

**City Council
Agenda Memo**



**City Council
Meeting Date: October 9, 2014**

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: SECOND READING OF AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES," ARTICLE VI, "WATER CONSERVATION PLAN" DIVISION 1, "GENERALLY," SECTION 32-142, "APPLICATION" OF THE ABILENE CITY CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

GENERAL INFORMATION

Chapter 32, Article VI of the City Code of Ordinances regulates and restricts the delivery and consumption of water as necessary to minimize the adverse impacts of water supply shortages or other water supply emergency conditions. Under the current ordinance, the regulations and restrictions do not apply to non-potable water sources. Though that has not been a concern in the past, under the current drought conditions, regulation of non-potable water sources has become a necessity.

Therefore, staff is proposing to amend the City of Abilene Municipal Code, Chapter 32, Article VI. Water Conservation Plan. Such changes will:

1. Require all persons who withdraw raw water for landscape irrigation from Lake Kirby and/or Lake Fort Phantom Hill, and who do not have reclaimed water contracts with the City, to comply with all provisions of the Water Conservation Plan; and
2. Require all persons with reclaimed water contracts with the City to use treated wastewater (reclaimed water) and/or raw water from Lake Kirby for landscape irrigation to comply with the time provisions of the Water Conservation Plan and use reclaimed water for landscape irrigation only during the hours of 12:00 midnight to 10:00 A.M., and from 6:00 P.M. until 12:00 midnight.

FUNDING/FISCAL IMPACT

There are no funding or fiscal impacts to the proposed changes to the ordinance.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Ordinance

Prepared by:

Name Tommy O'Brien

Title Director of Water Utilities

Item No. 7.1

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES," ARTICLE VI, "WATER CONSERVATION PLAN" DIVISION 1, "GENERALLY," SECTION 32-142, "APPLICATION" OF THE ABILENE CITY CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

WHEREAS, the Article VI of Chapter 32 of the City Code of Ordinances regulates and restricts the delivery and consumption of water as necessary to minimize the adverse impacts of water supply shortages or other water supply emergency conditions;

WHEREAS, currently the regulations and restrictions do not apply to non-potable water sources; and

WHEREAS, under the current drought conditions, regulation of non-potable water sources has become a necessity.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That CHAPTER 32, "UTILITIES," ARTICLE VI, "WATER CONSERVATION PLAN" DIVISION 1, "GENERALLY," SECTION 32-142, "APPLICATION" of the Abilene City Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this 25th day of September, 2014.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 5th day of October, 2014, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of October, 2014, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 9th day of October, 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

ORDINANCE NO. _____

Amending CHAPTER 32, "UTILITIES," ARTICLE VI, "WATER CONSERVATION PLAN" DIVISION 1, "GENERALLY", SECTION 32-142, "APPLICATION" to read as follows:

DELETE:

Sec. 32-142. Application.

The provisions of this plan shall apply to persons, customers, and property utilizing the Abilene Water Utility System wherever situated, including customers such as water supply corporations, and any others that receive water from the City of Abilene on a contract basis. If a shortage of water in the city's water supply occurs, the water to be distributed shall be divided among all users pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

These water use restrictions do not apply to the use of alternate water sources, including non-potable water and well water. Customers using water from private wells on days other than those designated in this plan, or those watering from private wells during the hours of 10:00 am and 6:00 pm., must post a sign stating "WELL WATER". The sign must be properly sized and posted so it is visible from the street. The City of Abilene strongly encourages the use of alternative water sources for landscape purposes.

ADD:

Sec. 32-142. Application.

The provisions of this plan shall apply to persons, customers, and property utilizing the Abilene Water Utility System wherever situated, including customers such as water supply corporations, and any others that receive water from the City of Abilene on a contract basis. If a shortage of water in the city's water supply occurs, the water to be distributed shall be divided among all users pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

These water use restrictions **do not** apply to the use of alternate water sources from groundwater (well water). Customers using water from private groundwater wells on days other than those designated in this plan, or those watering from private groundwater wells during the hours of 10:00 am and 6:00 pm., must post a sign stating "WELL WATER". The sign must be properly

sized and posted so it is visible from the street. The City of Abilene strongly encourages the use of alternative water sources from groundwater for landscape purposes.

These water use restrictions **do** apply to those persons without a reclaimed water contract who divert raw surface water from Lake Kirby or Lake Fort Phantom Hill for landscape irrigation. Whenever the term or reference to water, or potable water or similar and like words are used in this “Water Conservation Plan”, it shall be understood to include the use of raw surface water from Lake Kirby and Lake Fort Phantom Hill for landscape irrigation.

These water restrictions **do** apply to the time for the use of treated wastewater (reclaimed water) for landscape irrigation. Use of reclaimed water or raw water under a reclaimed water contract for landscape irrigation is only allowed during the hours of 12:00 midnight to 10:00 A.M., and from 6:00 P.M. until 12:00 midnight. All other uses of reclaimed water shall be in accordance with Title 30 Texas Administrative Code, Chapter 210 and the City of Abilene’s Authorization No. R10334-004, as amended.