



AGENDA ITEM SUMMARY

District Impacted

- ☐ 1 = Haberstroh
- ☐ 2 = Woolard
- ☐ 3 = Boyd
- ☐ 4 = Cisneros
- ☐ 5 = Bergmann
- ☒ X All

DESCRIPTION	CONSIDER ON SECOND READING ORDINANCE NO. 2015-43; AN ORDINANCE OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-41. PROHIBITED USES OF WATER – YEAR ROUND RESTRICTIONS; SEC. 22-51. GENERALLY; SEC. 22-52. WATER SOURCES; SEC. 22-53. EMERGENCY ACTION BY CITY MANAGER; SEC. 22-54. APPLICATION; SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS; SEC. 22-56. DROUGHT RESPONSE STAGES; (A) STAGE I; (B) <i>STAGE II.</i> ; (C) <i>STAGE III.</i> ; (D) <i>STAGE IV</i> ; SEC. 22-57. DESIGNATED OUTSIDE WATER USE DAYS; SEC. 22-59. ENFORCEMENT; AND ESTABLISHING A PENALTY NOT TO EXCEED \$1,000 FOR VIOLATIONS OF THE ORDINANCE.
STAFF'S RECOMMENDED ACTION (be specific)	APPROVE ON SECOND READING ORDINANCE NO. 2015-43; REVISIONS TO DROUGHT ORDINANCE.
CONTACT PERSON	JEFF THOMPSON
SUMMARY	<p>Following the discussion at the last City Council meeting, I met with Councilmember Woolard to bring her up to date on the proposed changes to the Drought Management Plan in the Water Ordinance. At the Council meeting, there were four areas that received the primary focus of discussion or questions that needed to be answered as follows:</p> <ol style="list-style-type: none"> Whether or not customers on the reclaimed water system should be subject to restrictions during the hours of 11 am to 7 pm as the potable water customers will be <p>The rationale for originally presenting it this way is to be consistent in not watering during the times of highest evaporation. The City Manager made the case at the council meeting that there not be such restriction due to the fact that the city's water utility loses the opportunity to sell the reclaimed water since there is not enough storage available to retain the water in Boerne for use by our customers at a later time, but rather is returned to the stream as effluent. While not</p>

unanimous, the consensus appeared to be to accept that recommendation. Section 22-41 shows highlighted in orange, striking of the language making the 11 to 7 restriction period applicable to Reclaimed Water. The words “including reclaimed water” have been added to Sections 22-53 and 22-55 (e) and “Reclaimed water use is subject to the waste of water provisions...” in Section 22-56 for clarity as to waste of water restrictions applying to reclaimed water. The sentence regarding reclaimed water was removed from Section 22-55 (f).

2) The City Manager is authorized to make decisions to enter or come out of Drought Stages

Section 22-53 continues to show the former affirmation language struck from the ordinance. Section 22-55 (c), however, adds language requiring the City Manager to also consult with the Mayor regarding stage implementation decisions.

3) How will we determine when it is a customer’s proper time to water under Stage III; Every other week?

There are three potential solutions:

- a) Self-Policing; rely on customers to adhere to the restrictions and on neighbors to report non-compliance which can then be verified using AMI water use data.
- b) Mr. Cisneros suggested having even numbered addresses water on even weeks (2,4,6 etc.) of the year and odd numbered addresses water on odd weeks of the year (1,3,5 etc.). To facilitate this, the city would post whether it is an odd or even week on the website and social media each week.
- c) Use the SAWS method which is what has been written into the ordinance on Section 22-56 (c) Stage III. All customers would water in the same week beginning the first Monday after declaration of Stage III. This method is the easiest to monitor, but leaves one week with a much higher usage peak than the other methods, but no higher than Stage I and II peaks on a given day

4) A progressive fine based on number of offenses was suggested.

Our standard procedure has been to issue a verbal warning or advisement to customers when we first become aware of a violation of the DMP. Next, if the offense repeats or continues, a letter warning is issued. Finally, if repeated warnings fail, a

	citation is issued. After hearing the case with the judge, a fine of up to \$1,000 can be assessed. To my knowledge we have had but a handful of customers ever reaching the citation stage in the last 8 plus years. We believe that the process in place is sufficient at this time for rare occasion that a citation is issued and have not suggested any changes to the ordinance.
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.