

ORDINANCE No. O-2022-47

AN ORDINANCE AMENDING ORDINANCE O-2019-26 OF THE CODE OF ORDINANCES OF THE CITY OF PHARR CHAPTER 130, UTILITIES, ARTICLE IV, WATER, DIVISION 1. EMERGENCY CONSERVATION, SECTION 232, ADOPTING THE AMENDED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, ESTABLISHING CRITERIA FOR INITIATION AND TERMINATION OF WATER CONSERVATION AND DROUGHT RESPONSE STAGES; PROVIDING FOR WATER ALLOCATION DURING SHORTAGES; PROVIDING FOR PENALTY OF UP TO \$2,000.00; PROVIDING FOR PUBLICATION; PROVIDING PROCEDURES FOR GRANTING VARIANCES; FOR SEVERABILITY; ORDAINING OTHER PROVISION RELATED TO THE SUBJECT MATTER; DECLARING AN EMERGENCY AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS:

**SECTION 1: City of Pharr, Texas Water Conservation and Drought Contingency Plan
Table of Contents**

1.0 Introduction

- 1.1 Purpose
- 1.2 Location and Size of City
- 1.3 Population

2.0 Water Supply and Demand

- 2.1 Raw Water Supply
- 2.2 Description of Water Treatment, Storage, and Distribution Facilities
- 2.3 Water Demand
- 2.4 Water Rates and Revenues

3.0 Wastewater Facilities

- 3.1 Description of Wastewater Treatment Plant and Wastewater Collection System
- 3.2 Rates and Revenues

4.0 Water Conservation Goals

- 4.1 Water Conservation Goals
- 4.2 Water Conservation Programs
 - A. Public Education and Awareness
 - B. Plumbing Fixture Efficiency Standards
 - C. Plumbing Fixture Retrofit and Replacement
 - D. Water Rate Structure
 - E. Metering and Repair

- F. Leak Detection, Repair, and Water Loss Record Keeping
- G. Water Conserving Landscaping
- H. Water Reuse
- I. Means of Implementation and Enforcement
- J. Wholesale Water Contracts
- K. Record Management System

4.3 Reporting

5.0 Drought Contingency Plan

| | |
|--------------|--|
| Section I | Declaration of Policy, and Intent |
| Section II | Public Involvement |
| Section III | Public Education |
| Section IV | Coordination with Regional Water Planning Group |
| Section V | Authorization |
| Section VI | Application |
| Section VII | Definitions |
| Section VIII | Criteria for Initiation / Termination of Drought Response Stages |
| Section IX | Drought Response Stages |
| Section X | Enforcement |
| Section XI | Variances |

Appendix A: Utility Profile & Water Conservation Plan Requirements for Municipal Water use by Public Water Suppliers

Appendix 1- Water and Wastewater CCN

Appendix B: Resolution-Adoption of City of Pharr Water Conservation Plan and Drought Contingency Plan

Appendix 1- Water and Wastewater CCN

1.0 INTRODUCTION

1.1. Purpose

This document provides an update to the Water Conservation and Drought Contingency Plan for the City of Pharr, Texas and replaces an existing plan adopted by the City in 2015. The adoption of the new plan is to stay in compliance with Title 30 TAC Chapter 288 and to comply with 31 TAC Chapter 363.15 to obtain financial assistance with the Texas Water Development Board.

The current extended drought affecting the watershed of the middle and lower Rio Grande has underscored the importance of water conservation and drought contingency planning to the City of Pharr. Water conservation and drought preparedness are essential if the City's to continue to meet its responsibility to provide adequate future

water supplies for its citizens. The Water Conservation and Drought Contingency Plan will serve to extend the City's available water supply, decrease water losses and waste, and will provide procedures for responding to and coping with drought and other water supply emergencies.

1.2 Location and Size of City

The City of Pharr, Texas is located in the Lower Rio Grande Valley of Texas at the intersection of US Highway 281 and 83. Figure 1.1 includes two maps showing the location of the City and its corporate boundaries.

1.3 Population

The City has a current population of approximately 70,400 according to the latest census data in 2010 and is estimate to have a current population of approximately 79,487 according to Population Division, U.S. Census Bureau.

The projected population growth for the City is shown in the table below as showed in the 2018 Regional Water Plan prepared for Texas Water Development Board.

| Year | Regional Water Plan |
|------|---------------------|
| 2020 | 89,220 |
| 2030 | 110,785 |
| 2040 | 132,437 |
| 2050 | 154,131 |
| 2060 | 175,826 |
| 2070 | 196,918 |

2.0 WATER SUPPLY AND DEMAND

2.1 Raw Water Supply

Nearly all cities in the Rio Grande Valley obtain the raw water supply from the Rio Grande River via canal system. The City of Pharr is no different. The City of Pharr has a contract with Hidalgo Irrigation County District No. 2 (HCID 2). HCID#2 delivers raw water to the City's 70 million gallons (MG) raw water reservoir at a cost of \$0.15730 per 1000 gallons of water metered delivered. **The raw water from the reservoir then flow through a 36" gravity line to the city intake wet well.** The City currently has a total of 10,639.377 acre-feet of water available as of January 2019.

The City of Pharr also uses groundwater well for emergency uses and can average a total of 900 gpm or approximately 1.3 MGD.

2.2 Description of Water Treatment, Storage and Distribution Facilities

The City owns and operates one 19.0 MGD Surface Water Treatment Plant that was built in 1984, expanded in 1997 and 2014. The WTP consists of a raw water pump station, 5-clarifiers, 1-rapid mix basin, 19 filters, 1-1MG clear well, 2-2MG ground storage tanks, 1-high service pump station. The City water distribution system consists of approximately 332 miles of water lines ranging from 2"-30" and four elevated storage tanks consisting of: 0.5 MG, 0.75 MG, and 2- 1.0 MG (total of 3.25 MG elevated storage). The City of Pharr, in addition to the elevated tanks, has 1,0 MG wet well and 2 – 2 MG ground storage tanks located at the Water Treatment Plant. The City has enough storage capacity (elevated and ground storage) until the year 2030.

The City's raw water pump station that is capable of delivering 19.0 MGD. The raw water pump station was completed in 2008 and expanded in 2013. The City also expanded the water treatment facilities from 10.0 MGD to the current 19.0 MGD capacity. The 19.0 MGD plant production is sufficient to serve the City of Pharr population projected growth through the year 2030.

2.3 Water Demand

In calendar year 2018, the water treatment plant treated approximately 2.857 billion gallons or 8790.76 acre-feet of raw water. In the last two years the City has average 7.85 MGD and a maximum average use (peak day use) of 10.93 MGD. **With an approximate population of 79,487 the average residential per capita use during the calendar year 2018 was approximately 99 gallons per capita per day. Compared with the year 2017, where the gallons per capita were 105 gpcd.** Compared with an estimated statewide average municipal use of 169 gpcd in 2013 (Texas Water Development Board, "2013 per Capita Water Use State Average". The relatively low water use is typical in the City for the last three year due to continued mandatory conservation efforts implement by the city, but with a continued population growth and economic development, water demand will increase especially during the summer. Water demand is project to increase to 3.2 billion gallons or 9,923 acre-feet per year in 2020, and nearly 3.9 billion or 11,933 acre-feet per year in 2030. With the City's current water rights standing at 10,639.377 and with projected demand to increase, this is clear indication that the City of Pharr will be challenged to meet future water demand.

2.4 Water Rates and Revenues

The City currently charges a meter monthly base service charge of \$22.50 for (5/8"-1.5"), \$26.00 (2"), \$55.00 (4") and \$90.00 (6") to each customer. The City's current water rates for residential are as follows, \$1.65 per 1000 gallons from 0-19,999 gallons and \$1.70 per 1000 gallons from 20,000+ and commercial water rates are from \$1.70 per 1000 gallons from 0-19,999 and \$1.85 per 1000 gallons from 20,000+. During fiscal year 2017-2018 total water system operating revenue was \$7.835 million.

3.0 WASTEWATER FACILITIES

3.1 Description of Wastewater Treatment Plant and Wastewater Collection System

The Wastewater Treatment Plant (WWTP) was expanded in 2011 to an 8.0 MGD. The plant is a complete mix variation of activated sludge process plant. The plant consists of headwork facility, two oxidation ditches, one BNR, six clarifiers, ultraviolet disinfection basin, digester, thickener, gravity belt thickener, belt press, effluent basin, and laboratory building. The next WWTP phase expansion will be to 10 MGD.

The Wastewater Collection System consists of 32 lift stations, 1-8.0 MGD WWTP, and approximately 160 miles of various pipes sizes from 6" to 42".

3.2 Sewer Rates and Revenues

The City currently charges a monthly base service charge \$14.55 to each residential customer connected to the sewer system; plus, \$0.98 per 1000 gallons of wastewater used up to 18,000 gallons per month. Commercial and industrial customers pay a base charge of \$22.97 per month and a rate of \$1.30 per 1000 gallons of wastewater use. During fiscal year 2017-2018 total wastewater system-operating revenue was \$5.264 million.

4.0 WATER CONSERVATION GOALS

4.1 Water Conservation Program

The City of Pharr's goals with respect to water conservation are to:

- To maintain the unaccounted water loss between 12 % to 10% or lower or between 10 gpcd to 12 gpcd (unaccounted water loss) or lower for the next 5 years beginning in Fiscal year 2018/2019 (October-September) and 10% to 8% or lower or between 8 gpcd to 10 gpcd (unaccounted water loss) or lower the next 10 years beginning fiscal year 2018/2019 (October-September) through improved water use accounting, replacement of old water lines, meter replacement, repair, meter efficiency testing and record keeping (fire department, city's street sweeper, and city's vactor truck).
- Increase beneficial reuse of effluent from City's wastewater treatment plant to include municipal parks (if feasible), city's street sweepers, and construction use.
- To continue to be below the state average by a least 10% in water used per capita through implementation of the existing plumbing code, public education and awareness conservation programs and water reuse.
- To maintain our municipal use to less than a 115 gpcd in the next 5 years beginning in fiscal year 2018/2019 (October-September) and to lower the gpcd by 2

gpcd per year or to achieve 100 gpcd by 2028/2029. These goals may not be attainable depending on hot weather conditions and increase population.

- To maintain our municipal use to less than 100 gpcd in the next 10 years beginning fiscal year 2018/2019 (October-September) and to lower the gpcd per 0.5% per year or approximately 0.6 gpcd per year. This will be a difficult goal to achieve due to increase population and hot weather conditions. This goal will be evaluated on the efforts and results of the above 5-year goal.

4.2 Water Conservation Program

The following actions will be taken by the City of Pharr to accomplish the above goals:

A. Public Education and Awareness

Public education and awareness are an essential component of the City's water conservation program. The objective is to communicate to the City's residents the need for and benefits of water conservation and to provide useful consumer-oriented information on water conservation practices and technologies. The City will obtain and disseminate such information through a variety of avenues including:

- Providing water conservation literature to new utility customers at the time they apply for service, to utility customers reporting high water use, and the utility sales office on continuing basis.
- Providing consumer tips on water conservation in Consumer Confidence Report to be mailed annually; plus provide conservation tips on monthly water bill
- Providing literature on xeriscape landscaping and the use of native plants and grasses to reduce lawn water demands.
- Presentation at different civic organizations, city events, and schools. The City will also obtain video and radio public service announcements on water conservation from the TWDB and make these available to the local media. TWDB videos on state water resources issues and water conservation will also be provided to the City of Pharr Cable Channel and PSJA School District cable channel. The City will also produce water conservation commercials using students and parents from the city to promote conservation and announcements that will be aired on the City of Pharr Cable Channel and will be provided to PSJA School District cable channel.

B. Plumbing Fixture Efficiency Standards

Since 1992 state law has prohibited the sale of certain plumbing fixtures that do not conform to specific water use efficiency standards. For example, water use by tank-type toilets sold within Texas is not to exceed 1.6 gallons per flush. Showerheads are limited to 2.5 gallons per minute flow rate. Similar water efficiency standards effectively

supersede and replace local standards and eliminate the need for enforcement of plumbing code standards for water efficiency at the local level.

In 1991, the Texas Legislature passed legislation requiring that plumbing fixtures sold in Texas after January 1, 1992, meet the following standards:

- Shower Heads: No more than 2.50 gallons per minute at 80 pounds per square inch of pressure.
- Laboratory/Sink Faucets and Aerators: No more than 2.2 gallons per minute at 60 pounds per square inch of pressure.
- Wall mounted, Flushometer Toilets: No more than 2.0 gallons per flush
- All other Toilets: No more than 1.6 gallons per flush
- Drinking Water Fountains: Must be self-closing

The above standards are enforced through requirements placed directly on the manufacturers, importers, and suppliers of new fixtures in Texas. In addition, the City encourages the following water conservation measures:

- Hot Water Pipes: Hot water lines not in or under a concrete slab should be insulated
- Pressure Reduction Valves: Pressure reduction valves may be installed where system pressures exceed 80 pounds per square inch
- Swimming Pools: Swimming pool should have recirculating filtration equipment
- Automatic Dishwashers: Automatic dishwashers installed in residential dwelling should be a design that uses a maximum of six gallons of water per cycle
- Automatic Clothes washers: Automatic Clothes washers installed in residential dwellings should be a design that uses a maximum of 14 gallons of water per cycle

New plumbing fixtures that replace or renovate existing plumbing fixtures should follow the residential and commercial construction requirements. The use of water efficient plumbing fixtures in new construction and as replacements in existing construction is expected to significantly reduce per capita water use and wastewater flow over time. Importantly such saving will occur "passively" in that market penetration will occur as a consequence of new development and as old inefficient plumbing fixtures wear out and are replaced. Also, water saving associated with high efficiency plumbing fixtures are relatively predictable as the saving are not dependent on conscious effort by the customer to modify water use behaviors.

C. Plumbing Fixture Retrofit and Replacement

The City will encourage the retrofit and/or replacement of older, inefficient plumbing fixtures and appliances through the public education and awareness activities described above. Emphasis will be placed on the expected cost saving and payback periods through reduced water, wastewater, and energy costs. In addition, the City will investigate the costs and benefits of replacing inefficient plumbing fixtures in all city-owned facilities.

D. Water Rate Structure

The current water structure rates will significantly encourage water conservation efforts from residential, commercial customers and thus resulting sustainability for future growth.

E. Metering and Repair

Metering all water services is an effective means of improving and maintaining control of water system operations and provides the basis for efficient and equitable cost recovery. Metering provides a database for system performance monitoring, for planning future facilities, and for assessing the effects of water conservation measures. Metering also improves accountability for both water deliveries and for unaccounted for water losses. The City of Pharr meters all water accounts, including those serving city facilities.

In April 2010 the City conducted a Meter Management Audit by JBS Associates. The audit included recommendations that are now being implemented such as testing meters annually and every two years depending on usage and age of the meter. Rule of thumb, if a 5/8" -3/4" meter has over a 1,000,000-gallon usage or over 15 years that meter should be changed. Other recommendations include correct meter sizing and replacement of oversize meters. Periodic testing will be conducted every year on approximate 5% of the 3/4" meter for efficiency verification. Meters found to be outside these parameters (+/- 5%) will be replaced. Master Meters (raw water meter and high service meters) at the Water Treatment Plant are tested annually by Sendero South, LLC, or other company, and results are reported to staff in writing and are filed for at a period of five years. Master meters which are not within +/-5% of standard will be repaired and/or replaced.

The City will continue to follow the recommendations from Meter Management Audit and has implemented recorded keeping of water usage of fire fighter usage, street sweeper use, vector truck use, and flushing of water mains. These procedures will allow the City to better estimate actual water losses due to leakage and will aid in evaluating the costs and benefits associated with leaks detection and the repair or replacements of main waterlines.

F. Leak Detection, Repair, and Water Loss Record Keeping

Along with a Meter Management Audit a Water Distribution System Report was done. The report pointed out two key areas in the city where we have substantial leaks. Most of these leaks are from 2" water lines, which the city has approximate 13 miles of these lines. The City has started a replacement program to replace these water lines. We estimated a time of 5 yrs. to replace all 2" water lines.

Public Utilities staff will conduct annual visual audits to determine leaks concentrating around fire hydrants, water valves and grassy green areas of known water distribution

lines. Staff will be required to investigate any grassy green areas during their daily routine, especially during dry weather conditions. The utilities staff will determine to do a systematic leak survey of the water distribution system if loss of water is greater than 15% annually.

Public Utilities staff conducts top-down audit, using existing records to provide an overall picture of water loss which is done annually and will continue to track these effort using this method. The Public Utilities staff has implemented monthly record keeping and tracking to estimate a more accurate water loss of unaccounted water in areas of fire fighting, unauthorized use of fire hydrants, street sweepers, vactor trucks, flushing of fire hydrants, overspill of water towers and water distribution line breaks.

G. Water Conserving Landscaping

The City does not plan to require water conserving landscaping, however, the city will through education, encourage residents to adopt water efficient landscaping and landscape maintenance practices. Through its public information program, The City encourages and supports the use of xeriscape landscaping techniques. Public Utilities staff distributes xeriscape literature at public meeting on water conserving landscaping and lawn watering methods. Particular emphasis is placed on providing such information in advance of and during the summer lawn water season.

H. Water Reuse

The City uses reclaimed wastewater effluent for plant operations/irrigation and in chlorination at the City's wastewater treatment plant. The effluent basin accommodates a 6" Gormann pumps that provide reuse water to the city golf course for irrigation purpose. The City is also looking at potential use of reuse water for various city services such as city street sweepers, city vactor truck and construction water tanks trucks.

I. Means of Implementation and Enforcement

A resolution by the City Commission has been approved adopting this water conservation plan (Appendix B.) The City's Public Utilities Department and City Manager will have primary responsibility for implementing the plan. The Public Utilities Department will be responsibility for keeping records of the implementation to verify water loss annually through top-down audits. (See 4.2F and 4.2K). These records will be compared to the goals stated above. The City's Police Department, Fire Department, and Public Utilities staff will have enforcement powers in accordance with the Drought Contingency Plan Ordinance. (Appendix C)

J. Wholesale Water Contracts

The City of Pharr will require, through contractual agreement, that any political subdivision or public water supplies contracting with City for wholesale water supply or

wastewater services either (1) adopt the provisions of the City's water conservation and drought contingency plan; or (2) develop and adopt a plan which meets the requirements of the TWDB or TCEQ. **At present, the City's is not a wholesaler.**

K. Record Management System

The City of Pharr record of management includes the following: purchased water, treated water and water sold. The user classes are recorded as: residential, senior citizens, commercial, municipal, and outside city limits. Based on the type of record keeping the system has established would allow to keep track of the effectiveness of our annual goals. **As mentioned on Section 4.2 F top-down audit will give us a general knowledge if we meet our annual goal.** Even though no monthly goals are established, we believe by setting the annual goal will set the margin to meet a goal monthly. With better record keeping as mentioned above we can continue to track our progress in meeting our goals in Section 4.1 annually.

4.3 Reporting

The City of Pharr will continue its water conservation programs indefinitely and will report to the Executive Administrator of the TWDB on the implementation and status of the City's water conservation programs for three (3) years after the closing date for loans made by the TWDB. The City is obligated to the TWDB (under Rule 31 TAC 363.71) to submit annual report describing the implementation, status, and quantitative effectiveness of the water conservation program (which includes the plan and implementation procedures). The annual report will be in a form and will include all information required by TWDB staff to determine the City's compliance with the Water Conservation and Drought Contingency Plan.

Drought Contingency Plan

City of Pharr

P.O Box 1729 Pharr 78577

CCN# 11918

PWS # 1080009

February 21, 2019

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Pharr hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Drought Contingency Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X1 of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Pharr by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The City of Pharr will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of city public events, press releases or utility bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Pharr is located within the Rio Grande Regional Water Planning Group and City of Pharr has provided a copy of this Plan to the Rio Grande Regional Water Planning Group.

Section V: Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Pharr. The terms "person" and "customer" as used in the Plan to include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

1. **Aesthetic water use:** water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
2. **Commercial and institutional water use:** water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
3. **Conservation:** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
4. **Customer:** any person, company, or organization using water supplied by the Hidalgo Irrigation District #2.
5. **Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
6. **Even number address:** street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
7. **Industrial water use:** the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

8. **Landscape irrigation use:** water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

9. **Non-essential water use:** water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;

b) use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;

c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

d) use of water to wash down buildings or structures for purposes other than immediate fire protection;

e) flushing gutters or permitting water to run or accumulate in any gutter or street;

f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

10. **Odd numbered address:** street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. In addition to:

1. Supply-related problems, such as reductions in supply due to drought and water rights permits or water contracts constraints;

2. System-related problems, such as equipment failures and line breaks;
and

3. Other conditions that may affect or otherwise limit the City of Pharr's ability to meet the demand for water

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII—Definitions,

(a) When total daily water demand equals or exceeds 15.0 MGD for 5 consecutive days, based on the "safe" operating capacity of water supply facilities.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when:

(a) When total daily water demand equals or exceeds 18.0 MGD for 3 consecutive days, based on the "safe" operating capacity of water supply facilities.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers — SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

(a) Continually falling treated water reservoir levels which do not refill above 75% percent overnight based on an evaluation of minimum treated water storage required to avoid system outage.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when:

- a) When the water supply available from the Hidalgo Irrigation District #2 is equal to or less than 5,000 acre-feet.
- b) When, pursuant to requirements specified in the City of Pharr water purchase contract with Hidalgo Irrigation District #2 notification is received requesting initiation of Stage 4 of the Drought Contingency Plan.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when City Manager, or his/her designee, determines that a water supply emergency exists based on:

- a) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- b) Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers -- WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when (describe triggering criteria, see examples in Stage 1).

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/ her designee shall notify the public by means of:

- a) City Website/Social Media
- b) publication in a newspaper of general circulation, direct mail to each customer,
- c) public service announcements,
- d) signs posted in public places

Additional Notification:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- 1) Mayor / Chairman and members of the City Council
- 2) Fire Chief (s)
- 3) City and/or County Emergency Management Coordinator(s)
- 4) County Judge & Commissioner(s)
- 5) State Disaster District / Department of Public Safety
- 6) TCEQ (required when mandatory restrictions are imposed)
- 7) Major water users
- 8) Critical water users, i.e. hospitals
- 9) Parks /street superintendents & public facilities managers

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a 5% percent reduction in daily water demand.

Voluntary Water Use Restrictions for Reducing Demand

- a) Water customers are requested to voluntarily limit landscape irrigation to Sundays and Thursdays for customers with a street address ending in an even number (0,2,4,6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1,3,5,7 or 9), and to irrigate landscapes only between the hours of 8:00 pm and 8:00 am. Landscape irrigation by means of a hand-held hose or using drip irrigation system is exempt from these requirements.

b) The public is asked to wash automobiles at commercial car washes or at their residence only on their designated irrigation days (e.g. Sunday/Thursday or Saturday/Wednesday). The hose must have a flow control device (e.g. spray gun, control nozzle) to stop water flow when not use. High-pressure washers with flow control will also be allowed.

c) The public is asked to discontinue the use of ornamental water features fountains.

d) All operations of the City of Pharr shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

e) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions.

Target: Achieve a 7% percent reduction in daily water demand.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for water customers with a street address ending in an even number (0, 2, 4, 6, or 8) and Saturdays and Wednesdays for water customers with street address ending in an odd number (1, 3, 7, or 9) and to irrigate landscapes only between the hours of 8:00 pm and 8:00 am. Landscape irrigation by means of a hand-held hose or drip irrigation system is exempt from these requirements.

b) The public is allowed to wash automobiles at commercial car washes or at their residence only on their designated irrigation days (Sundays/Thursday and Saturday/Wednesday). The hose must have a flow control device (e.g. spray gun, control nozzle) to stop water flow when not in use. High-pressure washers with flow control will also be allowed.

c) The public must discontinue the use of ornamental water features (e.g., fountains) unless provision is made to recirculation of water. The failure to prevent or control the "water waste" is also prohibited.

d) Definition: The term “water waste” shall include wash down of driveways, sidewalks, parking areas, street and their areas and failure to take timely action to repair a leak determined by the Director of Utilities.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 10% percent reduction in daily water demand.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated days between the hours of 8:00 pm and 8:00 am and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Hidalgo Irrigation District #2. The City of Pharr Golf Course irrigates using Reclaimed water from the City of Pharr Wastewater Treatment Plant.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- d) High-pressure washer for cleaning of sidewalk, driveway and entryways will not be allowed and will be considered a “waste of water”. Steam cleaner will be allowed.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Target: Achieve a 15% percent reduction in daily water demand.

Water Use Restrictions for Reducing Demand: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 8:00 pm and 8:00 am and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers is prohibited at all times.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 8:00 pm and 8:00 am

- c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
- f) Steam Cleaner will not be allowed for cleaning of driveway, sidewalk, and entryway.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Target: Achieve a 20% percent reduction in water demand, total water use, daily water demand.

Water Use Restrictions for Reducing Demand. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.

Stage 6 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

| Persons per Household | Gallons per Month |
|-----------------------|-------------------|
| 1 or 2 | 6,000 |
| 3 or 4 | 7,000 |
| 5 or 6 | 8,000 |
| 7 or 8 | 9,000 |
| 9 or 10 | 10,000 |
| 11 or more | 12,000 |

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Pharr of a greater number of persons per household on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Pharr offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Pharr on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Pharr in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Pharr of a reduction in the number of person in a household shall be fined not less than \$1000.00 dollars.

Residential water customers shall pay the following surcharges:

| | |
|----------------|--|
| <u>\$10.00</u> | for the first 1,000 gallons over allocation. |
| <u>\$20.00</u> | for the second 1,000 gallons over allocation. |
| <u>\$35.00</u> | for the third 1,000 gallons over allocation. |
| <u>\$75.00</u> | for each additional 1,000 gallons over allocation. |

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the Hidalgo Irrigation District #2 of a greater number on a form prescribed by the City Manager. The City Manager and/or his/her designee shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Hidalgo Irrigation District #2 offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City

Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the Hidalgo Irrigation District #2 in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Pharr of a reduction in the number of residents in a household shall be fined not less than \$1000.00 dollars. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$20.00 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$35.00 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$75.00 thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager and/or his/her designee for each non-residential commercial customer, other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 25% percent of monthly usage is less than 5000 gallons, shall be allocated 5000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Hidalgo Irrigation District #2 to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager or alternatively, a special water allocation review committee. Non-residential commercial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 20,000 gallons per month:

- \$25.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$50.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$75.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$100.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 20,001 gallons per month or more:

- 2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 4 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 10 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 30 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section X: Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Pharr for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$50.00 dollars and not more than \$2000.00 dollars. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$30.00, and any other costs incurred by the City of Pharr in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the Hidalgo Irrigation District #2, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(d) Police officer and code compliance officer, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her- to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 17 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

Alternative methods can be implemented which will achieve the same level of reduction in water use. Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Pharr within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

(a) Name and address of the petitioner(s).

- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

SECTION 2: That except as herein amended, this Ordinance shall be cumulative of all other ordinances and said Ordinances shall remain in full force and effect, unimpaired hereby.

SECTION 3: The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

SECTION 4: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 3rd day of October 2022.

CITY OF PHARR



AMBROSIO HERNANDEZ, MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 17th day of October 2022.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

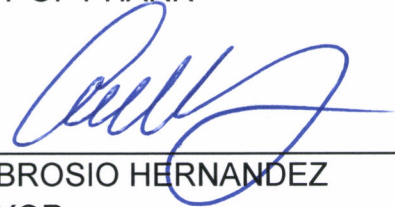
ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 7th day of November 2022.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK