

# **BudaTx** Economic Development Corp.

**NOTICE OF MEETING OF THE  
Buda Economic Development Corporation  
Thursday, March 28, 2019 at 5:30PM  
Buda Municipal Complex – Classroom #1005  
405 E. Loop Street, Bldg. 100, Buda, TX 78610**

The Buda Economic Development Corporation will hold a Special called board meeting at **5:30PM, Thursday, March 28, 2019** at **Buda Municipal Complex – Classroom #1005**, 405 E. Loop Street, Bldg. 100, Buda, Texas.

## **AGENDA**

### **A. CALL TO ORDER**

### **B. ROLL CALL**

### **C. PUBLIC COMMENTS**

*At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the EDC Board, please submit a Citizen's Comment Form to the Operations & Finance Administrator prior to the start of the meeting. No action may be taken by the EDC Board during Public Comments.*

### **D. GENERAL AGENDA ITEMS**

1. Discussion and possible action on a Resolution expressing support for House Bill 1303 of the 86th Texas Legislature which would prohibit off-premise signs on certain highways in Hays County – *MILLER*
2. Discussion and possible action on a Resolution expressing support for House Bill 1044 of the 86th Texas Legislature which would allow for certain injection wells that transect a portion of the Edwards Aquifer, "Aquifer Storage & Recovery." – *MILLER*
3. Discussion and possible action regarding the reimbursement of vehicle-related costs in association with City of Buda inspection/job site visits and amending the FY18-19 Budget accordingly. – *MILLER*
4. Discussion and possible action regarding the procurement of an EDC Vehicle to conduct official EDC Business and City of Buda inspection/job site visits and amending the FY18-19 Budget accordingly. - *MILLER*

## E. EXECUTIVE SESSION

1. The Buda Economic Development Corporation Board of Directors will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following:

**Section 551.071** – Consultation with Legal Counsel regarding legal issues related to personnel matters, BEDC Bylaws revision and related procedures, and Board member appointment, removal, and related procedures

**Section 551.072** – Deliberation regarding Real Property

- A. To discuss or deliberate regarding purchase, exchange, lease, or value of real property

**Section 551.073** – Deliberation regarding Gifts and Donations

**Section 551.074** – Deliberation regarding Personnel Matters

- A. to discuss or deliberate regarding the
  - Executive Director Position
  - Finance & Operations Administrator Position
  - Retail & Marketing Coordinator Position
  - Planner II – ED Specialist Position
  - Employment contract(s)

**Section 551.076** – Deliberation regarding Security Devices

**Section 551.087** – Deliberation regarding economic development negotiations:

- B. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.
- C. To deliberate the offer of a financial or other incentive to a business prospect.

2. The Buda Economic Development Corporation Board of Directors will reconvene into open session to discuss, consider, and/or take any action necessary related to the executive session, and/or related items.

- A. Discussion and possible action regarding EDC Employment Contracts – *MILLER*

- B. Discussion and possible action to Amend the FY 18-19 EDC Budget - *MILLER*

## F. ADJOURNMENT

**Attendance by Other Elected or Appointed Officials:**

*It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.*

*The Buda Economic Development Corporation reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible. The meeting venue is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the Operations and Finance Administrator at 512.295.2022 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the Buda Economic Development Corporation was posted on the door of the Buda Economic Development Corporation and Buda City Hall, which is readily accessible to the public at all times, by 5:00 p.m. on Monday, March 25, 2019.*



**Mandy Shaw, Operations & Finance Administrator, Buda EDC**



## **HB 1303- Rep. Zwiener - Relating to signs along certain roads in Hays County**

### **Bill as Filed**

- HB 1303 will designate these roads in Hays County: RM 1826, RM 150 between the western city limits of Kyle and RM 12, and RM 967 between the western city limits of Buda and RM 1826 as Scenic Highways by amending Section 391.252(a), Transportation Code (Highway Beautification on Interstate and Primary Systems and Certain Roads).

### **Legislative History**

- HB 1423 85 (R)-filed by Rep. Isaac-left pending in Transportation committee. RM 967 not included in this bill. Was not heard until May 3rd. No one testified on, for, or against the bill in committee.

### **Purpose**

- The Scenic Highway designation will prohibit the erection of billboards on these roads.
- The Scenic Highway designation will maintain the beauty and scenic value of these roadways as the area continues to develop.
- Tourism brings in approximately \$2,309,646.50 in revenue just within Dripping Springs and Wimberley city limits. This total is the combined total of HOT and sales tax revenue. This revenue is threatened by the proliferation of billboards that mar the unique scenery of the Hill Country.
- Billboards create light pollution that infringes upon the Dark Skies of the Hill Country.
- Billboards lower property values of surrounding homes and neighborhoods.
- Once a billboard is erected, it remains in place in perpetuity.
- Since counties and unincorporated areas do not have the authority to regulate billboards, regulation must be done at the state level.

### **Support**

- Friendship Alliance
- Ruben Becerra, Hays County Judge
- Hays County Commissioner Debbie Gonzales Ingalsbe
- Hays County Commissioner Mark Jones
- Hays County Commissioner Lon Shell
- Hays County Commissioner Walt Smith
- City of Dripping Springs

By: Zwiener

H.B. No. 1303

A BILL TO BE ENTITLED

AN ACT

relating to signs along certain roads in Hays County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 391.252(a), Transportation Code, is amended to read as follows:

(a) A person may not erect a commercial sign that is adjacent to and visible from:

(1) U.S. Highway 290 between the western city limits of the city of Austin and the eastern city limits of the city of Fredericksburg;

(2) State Highway 317 between the northern city limits of the city of Belton to the southern city limits of the city of Valley Mills;

(3) State Highway 16 between the northern city limits of the city of Kerrville and Interstate Highway 20;

(4) U.S. Highway 77 between State Highway 186 and State Highway 44;

(5) U.S. Highway 281 between:

(A) State Highway 186 and Interstate Highway 37, exclusive of the segment of U.S. Highway 281 located in the city limits of Three Rivers; and

(B) the southern boundary line of Comal County and State Highway 306;

(6) State Highway 17 between State Highway 118 and

- 1 U.S. Highway 90;
- 2           (7) State Highway 67 between U.S. Highway 90 and
- 3 Farm-to-Market Road 170;
- 4           (8) Farm-to-Market Road 170 between State Highway 67
- 5 and State Highway 118;
- 6           (9) State Highway 118 between Farm-to-Market Road 170
- 7 and State Highway 17;
- 8           (10) State Highway 105 between the western city limits
- 9 of the city of Sour Lake to the eastern city limits of the city of
- 10 Cleveland;
- 11           (11) State Highway 73 between the eastern city limits
- 12 of the city of Winnie to the western city limits of the city of Port
- 13 Arthur;
- 14           (12) State Highway 21 between the southern city limits
- 15 of the city of College Station and U.S. Highway 290;
- 16           (13) a highway located in:
- 17               (A) the Sabine National Forest;
- 18               (B) the Davy Crockett National Forest; or
- 19               (C) the Sam Houston National Forest;
- 20           (14) Segments 1 through 4 of State Highway 130;
- 21           (15) a highway in Bandera County that is part of the
- 22 state highway system;
- 23           (16) Farm-to-Market Road 3238 beginning at State
- 24 Highway 71 and any extension of that road through Hays and Blanco
- 25 Counties;
- 26           (17) Farm-to-Market Road 2978 between Farm-to-Market
- 27 Road 1488 and the boundary line between Harris and Montgomery



1 Counties;

2 (18) U.S. Highway 90 between the western city limits  
3 of the city of San Antonio and the eastern city limits of the city of  
4 Hondo; [~~or~~]

5 (19) the following highways in Austin County:

6 (A) State Highway 159;

7 (B) Farm-to-Market Road 331;

8 (C) Farm-to-Market Road 529;

9 (D) Farm-to-Market Road 1094; and

10 (E) Farm-to-Market Road 2502; or

11 (20) in Hays County:

12 (A) Ranch-to-Market Road 1826;

13 (B) Ranch-to-Market Road 150 between the western  
14 city limits of Kyle and Ranch-to-Market Road 12; and

15 (C) Ranch-to-Market Road 967 between the western  
16 city limits of Buda and Ranch-to-Market Road 1826.

17 SECTION 2. This Act takes effect September 1, 2019.

## HB 1044 (86R) - Rep. Zwiener - *Buda Aquifer Storage and Recovery*

### Bill as Filed

HB 1044 would authorize TCEQ by general permit to authorize the injection of fresh water into a well that transects the Edwards Aquifer provided that the well isolates the Edwards Aquifer and meets applicable construction and completion standards adopted by TCEQ.

### Legislative History

- Filed in 85th Regular Session as HB 3333, by Rep. Jason Isaac
- Sent to Natural Resources committee
  - Last Action: *05/02/2017 H Committee report sent to Calendars*
- 86th Regular Session - Refiled CSHB 3333 as HB 1044

### What is Aquifer Storage and Recovery?

- Aquifer Storage and Recovery (ASR) is an innovative water management strategy that is currently in use not only in the United States but throughout the world. This technology utilizes a suitable geologic formation to store water when there is unused supply (wet periods) so that it may be retrieved and used during times of greatest need (dry periods)
- ASR is an extremely flexible water management strategy that presents the several benefits to communities large and small:
  - **Drought resiliency**- insulates existing supplies from the impacts of drought and allows for the optimization of total supplies
  - **Scalability**- projects can start as a single well installation or designed as a large multi-well system
  - **Small footprint/minimal infrastructure requirements**- since a geological formation is used as the storage component, it is not necessary to purchase large areas of land; an ASR project can often fit within a municipality's distribution system and utilize existing infrastructure
  - **No evaporative loss/water quality protection** – unlike a surface reservoir, water stored is not prone to evaporation and remains protected from contamination from surface runoff



## Comments

- **FOR** *City of Buda, City Manager, Kenneth Williams:*
  - “The proposed Aquifer Storage & Recovery bill is important for the continued and responsible growth of Buda. It will enable the City to store excess drinking water in the Edwards Aquifer to be used during times of drought. The proposed legislation protects one of the region’s most valuable resources in the aquifers and allows Buda to store water as is done in other parts of the Texas.”
- **ON** *BSEACD General Manager, Alicia Reinmund-Martinez*
  - “The Barton Springs/Edwards Aquifer Conservation District supports Aquifer Storage and Recovery as an alternative water source and legislation which effectuates its use. The District helped develop the language of HB 1044 and we are working on permit rules and regulations for ASR projects that are protective of the aquifers we regulate. The District has no objection to this bill.”

By: Zwiener

H.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

relating to permits for certain injection wells that transect a portion of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 27.0516(a)(1) and (3), Water Code, are amended to read as follows:

(1) "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group, together with the Upper Glen Rose Formation where there is a significant hydrological connection to the overlying Edwards Group [~~trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties~~]. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south[~~, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River,~~] and underlie the less-permeable Del Rio Clay regionally.

(3) "Fresh water" means surface water or groundwater, without regard to whether the water has been physically, chemically, or biologically altered, that:

(A) contains a total dissolved solids

1 concentration of not more than 1,000 milligrams per liter; ~~and~~

2 (B) meets the water quality standards for public  
3 drinking water established by commission rule; and

4 (C) is otherwise suitable as a source of drinking  
5 water supply.

6 SECTION 2. Sections 27.0516(b), (f), (h), (k), and (n),  
7 Water Code, are amended to read as follows:

8 (b) This section applies only to the portion of the Edwards  
9 Aquifer that is within the geographic area circumscribed by the  
10 external boundaries of the Barton Springs-Edwards Aquifer  
11 Conservation District but is not in the jurisdiction ~~[that~~  
12 ~~district's territory or the territory]~~ of the Edwards Aquifer  
13 Authority.

14 (f) The commission by general permit may authorize:

15 (1) an activity described by Subsection (e);

16 (2) an injection well that transects and isolates the  
17 saline portion of the Edwards Aquifer and terminates in a lower  
18 aquifer for the purpose of injecting:

19 (A) concentrate from a desalination facility; or

20 (B) fresh water as part of an engineered aquifer  
21 storage and recovery facility;

22 (3) an injection well that terminates in that part of  
23 the saline portion of the Edwards Aquifer that has a total dissolved  
24 solids concentration of more than 10,000 milligrams per liter for  
25 the purpose of injecting into the saline portion of the Edwards  
26 Aquifer:

27 (A) concentrate from a desalination facility,

1 provided that the injection well must be at least three miles from  
2 the closest outlet of Barton Springs; or

3 (B) fresh water as part of an engineered aquifer  
4 and storage recovery facility, provided that each well used for  
5 injection or withdrawal from the facility must be at least three  
6 miles from the closest outlet of Barton Springs; ~~or~~

7 (4) an injection well that transects or terminates in  
8 the Edwards Aquifer for:

9 (A) aquifer remediation;

10 (B) the injection of a nontoxic tracer dye as  
11 part of a hydrologic study; or

12 (C) another beneficial activity that is designed  
13 and undertaken for the purpose of increasing protection of an  
14 underground source of drinking water from pollution or other  
15 deleterious effects; or

16 (5) the injection of fresh water into a well that  
17 transects the Edwards Aquifer provided that:

18 (A) the well isolates the Edwards Aquifer and  
19 meets the construction and completion standards adopted by the  
20 commission under Section 27.154;

21 (B) the well is part of an engineered aquifer  
22 storage and recovery facility;

23 (C) the injected water is sourced from a public  
24 water system, as defined by commission rule, that is permitted by  
25 the commission; and

26 (D) the injection complies with the provisions of  
27 Subchapter G that are not in conflict with this section.

1 (h) Rules adopted or a general permit issued under this  
2 section:

3 (1) must require that an injection well authorized by  
4 the rules or permit be monitored by means of:

5 (A) one or more [~~a~~] monitoring wells [~~well~~]  
6 operated by the injection well owner if the commission determines  
7 that there is an underground source of drinking water in the area of  
8 review that is potentially affected by the injection well; or

9 (B) if Paragraph (A) does not apply, one or more  
10 [~~a~~] monitoring wells [~~well~~] operated by a party other than the  
11 injection well owner, provided that all results of monitoring are  
12 promptly made available to the injection well owner;

13 (2) must ensure that an authorized activity will not  
14 result in the waste or pollution of native groundwater [~~fresh~~  
15 ~~water~~];

16 (3) may not authorize an injection well under  
17 Subsection (f)(2), [~~or~~] (3), or (5) unless the well is initially  
18 associated with a small-scale research project designed to evaluate  
19 the long-term feasibility and safety of:

20 (A) the injection of concentrate from a  
21 desalination facility; or

22 (B) an aquifer storage and recovery project;

23 (4) must require any authorization granted to be  
24 renewed at least as frequently as every 10 years;

25 (5) must require that an injection well authorized  
26 under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing  
27 basis by or in coordination with the well owner and that the well

1 owner file monitoring reports with the commission at least as  
2 frequently as every three months; ~~and~~

3 (6) must ensure that any injection well authorized for  
4 the purpose of injecting concentrate from a desalination facility  
5 does not transect the fresh water portion of the Edwards Aquifer;  
6 and

7 (7) must be consistent with the provisions of  
8 Subchapter G that are not in conflict with this section.

9 (k) Notwithstanding Subsection (h)(3), a general permit may  
10 authorize the owner of an injection well authorized under  
11 Subsection (f)(2), ~~or~~ (3), or (5) to continue operating the well  
12 for the purpose of implementing the desalination or engineered  
13 aquifer storage and recovery project following completion of the  
14 small-scale research project, provided that:

15 (1) the injection well owner timely submits the  
16 information collected as part of the research project, including  
17 monitoring reports and information regarding the environmental  
18 impact of the well, to the commission;

19 (2) the injection well owner, following the completion  
20 of studies and monitoring adequate to characterize risks to the  
21 fresh water portion of the Edwards Aquifer, the Trinity Aquifer, or  
22 ~~and~~ other native groundwater ~~[fresh water]~~ associated with the  
23 continued operation of the well, and at least 90 days before the  
24 date the owner initiates commercial well operations, files with the  
25 commission a notice of intent to continue operation of the well  
26 after completion of the research project; and

27 (3) the commission, based on the studies and

1 monitoring, the report provided by Texas State University--San  
2 Marcos under Subsection (1)(2), and any other reasonably available  
3 information, determines that continued operation of the injection  
4 well as described in the notice of intent does not pose an  
5 unreasonable risk to the fresh water portion of the Edwards  
6 Aquifer, the Trinity Aquifer, or other native groundwater [~~fresh~~  
7 ~~water~~] associated with the continued operation of the well.

8 (n) If the commission preliminarily determines that  
9 continued operation of the injection well would pose an  
10 unreasonable risk to the fresh water portion of the Edwards  
11 Aquifer, the Trinity Aquifer, or other native groundwater [~~fresh~~  
12 ~~water~~] associated with the continued operation of the well, the  
13 commission shall notify the operator and specify, if possible, what  
14 well modifications or operational controls would be adequate to  
15 prevent that unreasonable risk. If the operator fails to modify the  
16 injection well as specified by the commission, the commission shall  
17 require the operator to cease operating the well.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2019.