

ORDINANCE NO. 24-3761

AN ORDINANCE OF THE CITY OF PLAINVIEW, TEXAS, AMENDING ARTICLE 13.05 ENTITLED "WATER CONSERVATION/DROUGHT CONTINGENCY PLAN" REGARDING THE CITY OF PLAINVIEW'S WATER USE MANAGEMENT PLAN BY AMENDING THE FOLLOWING SECTIONS: §13.05.004, WATER CONSERVATION PLAN; AND §13.05.005, DROUGHT CONTINGENCY AND EMERGENCY PLAN; PROVIDING A PENALTY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES AND PRESERVING THOSE NOT AMENDED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Plainview, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Plainview; and

WHEREAS, the City of Plainview provides water to the public for public use with the source of such water coming from the Ogallala Aquifer pumped by wells owned by the City and water purchased and delivered to the City by the Canadian River Municipal Water Authority; and

WHEREAS, the City of Plainview is located within the Llano Estacado Regional Water Planning Area of the Texas Water Development Board; and

WHEREAS, in an effort to avoid waste and achieve water conservation through practices, techniques, and technologies that will reduce the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water so that a water supply is made available for future or alternative uses for the benefit of the public health, safety and welfare the Texas Commission on Environmental Quality ("TCEQ") requires the City of Plainview to have a Water Use Management Plan (the "Plan") that meets the requirements of Title 30 Texas Administrative Code (TAC) Chapter 288; and

WHEREAS, previously, the City Council of the City of Plainview adopted the Plan for the purposes of promoting the wise and responsible use of water, to enhance the sustainability of long-term water supplies, to minimize the adverse impacts of water supply emergencies and to meet the TCEQ requirements outlined above; and

WHEREAS, in accordance with 30 Tex. Admin. Code § 288.30, TCEQ requires the City to submit its Plan every five years to coincide with the regional water planning group; and

WHEREAS, the City Council has determined that Article 13.05 of the Code of Ordinances, City of Plainview, Texas should be amended and submitted to the TCEQ and the Llano Estacado Regional Water Planning Area of the Texas Water Development Board; and

WHEREAS, the City Council of the City of Plainview, finds the following amendments to the Code of Ordinances, City of Plainview, Texas amending Article 13.05 thereof as outlined below are reasonable, consistent with the TCEQ requirements and beneficial for the public health, safety and general welfare of the citizens of Plainview and a proper exercise of its police power;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLAINVIEW HEREBY ORDAINS, THAT:

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. Article 13.05, § 13.05.004, subsection (b) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(b) *Description of Service Area and Utility Profile.* The City of Plainview is located in Hale County and covers about 13.8 square miles. The city water utility serves a population of over ~~22,000~~ 20,000. Historically, the city has used about 1.1 billion gallons of water a year to meet the needs of its customers, with about half of that being used by single-family residential homes. The highest months of use are normally, May through August. *The City of Plainview updates Appendix A* ~~contains~~ the latest Utility Profile as required by Texas Water Development Board rules *and is publicly available through the Texas Water Development Board.*”

SECTION 3. Article 13.05, § 13.05.004, subsection (c) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(c) Specific quantified 5- and 10-year targets.

Current TWDB regulations require the adoption of specific water conservation goals for a water conservation plan. As part of the plan adoption, the City of Plainview will develop 5-year and 10-year goals for per capital municipal use and for residential use. The city’s average daily water usage is approximately ~~135~~ 136 gallons per person per day (gpcd) with a residential ~~64~~ 91 gpcd *for the*

previous five years and the city's average daily water usage is approximately 136.5 gpcd with a residential average of 83.1 gpcd for the previous ten years.
The city's water conservation goals are to:

- (i) Reduce annual per capita water usage to 130 gpcd by the year ~~2027~~ 2029 with a secondary residential per capita usage to 59 gpcd.
- (ii) Reduce annual per capita water use to 127 gpcd by the year ~~2032~~ 2034 with a secondary residential per capita usage to 57 gpcd.
- (iii) Reduce annual per capita water loss from ~~20~~ 13 gpcd to ~~18~~ 12 gpcd by ~~2027~~ 2029 and ~~16~~ 11 gpcd by ~~2032~~ 2034.

The city's goals are reported on the required TWDB from in Appendix B attached to Ordinance 24-XXXX adopted 4/23/24."

SECTION 4. Article 13.05, § 13.05.004, subsection (d)(1) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(d) The water conservation plan, as adopted by the city, consists of the following:

- (1) Continuing public education and information programs. The city will inform the city users of various recommended methods for implementing a reduction in water consumption. The city will provide talks and programs to schools and civic organizations along with distributing materials that are available from the Texas Water Development Board and other agencies in accordance with the city's administrative policy on water conservation plan continuing education and information programs. *The city will also include educational information utilizing social media to reach a larger audience.*”

SECTION 5. Article 13.05, § 13.05.004, subsection (d)(6) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(d) The water conservation plan, as adopted by the city, consists of the following:

- (6) Universal metering and meter repair and replacement.

- (A) All connections to the water supply system in the city are metered. The city is testing and replacing meters on an ongoing basis, concentrating on the largest meters first. The city has implemented an Advance Meter Infrastructure (AMI) system in 2024, to improve customer information on water usage, and to reduce system handling water loss. Meter technician(s) readers—classify the apparent conditions of all city meters, and repairs are initiated in areas with poor classification. The AMI system will be monitored to more quickly address meter reading issues, along with notifying customers of the continuous use of water. Universal metering will continue after adoption of this plan.
- (B) Testing of customer meters will be completed based on manufacturer suggestions ~~or every 10 years, whichever comes first.~~

SECTION 6. Article 13.05, § 13.05.004, subsection (d)(9) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(d) The water conservation plan, as adopted by the city, consists of the following:

(9) Water loss control measures. The city’s system uses a 12-month moving total of water treated and pumped versus water sold in order to assess more accurately the amount of unaccounted ~~for~~ water losses in the system. The average water loss has ranged from 11% to 15% in previous years. Leaks that go unreported for extended periods of time or large pipe failures that make for difficult estimates of total water loss can skew these numbers from year to year. The city will continue to refine ~~our~~ methods of calculating water loss due to these issues to better understand our actual water loss. The city will annually complete a detailed water system audit following Texas Water Development Board (TWDB) guidelines. In addition to these measures, the city maintains an active leak detection program described in Section 10 below.”

SECTION 7. Article 13.05, § 13.05.004, subsection (d)(17) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(d) The water conservation plan, as adopted by the city, consists of the following:

(17) Schedule for Best Management Practice Implementation. Many of the conservation practices outlined in the plan have already been implemented or are ongoing as shown in the table below. New water conservation practices will be implemented as appropriate.

BMP Description	Already Implemented	Expected Implementation Date	Notes:
Continuing Public Education and Information	Y		Already in place, however, the City will expand public information campaign in 2022. The City is currently developing a one-page handout to be made available to the public and handed out at conservation-oriented events.
Plumbing Codes	Y		
Water Conservation Retrofit Program	Y		
Conservation-Oriented Water Rate Structure	Y		Water rates will be monitored on an annual basis and may be adjusted depending on City goals.
Production Meters	Y		
Universal Metering and Meter Repair and Replacement	Y		
Water Conserving Landscaping	Y		
Water Loss Control Measures	Y		
Leak Detection and Repair	Y		
Recycling and Reuse	Y		The City is completing a water supply master plan to explore opportunities.
Water Conservation Coordinator	N	2022	The City Manager will appoint a Water Conservation Coordinator.
Outdoor Water Use Restrictions	N	2022	Will be enacted upon adoption of the Water Conservation Plan.
Rain Barrel Rebates	N	2022	The City will develop a program of rebates for rain barrel purchases.
Plumbing Fixture and Washer Rebate Program:			
Toilet Rebates	N	2022	The City currently provides a limited number of high efficiency toilets to residents annually. The City will discontinue this practice and develop a system of rebates for high-efficiency toilets, showerhead and aerator kits, and clothes washers for residences and commercial establishments, and urinals for commercial establishments.
Showerhead and Aerator Kit Rebates	N	2022	
Clothes Washer Rebates	N	2022	
Urinal Rebates	N	2022	
Waterwise Landscaping Rebates	N	End of 2022	The City will explore options and develop a program of rebates for retrofit of existing landscaping.

Rainwater Harvesting Rebates	N	End of 2022	The City will develop a program of rebates for the purchase and installation of rainwater harvesting equipment.
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<u>MP Description</u>	<u>Already Implemented</u>	<u>Expected Implementation Date</u>	<u>Notes:</u>
<u>Continuing public education and information</u>	<u>Y</u>		<u>Already in place, however, the city will expand public information campaign in 2024. The city is currently implementing a water customer portal to aid in transparency and education on water usage and how to reduce water usage.</u>
<u>Plumbing codes</u>	<u>Y</u>		
<u>Water conservation retrofit program</u>	<u>Y</u>		
<u>Conservation-oriented water rate structure</u>	<u>Y</u>		<u>Water rates will be monitored on an annual basis and may be adjusted depending on city goals.</u>
<u>Production meters</u>	<u>Y</u>		
<u>Universal metering and meter repair and replacement</u>	<u>Y</u>		
<u>Water conserving landscaping</u>	<u>Y</u>		
<u>Water loss control measures</u>	<u>Y</u>		
<u>Leak detection and repair</u>	<u>Y</u>		
<u>Recycling and reuse</u>	<u>Y</u>		<u>The city has completed a water supply master plan to explore opportunities and will initiate a feasibility study for water storage and direct potable reuse</u>
<u>Water conservation coordinator</u>	<u>Y</u>		
<u>Outdoor water use restrictions</u>	<u>Y</u>		
<u>Rain barrel rebates</u>	<u>N</u>	<u>2024-2025</u>	<u>The city will develop a program of rebates for rain barrel purchases.</u>
<u>Plumbing Fixture and Washer Rebate Program:</u>			
<u>Toilet rebates</u>	<u>N</u>	<u>2024-2025</u>	

<u>MP Description</u>	<u>Already Implemented</u>	<u>Expected Implementation Date</u>	<u>Notes:</u>
<u>Showerhead and aerator kit rebates</u>	<u>N</u>	<u>2024-2025</u>	<u>The city will develop a system of rebates for high-efficiency toilets, showerhead and aerator kits, and clothes washers for residences and commercial establishments, and urinals for commercial establishments.</u>
<u>Clothes washer rebates</u>	<u>N</u>	<u>2024-2025</u>	
<u>Urinal rebates</u>	<u>N</u>	<u>2024-2025</u>	
<u>Water Wise landscaping rebates</u>	<u>N</u>	<u>2024-2025</u>	<u>The city will explore options and develop a program of rebates for retrofit of existing landscaping.</u>
<u>Rainwater harvesting rebates</u>	<u>N</u>	<u>2024-2025</u>	<u>The city will develop a program of rebates for the purchase and installation of rainwater harvesting equipment.</u>

SECTION 8. Article 13.05, § 13.05.005, subsection (2) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

(2) Water shortage contingency measures. The city manager, or his/her designee, shall monitor water supply and, in accordance with the triggering criteria set forth in subsection (1) above, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following plan. The city shall notify the executive director of the state commission on environmental quality (TCEQ) as soon as possible to notify the director that mandatory provisions of this plan have been implemented.

(A) Step I. Curtailment shall be initiated upon existence of mild water shortage conditions and will include the following actions:

- (i) Develop an information center and designate an information person.
- (ii) Advise the public of the condition and publicize the availability of information from the information center.
- (iii) Encourage voluntary reduction of water use.

- (iv) Contact commercial and industrial users and explain *the* necessity for *the* initiation of strict conservation methods.
 - (v) Implement system oversight and make adjustments as required to meet changing conditions.
 - (vi) Target: Raise public awareness of the situation and maintain daily water demand at or below 50 percent of available water production capacity.
- (B) Step II. Curtailment shall be initiated by the city manager on identifying moderate water shortage conditions. The listed actions are compulsory on users and are intended to prohibit nonessential water use.
- (i) Outdoor *single-family* residential use of water for nonirrigation use will be permitted to once per week. Even-numbered houses will use water for outdoor residential uses on Saturdays and odd-numbered houses on Sundays. Outdoor uses consist of washing vehicles, boats, trailers, walkways, windows, and houses, recreational use of sprinklers, outside showers (in parks) and water slides.
 - (ii) The city manager, or his/her designee, will monitor system function and establish hours for outside water use, depending upon system performance.
 - (iii) The information center and publicity elements shall keep the public advised of curtailment status.
 - (iv) Commercial and industrial *non-single-family residential locations (apartment complexes, businesses, industries, parks, street and/or roadway medians, etc.)* users will be visited to ensure that conservation measures have been initiated. Landscape watering will be restricted to Thursdays.
 - (v) Target: Reduce and maintain daily water demand at or below 70 percent of available water production capacity.
- (C) Step III. Curtailment shall be initiated upon existence of a severe water shortage as determined by the city manager. The city manager will prohibit the use of water for:
- (i) Vehicle washing, window washing, outside watering (lawn, shrubs, faucet dripping, garden, etc.).

- (ii) Public water uses which are not essential for health, safety and sanitary purposes. These nonessential uses include: street washing, watering of parks, fire hydrant flow testing, filling swimming pools, watering athletic fields and courses, and dust control sprinkling.
 - (iii) Commercial uses not listed will be controlled to the extent dictated by the city manager.
 - (iv) Pro-rata water allocation: In the event that the triggering criteria in severe water shortage (severe drought conditions), as specified in threshold conditions of the drought contingency plan have been met, the city manager is hereby authorized to initiate allocation of water supplies on a pro-rata basis in accordance with Texas Water Code, section 11.039.
 - (v) Target: Reduce and maintain daily water demand at or below 90 percent of available water production capacity, or in any emergency condition of system outages due to equipment failure, temporarily discontinue water system operating.
- (D) Step IV. Curtailment shall be initiated upon the existence of an emergency condition as determined by the city manager. The listed actions are compulsory on users:
- (i) All aesthetic and nonessential water use, including landscape irrigation use, is prohibited, except where necessary to protect the health, safety, and welfare of the public. No new landscape material may be installed.
 - (ii) All city operations will adhere to the water use restrictions.
 - (iii) The city may reduce water system pressure to conserve water.

SECTION 8. Article 13.05, § 13.05.005, subsection (6) of the Code of Ordinances, City of Plainview, Texas is amended to read as follows (for reference purposes, amended portions are indicated as follows: deletions – strikeout; new additions - underlined and italicized):

“(6) Information and education.

- (A) The public will be made aware of water conservation and drought conditions by information and data transferred through the city’s program. During periods of water shortage curtailment, step I conditions will establish an information center, an information

person, and utilize the most effective methods developed for information dissemination on a daily basis.

- (B) ~~Close observation of the first year information program should develop the most effective ways to communicate with customers. The city understands communication with the public must be dynamic in order to reach the citizens. The city will use any combination of, but not limited to, posting Posting notices, newspaper articles, radio coverage, social media and direct mail to customers, electronic communication using (Everbridge), customer portals and digital message boards at city hall. will be used during the first year activities.~~

SECTION 10. Filing. The City Manager or his designee is hereby authorized to file this Ordinance as the City of Plainview's Water Use Management Plan with all appropriate regulatory authorities.

SECTION 11. Penalty. A violation of any provision of this Ordinance shall be deemed a misdemeanor punishable in accordance with Section 1.01.009 of the Code of Ordinances, City of Plainview, Texas.

SECTION 12. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 13. Repealed. All other terms and provisions of the Code of Ordinances, City of Plainview, Texas, including, without limitation, all other terms and provisions of Article 13.05 and §§ 13.05.004 and 13.05.005, not specifically amended herein and not in conflict herewith shall remain in full force and effect.

SECTION 14. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Plainview, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 15. Publication. The City Secretary of the City of Plainview is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first reading this 9th day of April, 2024.

Passed and approved on second reading this 23rd day of April, 2024.

Charles Starnes, Mayor

ATTEST:

Belinda Hinojosa, City Secretary

APPROVED AS TO CONTENT:

Jeffrey Snyder, City Manager

APPROVED AS TO FORM:

Matthew L. Wade, City Attorney