/Brackish Water budgets were shifted over to the two accounts that had exceeded their budget to balance the budget. Mr. Rust made a motion to approve the second amendment to the budget. Mr. Mitchell provided the second and the motion was approved unanimously.

1:06 PM Vice-President Owen requested discussion of agenda item VIII regarding a quote received for the Site 26 Breach Correction Project. Mr. Meyer reminded the Board that this project was similar to the one that had been done for Site 29. Mr. Meyer stated that the quote received from JHF Civil Engineering was $7500. Mr. Meyer presented slides of Site 26 and stated what had prompted the correction was when TCEQ had reviewed the breach (analysis), they found that three houses would be inundated during a breach. Mr. Meyer

informed the Board that TCEQ had requested that the breach analysis be updated. Mrs. Knight made a motion that PCCD follow through on this project and approve the $7500. Mr. Mitchell provided the second and the motion was approved unanimously.

Vice-President Owen requested discussion of agenda item IX regarding a presentation from the City of Kyle regarding a conceptual park design (Lake Kensington) near and around Site 5. Mr. Meyer mentioned that many properties within Site 5's easement were owned by the City of Kyle and had been purchased for the purpose of developing a park. Mr. Meyer stated that the City of Kyle had asked to give a presentation to the Board on what they were proposing. Mr. Meyer introduced William Atkinson, City of Kyle Park Planning & Project Manager, who introduced members of MESA's design team. Fred Walters from MESA stated they had been contracted by the City of Kyle approximately 18 months ago to do a detailed master plan study for the park site as a nature park and they now had a concept plan. Mr. Walters stated that they wanted to get input/feedback on any issues/ concerns to PCCD. Mr. Walters then turned over the presentation to Patrick Ptomey with MES. Patrick stated the project site that the City owned was approximately 115 acres and consisted of an 18-acre reservoir that was surrounded by neighborhoods, schools, and healthcare facilities and was a great location for the community and its residents. Patrick stated that it was also a great opportunity, from a preservation aspect, to emphasize the Blackland prairie that used to run through the area as well as best management practices for flood control, water storage, etc. Patrick stated that the site in its entirety was located on the Trinity aquifer. Patrick stated in their observations there were no known wells on the site or within 200 feet of the site. Patrick stated they did not anticipate drilling any new wells on the site. Patrick stated approximately 94 acres were within the 100-year flood plain and there were emergent wetland areas in and around the site that would need to be preserved and protected. Patrick stated the plan wanted to enhance and preserve the riparian areas and had been working with a consultant on this. Patrick stated the park would provide bike trails, parking, trail connections, and potentially access to the lake via a fishing or kayak dock, a playground, wildflower gardens, and pollinator gardens. Patrick stated they were trying to be creative and still strategizing on how they would manage grading
1:09 PM
while balancing cut and fill of the site. Patrick stated that they wanted to check in with PCCD to understand any developmental constraints or things that MESA would need to consider as related to the lake itself, the dam, the proposal of adding a trail underneath Dacy Lane, or anything else the District saw on the concept plan that would need to be addressed. Patrick then asked for any questions. Patrick stated that they wanted to understand PCCD's review process as well as what timeframes PCCD would like for the City of Kyle and MESA to come back as they moved forward. Mr. Meyer stated that he and NRCS would be interested in looking over the designs for the trails that went over the upstream toe of the dam and asked what type of trails they would be. Mr. Weber stated on the master plan the trails were envisioned as paved trails and asked if it would it be permissible to move forward with paved trails or because it was in proximity to the dam, would it need to be a softer, unimproved trail. Mr. Meyer asked Shane Ice of NRCS if he would comment on this. Shane stated NRCS would want to review any design/proposal/plan for the site, specifically those within PCCD's easement so that he could provide recommendations and comments to the Board so that the Board could make a decision on whether to proceed or not. Shane asked that it be kept in mind that there could not be a decrease in the storage of the reservoir. Mr. Mitchell asked if the designs included continued access for PCCD to perform dam operations and maintenance. MESA stated it was included but requested any specifics that PCCD had. A brief discussion was held regarding an existing stock tank dam and terrace steps that were noted on the plans. Mr. Ed McCarthy informed the developer of the following: (1) with respect to permitting, any uses of the water would require that they (City of Kyle/MESA) go to TCEQ and get a permit for recreation or other uses since the structure was not permitted for any purpose other than to serve as a flood control structure; (2) from an operational standpoint, it was important for the City to know that PCCD would not guarantee a lake elevation and would continue to operate the structure as a flood control structure, which meant that it would be releasing water once it reached a certain level, on a controlled basis, so that there was no downstream flooding; (3) from an operational standpoint, Mr. McCarthy stated he was curious as to what type of

hydrogeologic modeling might have been done to see, with respect to the proposed park area, where the potential for inundation was going to occur and recognize that this was part of the operation of what PCCD operated the structure for, so PCCD would need to have some kind of an interlocal agreement that would hold harmless the District from any flood damage, etc., (4) Mr. McCarthy stated the City of Kyle/MESA would have to go to the Corps (U.S. Army Corps of Engineers) to get a 404 permit to remove the inlet dam; (5) with respect for activities on top of the dam, Mr. McCarthy asked if there were any plans to let motor vehicles or how much traffic would be on the top of the dam and stated that the District made it a practice to keep cattle off the dams so the grass would not get matted down and ruined, which would create an erosion problem. Mr. Owen asked if PCCD could state it was to the point where the City of Kyle could proceed with their plan and come back to the Board/NRCS for review to see if all specifications were met and then the Board could act from there. No opposition was made to this statement.

Vice-President Owen requested discussion of agenda item X regarding an agreement between PCCD & the City of Kyle regarding easement use and proposed wastewater line construction. Mr. Meyer stated that this was the agreement that dealt with Site 2 and the City's proposed work to do a realignment of the wastewater line and a reclaimed line. Mr. Meyer informed the Board that Ed McCarthy had reviewed the agreement and that the terms that NRCS wanted to have were now in the agreement. Mr. Meyer summarized the agreement as follows: (1) it would give the City of Kyle the right to go within the easement area to reconstruct the wastewater line; (2) it would release PCCD from claims and the City would waive the right to sue PCCD for damages with specific activities; (3) if there was
1:41 PM damage while the City was performing construction activities, the City would pay for the costs of repairs; (4) PCCD would not be responsible for maintenance; (5) if there happened to be an emergency, the City would notify the District; and (6) the City acknowledged NRCS's terms and the Dam Safety Act. Mr. Meyer stated that part of the agreement included an attachment of the specifications and designs, which were currently not 100%. Mr. Meyer stated the City had asked if PCCD would attach the interim plans for the time being. Mr. Meyer asked Mr. McCarthy if this would be acceptable. Mr. McCarthy stated this could be done and the attachment cover page would need to note that the incomplete specifications and designs were a placeholder that would need to be replaced with the final plans approved by NRCS. Mrs. Knight made a motion to enter into the agreement. Mr. Mitchell provided the second and the motion was approved unanimously.

Vice-President Owen requested discussion of agenda item XI regarding amending PCCD's Deposits and Fee Schedule. Mr. Meyer stated this year the staff did not have any recommended changes to the schedule. Mr. Meyer briefly discussed the out-of-district transportation fees. Mr. Meyer stated whenever PCCD had a groundwater exporting permit, such
1:47 PM as Alliance's, PCCD could levy the fees. Mr. Meyer reminded the Board that Alliance had not drilled their wells yet, but when they did, a line item in the budget would need to be created. Mr. Meyer explained that the fees could only be used for certain items such as (1) assessing any impacts from the (exported) groundwater production, (2) drilling additional monitoring wells, (2) for the operability of a well, (3) data collection, and (4) alternatives.

Vice-President Owen requested discussion of agenda item XII regarding the annual review of PCCD's Management Plan. Each Board member was given a copy of the annual report which contained a description of each goal, the estimated time spent on each goal, and the
1:52 PM cost associated with each goal. Mr. Meyer stated the review was an annual requirement. Mr. Meyer informed the Board that PCCD had completed all the goals and objectives. Mr. Meyer stated he thought PCCD's focus/interests for management goals for the future could include the following: population growth, data centers, subdivisions and the increased demand for water, and the possibility of collaborating with other entities to research how to reuse treated wastewater to offset the demand.

2:01 PM Vice-President Owen requested discussion of agenda item XIII regarding the review of PCCD's Mitigation Plan. Mr. Meyer stated he wanted to ensure that PCCD's mitigation process would work. Mr. Meyer presented each Director with a list of questions regarding the Mitigation Plan. Mr. Meyer stated that the plan did not specify whether a registered

"well under inquiry" meant an exempt or nonexempt well. Mr. McCarthy stated there should not be a distinction in treatment between exempt and nonexempt wells. Mr. McCarthy stated that the District's mitigation plan was meant to keep wells operating so everyone can use the aquifer and benefit. Mr. Meyer stated he had questions regarding who would pay for hydrogeological work if it was needed during mitigation. Mr. McCarthy recommended that this be handled on a case-by-case basis and after the staff had looked at a particular situation/circumstance they could make a recommendation to the Board on how to assist with facilitating a resolution. Mr. Mitchell asked if the export fees mentioned earlier could be used for mitigation purposes and Mr. McCarthy stated they could be used for that purpose. Mr. Mitchell asked a follow-up question on the export fees, specifically what was the projected amount of water that would be exported out of the District and how much fees would PCCD receive. Mr. Meyer stated he would provide the Directors with this information. Mr. McCarthy stated under the statute that the District could incorporate into its rate schedule a maximum allowable rate and then each year the District was allowed to increase the rate by 3%. Mr. McCarthy stated that to do this, the District would need to hold a public hearing regarding the rule change and then the Board would be able to consider/act on increasing the rate as part of the annual review of the fee schedule. Mr. McCarthy stated increasing rates did not apply to any previous agreements that had included a negotiated rate. The Board asked that PCCD work on holding a public hearing before the end of this year if possible.

2:26 PM Vice-President Owen requested discussion of agenda item XIV regarding a report from Ash and Associates regarding surveying work of a Site 14 proposed easement. Mr. Meyer stated he did not have anything new to present to the Board regarding this agenda item.

2:26 PM Vice-President Owen requested discussion of agenda item XV regarding considering amending Site 14's easement associated with the original easement landowner, Alex B. Kercheville, (Volume 185 Page 140 of Hays County Deed of Records). Mr. Meyer stated he did not have anything new to present to the Board regarding this agenda item.

2:27 PM Vice-President Owen requested discussion of agenda item XVI regarding considering options to close out the Site 28 Rehabilitation contract with Southern Infrastructure Group. Mr. Owen stated he would prefer Greg with SIG and NRCS speak and then the Board would move into Executive Session. Greg gave a review of the status of the site as well as the proposal SIG had presented to PCCD regarding final revegetation and closeout of the Site 28 project. Greg stated their proposal included 3 things: (1) reduce SIG's payment by 9 acres for the sprigging to account for areas that might need additional work in the future, (2) in those areas, SIG would do a light drill seed so the seeds would be in the ground; and (3) SIG had installed a small portion of an irrigation system last month that was not able to be used because of lack of water and SIG would like to be paid for it. Greg stated that the change in costs for these items would result in a reduction in the contract of about $344,000. Mr. Meyer stated that Shane Ice had taken over for the previous inspector. (Mr. Meyer clarified that he misspoke and Shane was the new Government Representative). Shane stated NRCS wanted to check on whether the Board would be willing to cut the contract short based on the current condition of the vegetation, the proposed seeding of the site to help vegetation further down the road at some time, but not to necessarily to agree to the current proposal because, possibly, the final price could be negotiated. Shane informed the Board that there were remaining items that needed to be done on the site that could not be done until a decision was made on the vegetation. Tony Barley described the current condition of the vegetated areas and made the recommendation to place the seed in early October or November. Shane stated another item to consider was that the current agreement (for funding) with the State would expire on 11/30/2026 but the current construction contract end date was April 15th, 2027, so the agreement would need to be extended. Mr. Owen stated the Board would now go into Executive Session.

2:38 PM Vice-President Owen moved the meeting into Executive Session.

3:08 PM Vice-President Owen called the meeting back into Regular session. Mr. Owen asked that

Mr. Meyer give an update regarding Site 28. Mr. Meyer stated the Board had authorized him to negotiate on their behalf with SIG about their proposal. Mr. Meyer stated he would set up a time for an online meeting with Shane Ice, Jean Ann Maynard, and Greg Bouton.

3:10 PM Vice-President Owen requested discussion of agenda item XVII regarding the City of Kyle's Condemnation Suit regarding Site 5. Mr. Meyer stated he did not have anything for the Board to act upon at this meeting.

3:10 PM Vice-President Owen requested a report from the PCCD Geologist, Mr. Feathergail Wilson. Mr. Feathergail Wilson's presentation was postponed until next meeting.

3:10 PM Vice-President Owen requested a report from the NRCS's District Conservationist. The NRCS's District Conservationist was not in attendance.

3:11 PM Vice-President Owen requested a report from the PCCD Executive Manager, Mr. Daniel Meyer. Mr. Meyer presented PCCD's responses to Hays County Development Questionnaire to each Director and stated he wanted to get the Board's consent to send it to Hays. Mr. Meyer informed the Board that Ed McCarthy had also reviewed and assisted with preparing PCCD's responses. Mr. Meyer discussed the domestic wells in subdivision plats. Mr. Mitchell asked how PCCD let the public know about the well registration process. Mr. Meyer stated that under the District's rules he had the authority to register wells, but it had been the consensus of the Board that the registration information should come from the landowner. Mr. McCarthy stated that according to the statute when the county received a subdivision plat with lots that were a little bit bigger than 10 acres, so they met the exemption, the county would require a demonstration from the developer that there was adequate groundwater to serve the wells that would be drilled on the lots. Mr. Mitchell made a motion to approve sending the questionnaire to Hays County. Mrs. Knight provided the second and the motion was approved unanimously. Mr. Meyer gave an update on GMA-13 regarding the issue of Webb County not agreeing with the proposed Desired Future Conditions (DFC). Mr. Meyer stated the Wintergarden District had recently proposed a revision to the DFC of no more than 300 feet average drawdown measured at the District's monitoring wells. Mr. Meyer stated he did not know if this would provide the request made by Webb County, which was 20,000-acre feet. Mr. Meyer stated the next meeting would be on October 8th to discuss the DFCs (Mr. Meyer clarified that he misspoke and date was October 9th). Mr. Meyer presented a table that showed Gonzales County's proposal which included an average drawdown of 21 feet and an individual well drawdown maximum of 50 feet for the Carrizo-Upper Wilcox. Mr. Meyer stated that for the last round (of DFCs), Gonzales' drawdown for the middle Wilcox had been 194 feet, but their current proposal was for 60 feet. Mr. Meyer gave an update on Site 12 and showed slides of the cofferdam. Mr. Meyer informed the Board that the contractor was going to put a 12-inch line to the reservoir that had a valve to turn the flow of water off or on; however, the line should have been an 18 to 24-inch line.

3:30 PM Vice-President Owen requested a report from PCCD's Attorney, Edmond McCarthy. Mr. McCarthy stated everything he wanted to discuss had already been addressed.

3:30 PM Vice-President Owen requested public comments. There were no public comments.

3:30 PM Mr. Mitchell made a motion to adjourn. Mr. Rust provided the second and the motion to adjourn passed unanimously.

Vice-President

Secretary