

# City Council

200 North Brazil

## Special Meeting

Los Fresnos, TX 78566

<http://citylf.cloudaccess.net/en/>

### ~ Agenda ~

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Tuesday, August 20, 2019

6:00 PM

City Hall

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**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF LOS FRESNOS PURSUANT TO CHAPTER 551, TITLE 5 OF THE TEXAS GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, WILL MEET ON TUESDAY, AUGUST 20, 2019 AT 6:00 PM AT CITY HALL, 200 NORTH BRAZIL ST, LOS FRESNOS, TX 78566.**

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

#### **B. INVOCATION AND PLEDGE OF ALLEGIANCE**

#### **C. PUBLIC HEARING**

1. First public hearing to receive comments from the public on the proposed tax rate for 2019.

#### **D. VISITORS REMARKS-TO SPEAK YOU MUST SIGN IN WITH CITY SECRETARY PRIOR TO THE MEETING AND YOU HAVE A LIMIT OF 3 MINUTES TO SPEAK.**

#### **E. ACTION ITEMS**

1. Consideration and ACTION to approve the second reading of Ordinance 502 approving a negotiated resolution between the city and Texas Gas Service ("TGS" or "the company") regarding the company's April 30, 2019 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the city's and TGS' reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the company's and the city's legal counsel.
2. Consideration and ACTION to approve the second reading of ordinance 505 of the city of Los Fresnos, Texas adopting a water conservation plan and drought contingency plan: establishing criteria for the initiation and termination of drought response stages; establishing restrictions on certain water uses; establishing penalties for the violation of and provisions for enforcement of these restrictions'

establishing procedures for granting variances; providing severability; repealing ordinance 455 and providing for an effective date.

**F. BUDGET WORKSHOP**

1. Budget Workshop

**G. ADJOURNMENT**

This is to certify that I, Jacqueline Moya, posted this agenda on the front bulletin board of the City Hall on August 16, 2019 on or before 5:30 p.m. and it shall remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

\_\_\_\_\_  
Jacqueline Moya, City Secretary

Persons with any disabilities that would like to attend meetings must notify City Secretary 24 hours in advance so that the City can make arrangements for that disabled person.

**City Council**  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/20/19 06:00 PM  
Department: City Secretary  
Category: Public Hearing  
Prepared By: Jacqueline Moya  
Initiator: Jacqueline Moya  
Sponsors:

**SCHEDULED**

**ACTION ITEM (ID # 3141)**

DOC ID: 3141 A

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**First public hearing to receive comments from the public on  
the proposed tax rate for 2019.**

Last meeting on Tuesday August 13 I proposed to leave the tax rate the same as it has been for 13 years at \$0.715 per \$100 valuation. Since the effective tax rate is \$0.697821 per \$100 valuation, we will receive an increase in revenue of \$147,844.20 so by law we have to hold 2 public hearings. It is an opportunity to hear from residents/taxpayers.

# NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF LOS FRESNOS

C.1.a

A tax rate of \$0.715000 per \$100 valuation has been proposed for adoption by the governing body of CITY OF LOS FRESNOS. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF LOS FRESNOS proposes to use revenue attributable to the tax rate increase for the purpose of covering debt requirements for street repairs.

PROPOSED TAX RATE	\$0.715000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.715000 per \$100
EFFECTIVE TAX RATE	\$0.697821 per \$100
ROLLBACK TAX RATE	\$0.813033 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF LOS FRESNOS from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that CITY OF LOS FRESNOS may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS  
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Tony Yzaguirre Jr  
Cameron County Tax Assessor Collector  
835 E Levy (1st Flr); Brownsville TX 78520  
(956) 544-0800  
assessor\_collector@co.cameron.tx.us  
www.citylf.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: At 200 N. Brazil, Los Fresnos on Thursday August 20, 2019 at 6:00 p.m.

Second Hearing: At 200 N. Brazil, Los Fresnos on Tuesday August 27, 2019 at 6:00 p.m.

Attachment: 2019\_CLO-Notice of Proposed rate (00000003) (3141 : Public Hearing on Tax Rate)



City Council  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/20/19 06:00 PM  
Department: City Secretary  
Category: Ordinances  
Prepared By: Jacqueline Moya  
Initiator: Jacqueline Moya  
Sponsors:

**SCHEDULED**

**ACTION ITEM (ID # 3165)**

DOC ID: 3165 A

**Consideration and ACTION to approve the second reading of Ordinance 502 approving a negotiated resolution between the city and Texas Gas Service (“TGS” or “the company”) regarding the company’s April 30, 2019 cost of service adjustment (“COSA”) filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the city’s and TGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the company’s and the city’s legal counsel.**

This was passed on the first reading at the last meeting on Tuesday August 13.

The attached report shows the information that the Attorneys have reviewed all the information and suggesting a settlement. As you can see the agreement is less than the originally wanted. This will help our residents that rely on Natural Gas not have as big of an increase as they would have had.

I recommend approval following the recommendation of the hired attorneys and following suit of other cities.

**ORDINANCE NO. 502**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S APRIL 30, 2019 COST OF SERVICE ADJUSTMENT (“COSA”) FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING NEW TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S AND TGS’ REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY’S AND THE CITY’S LEGAL COUNSEL.**

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by \_\_\_\_\_ that the Ordinance be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by \_\_\_\_\_ and carried by the following voted:

Mayor Polo Narvaez	___ For	___ Against	___ Abstained
Mayor Pro-tem Yolanda H. Cruz	___ For	___ Against	___ Abstained
Councilmember Swain Real	___ For	___ Against	___ Abstained
Councilmember James Herrera	___ For	___ Against	___ Abstained
Councilmember Joe Collinsworth	___ For	___ Against	___ Abstained
Councilmember Juan Munoz	___ For	___ Against	___ Abstained

WHEREAS, the City of Los Fresnos, Texas (“City”) is a gas utility customer of Texas Gas Service (“TGS” or “the Company”), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, pursuant to the terms of the agreement settling TGS’ 2017 Statement of Intent to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the Cost of Service Adjustment (“COSA”) tariff that allows for an expedited comprehensive rate review process; and

WHEREAS, on or about April 30, 2019, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the Company has requested a system-wide increase of \$2,161,343; and

WHEREAS, the City coordinated a review of TGS' COSA filing and designated attorneys and consultants to resolve issues in the Company's COSA filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the City's rate expert concluded that TGS is able to justify an increase over current rates; and

WHEREAS, the City's attorney and consultant recommend that the City approve the Settlement Agreement reflecting increased revenues of \$2,087,516 on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company's COSA filing and the resulting rates are, as a whole, in the public interest; and

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

Section 1. That the City Council finds that the existing rates for natural gas service provided by TGS are unreasonable and the new tariffs implementing this Ordinance, which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 2. That a rate increase of \$2,087,516 on a system-wide basis is reasonable.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That the tariffs attached as Attachment A to this Ordinance shall become effective for meters read on and after July 29, 2019 consistent with the COSA tariff.

Section 8. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle, 1301 South Mopac, Suite 400, Austin, Texas 78746, and to Thomas L. Brocato, Special Counsel to

the City, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

INTRODUCED AND APPROVED on the first reading this 13<sup>th</sup> day of August, 2019.

APPROVED AND PASSED on the second reading this 20<sup>th</sup> day of August, 2019.

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Mayor, Polo Narvaez

ATTEST:

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City Secretary, Jacqueline Moya

## **Model Staff Report in Support of TGS COSA Settlement Ordinance**

### **Background**

On April 30, 2019, Texas Gas Service Company (“TGS” or “Company”) filed for a rate increase pursuant to the Cost of Service Adjustment (“COSA”) tariff adopted by the Rio Grande Valley Service Area (“RGVSA”) Cities. TGS claimed an entitlement to rate relief under the tariff in the amount of \$2,161,343 on a system-wide basis. Attorney, Thomas Brocato, and consultant, Karl Nalepa, relied upon by the City to review the TGS filing and negotiate a settlement, agreed to recommend a settlement of \$2,087,516 on a system-wide basis. Of this amount, \$1,921,708 is attributable to the RGVSA incorporated areas.

### **Purpose of the COSA**

The Texas Legislature allows gas utilities to annually adjust rates based on changes to invested capital. That statutory provision is referred to as the Gas Reliability Infrastructure Program (“GRIP”). In a GRIP proceeding, cities are not allowed to intervene at the Railroad Commission, cannot challenge the reasonableness of any investment, and may not recover rate case expenses. In 2009, RGVSA Cities negotiated a COSA tariff as a three year experimental substitute for the GRIP process. Finding the COSA process to be mutually beneficial, the COSA process was renewed at the end of the experiment. In 2012, Cities and TGS agreed to a revised COSA tariff. In 2017, Cities and TGS agreed to revise the existing COSA tariff. This is the second filing under the revised tariff.

### **Resolution of the 2018 Filing**

Cities’ consultant Karl Nalepa found that TGS’s cost of service calculations were consistent with the terms of the COSA tariff and the costs reflected in the COSA filing were reasonable with two exceptions.

First, Mr. Nalepa found that TGS’ proposed increase in costs attributable to the change in insurance provider should be denied, and determination of the reasonableness of establishing a captive insurance provider be deferred to TGS RGVGCSA’s next comprehensive base rate proceeding. The impact of this recommendation was to reduce the Company’s requested O&M expenses by \$146,546. The parties agreed to defer determination of the reasonableness and necessity of establishing a captive insurance provider and related costs to the next comprehensive base rate case proceeding in which base rates for the GCSA are determined.

Additionally, Mr. Nalepa determined that TGS has yet to present a proposal to amortize and return to customers the regulatory liability for excess accumulated deferred income tax (“ADIT”) of approximately \$5.9 million. While customers are not immediately harmed if the excess deferred taxes are not promptly refunded because the taxes continue to serve to reduce rate base and thus rates, prompt refunds will ensure that the refunds are matched to customers that contributed the tax revenues in the first place. As such, Mr. Nalepa recommended that TGS RGVSA commit to establishing an appropriate amortization process in its next COSA filing to refund the excess ADIT to customers.

In order to resolve this issue, TGS agreed to address ADIT resulting from the reduction to the federal income tax rate due to the Tax Cuts and Jobs Act of 2017 in a filing with the City by or before TGS's next COSA filing.

### **EXPLANATION OF “BE IT ORDAINED” PARAGRAPHS IN THE ORDINANCE**

- Section 1. When rates change, it is critical for the regulatory authority to find existing rates to be unreasonable and for the new rates to be just and reasonable. This section finds that the new rates reflected in tariffs for each customer class attached to the Ordinance are reasonable.
- Section 2. This paragraph authorizes TGS to collect an additional \$2,087,516 in revenue on a system-wide basis.
- Section 3. This paragraph requires the Company to reimburse the City for consulting and legal costs associated with the requested increase.
- Section 4. This paragraph repeals any prior City action that might be inconsistent with the new tariffs adopted by the Council.
- Section 5. This paragraph recites compliance with the Open Meetings Act.
- Section 6. This paragraph is a typical savings clause, preserving the remaining provisions of the Ordinance should any one provision be determined to be invalid.
- Section 7. Pursuant to the COSA tariff, the new rates are to become effective on or after the first billing cycle of August each year. This paragraph allows the Company to implement the new rates on meter reads that occur on or after July 29, 2019.
- Section 8. This paragraph requires that an adopted and signed copy of the Ordinance be sent to the Company and special counsel to the City.

### **RECOMMENDATION**

The City staff recommends adoption of the Ordinance and tariffs establishing new rates.



**City Council**  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/20/19 06:00 PM  
Department: City Secretary  
Category: Ordinances  
Prepared By: Jacqueline Moya  
Initiator: Jacqueline Moya  
Sponsors:

**SCHEDULED**

**ACTION ITEM (ID # 3164)**

DOC ID: 3164 A

**Consideration and ACTION to approve the second reading of ordinance 505 of the city of Los Fresnos, Texas adopting a water conservation plan and drought contingency plan: establishing criteria for the initiation and termination of drought response stages; establishing restrictions on certain water uses; establishing penalties for the violation of and provisions for enforcement of these restrictions' establishing procedures for granting variances; providing severability; repealing ordinance 455 and providing for an effective date.**

We passed this on the first reading at the last meeting on Tuesday August 13.

We are required to update our water conservation plan and drought contingency plan to meet TCEQ and TWDB regulations. We used the same structure as the previous plan but upgraded it to meet the new guidelines. I believe the plan is good for 5 years. We have only had to start using the drought contingency plan one time over the last 10 years due to drought and low water levels in Falcon Lake and Lake Amistad.

I recommend approval.



# Water Conservation Plan

FOR



**Project Engineer:**

**Guzman & Munoz Engineering and Surveying, Inc.**  
Texas Registered Engineering Firm F-8017

2020 E. Expressway 83  
Mercedes, Texas 78570  
Phone: (956) 565-4637

**Project Manager:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

P893

## Table of Contents

<b>Water Conservation Plan .....</b>	<b>3</b>
Introduction.....	3
Utility Profile for Retail Water Supplier.....	3
Water conservation Plan Requirements .....	3
Record Management System.....	3
Specific, Quantified 5 & 10-Year Targets .....	3
Measuring and Accounting for Diversions .....	4
Universal Metering.....	4
Measures to Determine and Control Water Loss .....	4
Continuing Public Education & Information .....	4
Non-Promotional Water Rate Structure .....	5
Reservoir Systems Operations Plan .....	6
Enforcement Procedure and Plan Adoption .....	6
Coordination with the Regional Water Planning Group .....	6
<b>Additional Requirements for Large Suppliers .....</b>	<b>7</b>
Leak Detection and Repair.....	7
Contract Requirements.....	7
<b>Additional Conservation Strategies.....</b>	<b>7</b>
Plumbing Codes .....	7
Retrofit Programs .....	8
Water Conserving Landscape .....	8
Conservation-Oriented Water Rate Structures.....	8
Annual Reporting to Texas Water Development Board .....	8

Appendix A - Utility Profile (TCEQ Form - 10218)

Appendix B - Water Conservation Implementation Report (TCEQ - 20645)

Appendix C - Adoption Ordinance

## Water Conservation Plan

### Introduction

In accordance with the guidelines of Texas Water Code Chapter 11, Title 30 Texas Administrative Code Chapter 288, the Texas Water Development Board (TWDB), and the Texas Commission on Environmental Quality (TCEQ), the City of Los Fresnos, (hereafter referred to as “the City”), has prepared this Water Conservation Plan (WCP) and Water Conservation Implementation Report (WCIR).

### Utility Profile for Retail Water Supplier

Currently the City has 1,636 service connections with a population of 5,542 residents. Based on the 2016 Rio Grande Regional Water Plan, Volume 1, the projected population for the City of Los Fresnos for the year 2035 is 8,193 residents. As a result, the City is planning to rehabilitate and expand the existing surface water treatment plant in the near future. The expansion will increase the plant capacity from 1.0 million gallons per day to 1.5 million gallons per day, as shown in Appendix A. The City provides treated water from the Rio Grande River for Residential, Commercial and Institutional uses.

See Appendix A for the completed TCEQ Form 10218, “Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers.”

### Water conservation Plan Requirements

#### A. Record Management System

The City has a record management system which allows for the monitoring of water distribution. The system allows for the classification of water sales and uses in the most detailed level of water use data currently available to it. The City plans to rehabilitate and expand the current water treatment system in the near future. The project will include the implementation of a SCADA system, which will allow for more detailed records.

#### B. Specific, Quantified 5 & 10-Year Targets

The purpose of this water conservation plan is to set long term water saving goals for the next five and ten years. Given the current and project water and wastewater demands, the City water saving goals in gallons per capita per day (GPCD) are as follows:

- Reductions in Total GPCD, as follows:
  - 2.5 % per capita over the next five years (2.5 GPCD).
  - 5.0 % per capita over the next ten years (5.1 GPCD).
- Reductions in Residential GPCD, as follows:
  - 1.5 % per capita over the next five years (1.0 GPCD).
  - 3.0 % per capita over the next ten years (2.0 GPCD).
- Reductions in Water Loss, as follows:
  - 5.0 % per capita over the next five years (0.3 GPCD).
  - 10.0 % per capita over the next ten years (0.6 GPCD).
- Reductions in the seasonal water demands by 5.0 % (1.4 GPCD);



Note: The goals established by a public water supplier under this subparagraph are not enforceable. These goals must be updated during the five-year review and submittal.

### **C. Measuring and Accounting for Diversions**

The City receives water from three different sources: the Los Fresnos Surface Water Treatment Plant (SWTP), the Southmost Regional Water Authority (SRWA), and the East Rio Hondo Water Supply Corporation (ERHWSC). All water diverted from the Rio Grande River to the Los Fresnos SWTP, imported from SRWA and ERHWSC and distributed to the City is metered. All metering devices used have an accuracy of plus or minus 5.0%, or better.

### **D. Universal Metering**

All water distributed throughout the city is monitored by the City of Los Fresnos. Approximately 99% of the City's water meters are electronic and maintenance free (no moving parts). The electronic water meters are monitored remotely on a daily basis. Each water meter is programmed to notify the City of any high volume consumption. The meter is then be inspected and replaced as needed. Any non-electronic water meter is monitored on a monthly basis and replaced as needed.

The City has a computer system which handles all the billing and assists in monitoring water use, this aids the City in identifying all high and low rate water users.

### **E. Measures to Determine and Control Water Loss**

The City has a computer system which monitors water consumption on a daily basis and provides the City with regular updates regarding water consumption. The system will notify the operators daily regarding any suspicious activity which can be identified as a potential break leak, abandoned service, illegal connection, etc. The City then inspects the areas of high consumption and makes any repairs needed.

### **F. Continuing Public Education & Information**

As part of this water conservation plan, the city will adopt the following public education programs in order to promote water conservation:

1. The City will include educational fliers in the mail along with monthly water bills during the summer months.
2. New customers will receive an educational packet regarding water conservation.
3. Water conservation information will be available upon request.
4. Community outreach programs for schools and the general public.

Articles regarding water conservation will be published in the Newspaper during the summer months.

### G. Non-Promotional Water Rate Structure

Water suppliers are required to have a water rate structure which is not “promotional,” i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. Current water rates and associated costs are presented in Tables 1 through 5 below:

*Table 1: Water Rate Structure March 2019 – Inside City Limits*

Water Rates	Cost (per 1,000 gal)
Min. Charge (First 2,000)	23.91
2,001 – 10,000	4.20
10,001 – 20,000	4.35
20,001 – 40,000	4.69
40,001 – and up	5.09

*Table 2: Water Rate Structure March 2019 – Outside City Limits*

Water Rates	Cost (per 1,000 gal)
Min. Charge (First 2,000)	29.89
2,001 – 10,000	5.25
10,001 – 20,000	5.44
20,001 – 40,000	5.86
40,001 – and up	6.36

*Table 3: Wastewater Rate Structure March 2019 – Inside City Limits*

Water Rates	Cost
Min. Charge (First 2,000)	25.99
Volume Rate Per 1,000 Gal	4.33

*Table 4: Wastewater Rate Structure March 2019 – Outside City Limits*

Water Rates	Cost
Min. Charge (First 2,000)	32.49
Volume Rate Per 1,000 Gal	5.41

*Table 5: Wastewater Rate Structure March 2019 – Outside City EDAP*

Water Rates	Cost
Min. Charge (First 2,000)	29.89
Volume Rate Per 1,000 Gal	4.98

## H. Reservoir Systems Operations Plan

The City receives its water from three different sources; the Los Fresnos Surface Water Treatment Plant (SWTP), the Southmost Regional Water Authority (SRWA), and the East Rio Hondo Water Supply Corporation (ERHWSC). While the WTP provides the majority of the water supply, water line connections from SRWA and ERHWSC serve to augment the treated water supply on a daily and as-needed basis. The SWTP ground storage and distribution systems serve to supply the City with the combined effluent of the three sources. The following table, Table 6, summarizes sources, volume, frequency, raw water sources, and treatment methods of the current water supply:

*Table 6: Water Sources for the City of Los Fresnos*

<b>Water Supplier</b>	<b>Supply (MGD)</b>	<b>Supply Frequency</b>	<b>Raw Water Source</b>	<b>Water Treatment Method</b>
Los Fresnos Water Treatment Plant	1.000	Main Supply (Daily)	Rio Grande River	Surface Water Treatment
Southmost Regional Water Authority	0.171	Daily	Rio Grande River	Surface Water Treatment
East Rio Hondo Water Supply Corporation	0.500	Emergency Inter-Connection	Rio Grande River and Brackish Water Well	Surface Water Treatment and Reverse Osmosis

The SWTP receives its raw water supply through the irrigation canals from the Rio Grande River. Two reservoirs serve as on-site raw water storage for the WTP. Reservoir 1 and Reservoir 2 hold a combined raw water volume of 30.66 million gallons (MG), individually contributing 21.97 MG and 8.69 MG respectively. Because Reservoir 2 supplies the water treatment system, it is maintained at a constant level by a transfer station between Reservoir 1 and 2. The transfer station is currently equipped with a 700 GPM vertical turbine pump to ensure the water level of Reservoir 2 is maintained.

Based on the projected population, the existing water treatment plant for the City will not have enough capacity to meet future water demands. As a result, The City is planning a project to rehabilitate and expand the SWTP from 1.0 MGD to 1.5 MGD. The project has already been reviewed and approved by TCEQ on September 24, 2018. Based on future water demands, the existing reservoirs will be able to sustain the water treatment plant at 1.5 MGD for approximately 20 days.

## I. Enforcement Procedure and Plan Adoption

A copy of the ordinance which indicates the official adoption of this water conservation plan by the City can be found in Appendix C.

## J. Coordination with the Regional Water Planning Group



The City of Los Fresnos is located within the Rio Grande Regional Water Planning Area (M). A copy of this Water Conservation Plan, Water Conservation Implementation Report, and Drought Contingency Plan has been provided to the Region M Planning Group.

### **Plan Review and Update**

A completed Water Conservation Implementation Report is provided in Appendix B.

The City shall review and update the next revision of its water conservation plan no later than May 1, 2024, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

## **Additional Requirements for Large Suppliers**

### **A. Leak Detection and Repair**

*See Measures to Determine and Control Water Loss section.*

### **B. Contract Requirements**

The City identifies as a retail water supplier and not as a wholesale water supplier. However, if in the future, the City enters into a contract with another entity who seeks to resell the water, the contract between the entities must address the following requirement:

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

## **Additional Conservation Strategies**

### **A. Plumbing Codes**

The City automatically adopts the International Plumbing Codes, which include water saving plumbing requirements. The latest code to be adopted by the State of Texas is the 2015 International Plumbing Code.

**B. Retrofit Programs**

The City will educate the residents, plumbers, and contractors on the benefits of retrofitting existing facilities with water saving devices. This program will be encompassed in the education and informational programs utilized by the City. The City will contact all plumbing companies and hardware stores in the area to encourage them to stock water conserving fixtures including retrofitting devices.

**C. Water Conserving Landscape**

The City of Los Fresnos will provide information, through the public education program, to homeowners, business owners, landscape architects and irrigation contractors about the methods & benefits of water conserving landscaping practices and devices. The following methods will be encouraged.

1. The use of low water consuming plants & grasses for landscaping new homes & commercial areas.
2. Business & nurseries to offer for sale low water consuming plants & grasses along with efficient irrigation systems & to promote their use through demonstrations & advertisements.

**D. Conservation-Oriented Water Rate Structures**

As shown in Tables 1 through 5 in Item G. of the Water conservation Plan Requirements of this document, the City has conservation-oriented water rate structures.

**E. Annual Reporting to Texas Water Development Board**

The Public Works Director shall be responsible for providing an annual Water Conservation Implementation Report, TCEQ Form 20645, to the Texas Water Development Board and TCEQ.



# Appendix A

## Utility Profile (TCEQ Form 10218)



## Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-2214

### Utility Profile and Water Conservation Plan Requirements for Municipal Water Use by Retail Public Water Suppliers

This form is provided to assist retail public water suppliers in water conservation plan assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Water users can find best management practices (BMPs) at the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

#### Contact Information

Name of Water Supplier:	City of Los Fresnos	
Address:	200 N. Brazil Street, Los Fresnos, TX 78566	
Telephone Number:	(956) 233-5768	Fax: (956) 233-9879
Water Right No.(s):	0853-000	
Regional Water Planning Group:	M	
Water Conservation Coordinator (or person responsible for implementing conservation program):	Mark W. Milum	Phone: (956) 233-5768
Form Completed by:	Carlos Salazar	
Title:	Director of Public Works	
Signature:		Date: 6/12/2015

A water conservation plan for municipal use by retail public water suppliers must include the following requirements (as detailed in 30 TAC Section 288.2). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

## Utility Profile

### I. POPULATION AND CUSTOMER DATA

#### A. *Population and Service Area Data*

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).
2. Service area size (in square miles): 2  
(Please attach a copy of service-area map)
3. Current population of service area: 5,542
4. Current population served for:
  - a. Water 5,542
  - b. Wastewater 7,777

5. Population served for previous five years:

<i>Year</i>	<i>Population</i>
2018	5,542
2017	5,542
2016	5,542
2015	5,542
2014	5,542

6. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2020	6,535
2030	7,635
2040	8,751
2050	9,952
2060	11,189

7. List source or method for the calculation of current and projected population size.

U.S. Census and Texas Water Development Board 2016 Region M Water Plan Executive Summary.

[http://www.twdb.texas.gov/waterplanning/rwp/plans/2016/M/Region\\_M\\_2016\\_RWPV1.pdf](http://www.twdb.texas.gov/waterplanning/rwp/plans/2016/M/Region_M_2016_RWPV1.pdf)  
?

*B. Customer Data*

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: <http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf>

1. Quantified 5-year and 10-year goals for water savings:

	<i>Historic 5-year Average</i>	<i>Baseline</i>	<i>5-year goal for year 2023</i>	<i>10-year goal for year 2028</i>
Total GPCD	101.2	101.2	98.7	96.2
Residential GPCD	65.5	65.5	64.5	63.5
Water Loss GPCD	5.8	5.8	5.5	5.2
Water Loss Percentage	5.7%	5.7%	5.6%	5.4%

**Notes:**

Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) × 100; or (Water Loss GPCD ÷ Total GPCD) × 100

2. Current number of active connections. Check whether multi-family service is counted as  
☒ Residential or ☐ Commercial?

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	<i>Totals</i>
Residential	1,747	0	1,747
Single-Family	1,695	0	1,695
Multi-Family	52	0	52
Commercial	158	0	158
Industrial/Mining	0	0	0
Institutional	31	0	31
Agriculture	0	0	0
Other/Wholesale	0	0	0

3. List the number of new connections per year for most recent three years.

<i>Year</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
<i>Treated Water Users</i>			
Residential	70	20	6
Single-Family	70	14	4
Multi-Family	0	6	2
Commercial	17	0	0
Industrial/Mining	0	0	0
Institutional	24	4	3
Agriculture	0	0	0
Other/Wholesale	0	0	0



4. List of annual water use for the five highest volume customers.

<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
Los Fresnos CISD	13,696	Treated
Paseo Pointe Apartments	8,542	Treated
First Tree Apt. LLC	3,154	Treated
Alamo Street Apt. LLC	2,391	Treated
Los Fresnos LTD	1,575	Treated

## II. WATER USE DATA FOR SERVICE AREA

### A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

Indicate whether this is ☐ diverted or ☒ treated water.

<i>Year</i>	2018	2017	2016	2015	2014
<i>Month</i>					
January	17,677	14,919	14,097	13,674	11,379
February	13,501	14,214	14,333	13,021	10,803
March	19,697	15,420	15,122	14,425	12,731
April	19,571	17,553	15,462	15,826	15,758
May	23,219	19,384	15,852	16,399	16,242
June	20,746	17,184	14,624	17,102	17,040
July	19,810	16,484	20,042	18,714	17,861
August	22,368	17,504	19,675	20,065	20,045
September	16,302	16,198	16,614	14,466	13,824
October	16,719	13,715	17,178	15,557	15,059
November	15,113	14,752	14,894	16,720	13,401
December	15,771	14,294	14,100	13,811	13,568
<b>Totals</b>	220,495	191,621	191,993	189,780	177,711

2. Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

The figures above were collected from a master meter located at the water treatment plant.

3. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

<i>Year</i>	2018	2017	2016	2015	2014
<i>Account Types</i>					
Residential	140,227	137,509	138,977	122,885	122,756
Single-Family	113,095	116,666	115,360	106,537	114,166
Multi-Family	27,132	20,843	23,617	16,348	8,590
Commercial	31,279	19,083	33,214	27,614	31,657
Industrial/Mining	0	0	0	0	0
Institutional	16,840	32,630	25,273	31,657	33,555
Agriculture	0	0	0	0	0
Other/Wholesale	0	0	0	0	0

4. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
2018	22,763	10.76%
2017	9,225	4.46%
2016	3,290	1.59%
2015	-	-
2014	-	-

#### B. Projected Water Demands

- If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.
  - Projected water supply demands were obtained from the *2016 Rio Grande Regional Water Plan Volume 1*. A copy of the plan can be found at the following link: [http://www.twdb.texas.gov/waterplanning/rwp/plans/2016/M/Region\\_M\\_2016\\_RWPV1.pdf](http://www.twdb.texas.gov/waterplanning/rwp/plans/2016/M/Region_M_2016_RWPV1.pdf)
  - Additional water supply requirements have been addressed in the City of Los Fresnos Proposed Surface Water Treatment Plant Rehabilitation Project Engineering Report (DWSRF 62627) approved by TCEQ on September 24, 2018. Attached are pages relevant to population growth and water requirements.



### III. WATER SUPPLY SYSTEM DATA

#### A. Water Supply Sources

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	Rio Grande River	1,051.4046
Groundwater	Southmost Regional Water Authority	191.5446
Other	-	-

#### B. Treatment and Distribution System (if providing treated water)

1. Design daily capacity of system (MGD): 1.0
2. Storage capacity (MGD):
  - a. Elevated 0.3
  - b. Ground 0.253
3. If surface water, do you recycle filter backwash to the head of the plant?

☐ Yes    ☒ No    If yes, approximate amount (MGD):

### IV. WASTEWATER SYSTEM DATA

#### A. Wastewater System Data (if applicable)

1. Design capacity of wastewater treatment plant(s) (MGD): 1.0
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for ☒ plant wash-down, and/or for ☒ chlorination/dechlorination.

If yes, approximate amount (in gallons per month): 500,000

3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

As per TCEQ Drainage Permit WQ0010590002, issued on May 13, 2019, the City of Los Fresnos is authorized to treat and discharge wastes from the City of Los Fresnos Wastewater Treatment Facility, SIC Code 4952, to Cameron County Drainage District (CCDD) No. 1 Ditch No. 1, thence to CCDD No. 1 Ditch No. 2, thence to San Martin Lake, thence to Brownsville Ship Channel in Segment No. 2494 of Bays and Estuaries. See attached drainage permit for more information.

B. Wastewater Data for Service Area (if applicable)

1. Percent of water service area served by wastewater system: 100%
2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>	2018	2017	2016	2015	2014
<i>Month</i>					
January	16,074	15,293	16,148	20,481	17,006
February	14,858	13,776	14,328	15,769	14,806
March	15,277	15,356	16,126	23,078	16,402
April	15,250	14,747	15,986	20,361	15,386
May	15,913	15,489	17,670	18,597	16,578
June	21,201	14,384	19,731	15,534	15,828
July	15,393	15,230	15,980	16,063	15,594
August	15,939	15,000	16,100	15,649	15,310
September	16,766	15,224	15,772	16,399	20,914
October	16,196	16,678	15,573	16,975	18,602
November	15,620	14,596	15,275	15,318	18,885
December	15,127	15,205	15,246	15,168	20,207
<b>Totals</b>	193,614	180,978	193,935	209,392	205,518

## Appendix B

### Water Conservation Implementation Report



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
 Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
 Telephone (512) 239-4691, FAX (512) 239-2214

## WATER CONSERVATION IMPLEMENTATION REPORT FORM AND SUMMARY OF UPDATES/REVISIONS TO WATER CONSERVATION PLAN

(Texas Water Code §11.1271(b) and Title 30 Texas Administrative Code §288.30(1) to (4))

*Please note, this form replaces the following forms: TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers)*

**This Form is applicable to the following entities:**

1. Water Right Holders of 1,000 acre-feet or more for municipal, industrial, and other non-irrigation uses.
2. Water Right Holders of 10,000 acre-feet or more for irrigation uses.

The above noted entities are required by rule to submit updates to their water conservation plan(s) and water conservation implementation report(s) every five years. The most current five-year submittal deadline is **May 1<sup>st</sup>, 2019**. See 30 Texas Administrative Code (TAC) §288.30(1) to (4). Entities must also submit any revisions to their water conservation plan within 90 days of adoption when the plans are revised in between the five-year submittal deadlines. This form may be used for the five-year submittal or when revisions are made to the water conservation plans in the interim periods between five-year submittals. Please complete the form as directed below.

1. Water Right Holder Name: City of Los Fresnos
2. Water Right Permit or Certificate Nos. 0853-000

3. Please Indicate by placing an 'X' next to all that Apply to your Entity:

Water Right Holder of 1,000 acre-feet or more for non-irrigation uses

- ☒ Municipal Water Use by Public Water Supplier  
☐ Wholesale Public Water Supplier  
☐ Industrial Use  
☐ Mining Use  
☐ Agriculture Non-Irrigation

Water Right Holder of 10,000 acre-feet or more for irrigation uses

- ☐ Individually-Operated Irrigation System  
☐ Agricultural Water Suppliers Providing Water to More Than One User

### Water Conservation Implementation Reports/Annual Reports

4. Water Conservation Annual Reports for the previous five years were submitted to the Texas Water Development Board (TWDB) for each of the uses indicated above as required by 30 TAC §288.30(10)(C)? Yes ☒ No ☐

TCEQ no longer requires submittal of the information contained in the detailed implementation report previously required in Forms TCEQ-20645 (Non-Public Water Suppliers) and TCEQ-20646 (Public Water Suppliers). However, the Entity must be up-to-date on its Annual Report Submittals to the TWDB.



**Water Conservation Plans**

5. For the five-year submittal (or for revisions between the five-year submittals), attach your updated or revised Water Conservation Plan for each of the uses indicated in Section 3, above. Every updated or revised water conservation plan submitted must contain each of the minimum requirements found in the TCEQ rules and must be duly adopted by the entity submitting the water conservation plan. Please include evidence that each water conservation plan submitted has been adopted.
- Rules on minimum requirements for Water Conservation Plans can be found in 30 TAC 288.  
[http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac\\_view=4&ti=30&pt=1&ch=288](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288)
  - Forms which include the minimum requirements and other useful information are also available to assist you. Visit the TCEQ webpage for Water Conservation Plans and Reports. [https://www.tceq.texas.gov/permitting/water\\_rights/wr\\_technical-resources/conserv.html](https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/conserv.html)

*Call 512-239-4691 or email to [wcp@tceq.texas.gov](mailto:wcp@tceq.texas.gov) for assistance with the requirements for your water conservation plan(s) and report(s).*

6. For each Water Conservation Plan submitted, state whether the five and ten-year targets for water savings and water loss were met in your *previous* water conservation plan.

Yes \_\_\_\_\_ No   X  

If the targets were not met, please provide an explanation.

The water conservation targets were not met due to the City's Water and Sewer aged infrastructure and deteriorating condition. The City has a high concentration of clay soils which has a high rate of expansion during the wet and dry seasons, increasing the number of water main breaks. The constant pipe leaks are a source of water and revenue loss. The City currently has construction plans ready for the rehabilitation of both the water and sewer systems and are awaiting funds to carry them out.

7. For each five-year submittal, does each water conservation plan submitted contain *updated* five and ten-year targets for water savings and water loss?

Yes   X   No \_\_\_\_\_

If yes, please identify where in the water conservation plan the updated targets are located (page, section).

City of Los Fresnos Conservation Plan Page 1, Section "Quantified 5 & 10-Year Targets"

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8. In the box below (or in an attachment titled "Summary of Updates or Revisions to Water Conservation Plans), please identify any other revisions/updates made to each water conservation plan that is being updated or revised. Please specify the water conservation plan being updated and the location within the plan of the newly adopted updates or revisions.

The entire 2014 Conservation Plan was updated to reflect current City practices, conditions and to include all requirements as per TCEQ Form 10218 and 30 TAC 288.

9. Form Completed by (Point of Contact): Carlos Salazar  
*(If different than name listed above, owner and contact may be different individual(s)/entities)*

Contact Person Title/Position: Director of Public Works

Contact Address: 200 N. Brazil Street Los Fresnos, TX 78566

Contact Phone Number: 956-233-5768 Contact Email Address: csalazar@citylf.us

Signature: 

Date: 6-12-18

Appendix C  
Water Conservation and Drought Contingency Plan  
Adoption Ordinance





## Section II: Public Involvement

The City of Los Fresnos made the Water Conservation and Drought Contingency Plan available to its customers at City Hall and the Public Library. The Plan was adopted by Ordinance of the Los Fresnos City Council. The City of Los Fresnos made drought contingency planning information available to the public as follows:

- The proposed plan was provided to anyone requesting a copy.
- The plan was presented for adoption to the Los Fresnos City Council at a public meeting at the Los Fresnos City Hall at \_\_:\_\_\_ P.M. on \_\_\_\_ \_\_, 2019.

## Section III: Public Education

The City of Los Fresnos 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 the Water Utilities Department through ongoing programs which will reach a wide variety of customers. These programs include outreach to schools, Rotary clubs, civic groups, and other community groups. The City distributes water conservation and drought response notices in water bill mailings and provides them to the general public at the Los Fresnos City Hall. The City also publishes this information in the local newspaper *The Los Fresnos News* with information specific to water conservation and to this Plan. The City of Los Fresnos will inform and educate the public about its Plan by the following means:

- Posting the Notice of Drought conditions at the City of Los Fresnos Waterworks Building, City Hall, Post Office, and Library.
- Preparing a bulletin describing the Plan and making it available at the Los Fresnos City Hall and other appropriate locations.
- Notifying local organizations, schools, and civic groups that the City of Los Fresnos staff is available to make presentations on the Plan (usually in conjunction with presentations on water conservation programs).
- At any time that the Plan is activated or the drought stage changes, the City of Los Fresnos will notify the local media of the issues, the drought response state and the specific actions required of the public.
- Customer billing will also be used as appropriate.

## Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Los Fresnos is located within the Rio Grande Regional Water Planning Area (M) and the City has provided a copy of this Plan to the Rio Grande Regional Water Planning Group (M).

## 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 Los Fresnos. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## Section VII: Definitions

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

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.

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.

Customer: any person, company, or organization using water supplied by the City of Los Fresnos.

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.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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.

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, airplane 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 fire fighting.

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.

The triggering criteria described below are based on:

The City's current treatment facilities capacity is rated at 700 gallons per minutes (gpm) or 1.0 million gallons per day (mgd). Total water storage capacity is 0.567 million gallons, or which 0.3 million gallons are elevated storage.

Daily water demands will be monitored for impending emergency conditions by City staff. Trigger conditions will be based on emergency situation caused by a natural disaster, equipment failure, system failure or extended high water demands.

### Utilization of alternative water sources and/or alternative delivery mechanisms:

Alternative water source(s) for the City of Los Fresnos are:

1. Southmost Regional Water Authority (SRWA)
2. East Rio Hondo Water Supply Corporation (ERHWSC)

*(Examples: Other well(s), Inter-connection with other system, Temporary use of a non-municipal*  
**Stage 1 Triggers – Normal / 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.

#### Requirements for termination

Stage 1 of the Plan is always in effect unless a higher stage is required and enacted.

### 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:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 35%.
2. Average daily water use is approaching 90% of system capacity.
3. Net storage in City's raw water reservoirs is at 50% and is continually decreasing on a daily basis such that a more serious problem may develop.
4. The availability of raw water is low.
5. The usage of water rights available based on quarterly capacity exceeds:

1 <sup>st</sup> Quarter	25%
2 <sup>nd</sup> Quarter	50%
3 <sup>rd</sup> Quarter	75%

6. The capacity to transport and/or treat raw water has been affected.
7. The distribution capacity to customers is approaching maximum availability.

#### 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 three (3) consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, 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:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 25%.
2. Average daily water use reaches 90% of system capacity for three (3) consecutive days.
3. Net storage in City's raw water reservoirs is at 25% and is continually decreasing on a daily basis such that a more serious problem may develop.
4. The availability of raw water is low.
5. The usage of water rights available based on quarterly capacity exceeds:

1 <sup>st</sup> Quarter	30%
2 <sup>nd</sup> Quarter	55%
3 <sup>rd</sup> Quarter	80%

6. Water pressure in the distribution system is approaching 40 psi, as measured by the pressure gauges of the system.

#### 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 three (3) consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, 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:

1. When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 15%.
2. When a condition related to unexpected circumstances, such as a major problem on the water system due to natural disaster or unanticipated restriction on the raw water delivery system that immediately diminishes the City's ability to deliver a normal water level.
3. Net storage in City's raw water reservoirs is at 15% and is continually decreasing on a daily basis such that a more serious problem may develop.
4. Water demand is exceeding the system's capacity on a regular basis.
5. Rio Grande River level is so low that the River Pumps cannot pump the daily raw water demand.
6. All raw water is being pumped from the City's Storage Reservoirs and all replenishment of Raw Water Reservoirs has stopped.
7. The usage of water rights available based on quarterly capacity exceeds:

1 <sup>st</sup> Quarter	35%
2 <sup>nd</sup> Quarter	60%
3 <sup>rd</sup> Quarter	85%

8. Contamination of the water supply and/or transmission and distribution system due to hurricanes, freezes, and/or other natural disaster or man-made cause which may result in extraordinary loss of capability to provide service.

#### 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 three (3) consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, 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 the City Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. 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 three (3) consecutive days.

### **Stage 6 Triggers – WATER ALLOCATION**

#### Requirements for initiation

Customers shall be required to comply with the Stage 6 Water Allocation Plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager or City Council deem it necessary during an emergency water shortage condition.

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 three (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:

- Posting the Notice of Drought conditions at the City of Los Fresnos Waterworks Building, City Hall, Post Office, and Library.
- At any time that the Plan is activated or the drought stage changes, the City of Los Fresnos will notify local media of the issues, the drought response stage, and the specific actions required of the public.
- Inform the public through the news media that a trigger condition has been reached. Specific steps, which can be taken to conserve water, will be provided through the news media.

Additional Notification:

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

*Mayor / Chairman and members of the City Council / Utility Board  
Fire Chief(s)  
City and/or County Emergency Management Coordinator(s)  
County Judge & Commissioner(s)  
State Disaster District / Department of Public Safety  
TCEQ (required when mandatory restrictions are imposed)  
Major water users  
Critical water users, i.e. hospitals  
Parks / street superintendents & public facilities managers*

**Stage 1 Response – Normal / MILD Water Shortage Conditions**

**Target: Achieve a voluntary reduction in water use.**

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Recommend that all landscape areas be irrigated no more than three (3) times per week and that such irrigation occur between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.
- (b) Recommend water customers to limit water use for non-essential purposes such as washing vehicles, sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas by using an automatic water cut-off nozzle.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (d) All operations of the City of Los Fresnos shall adhere to water use restrictions prescribed for Stage 1 of the Plan.

**Stage 2 Response – MODERATE Water Shortage Conditions**

**Target: Achieve a three percent (3%) reduction in average daily water demands. This goal will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.**

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 shall be limited the following designated watering days between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.
  - I. Monday, Wednesday, and Friday – water customers on the Southside of Ocean Boulevard (Highway 100).
  - II. Tuesday, Thursday, and Saturday – water customers on Northside of Ocean Boulevard (Highway 100).



- III. No landscape irrigation allowed on Sunday.
  - IV. Irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket, watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, trucks, trailers, boats, airplanes, and other mobile equipment will be prohibited except on the landscape watering days and times described above. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
  - (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
  - (d) The following uses of water are defined as non-essential and are prohibited:
    - I. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
    - II. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    - III. Use of water for dust control;
    - IV. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
    - V. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
  - (e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Los Fresnos, the facility shall not be subject to these regulations.

### Stage 3 Response – SEVERE Water Shortage Conditions

**Target:** Achieve a five percent (5%) reduction in average daily water demands. This goal will be measured based on the average water use for thirty (30) days prior to the initiation of the stage.

**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 the following designated watering days between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only.
  - I. Monday and Friday - water customers on the Southside of Ocean Boulevard (Highway 100).

- II. Tuesday and Saturday - water customers on Northside of Ocean Boulevard (Highway 100).
  - III. No landscape irrigation allowed on Wednesday, Thursday, or Sunday.
  - IV. The use of hose-end sprinklers is prohibited at all times.
- (b) Commercial nurseries and other similar establishment must accomplish watering with hand-held buckets, watering cans, or drip/sprinkler irrigation systems between the hours of 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m.
  - (c) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Los Fresnos.
  - (d) Defective plumbing in a home or business is prohibited.
  - (e) 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.
  - (f) Landscape irrigation variances are available but customers need to apply in person, mail, facsimile, or email with their names, address, where the new landscape is to be installed, and the date of installation.
  - (g) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except the use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Los Fresnos.

#### Stage 4 Response - CRITICAL Water Shortage Conditions

**Target:** The goal for Stage 4 is to restrict water usage to allow the City's system to recover from the critical condition.

##### 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 5:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 11:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only.
  - I. Monday and Friday - water customers on the Southside of Ocean Boulevard (Highway 100).
  - II. Tuesday and Saturday - water customers on Northside of Ocean Boulevard (Highway 100).
  - III. No landscape irrigation allowed on Wednesday, Thursday, or Sunday.
  - IV. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane 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 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (e) The use of fire hydrants for any purpose other than firefighting is prohibited. The City Manager may permit the use of metered fire hydrant water to clear or clean sanitary and storm sewers. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (f) Industrial customers are required to implement an individual water conservation plan. Water Conservation Plans are subject to approval by the City Manager and/or his designee.
- (g) If the customer already has a new service connection, a new water service connection is prohibited.
- (h) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (i) The use of water for the expansion of commercial nursery facilities is prohibited.
- (j) 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 except as directed by the City Manager.

#### Stage 5 Response – EMERGENCY Water Shortage Conditions

**Target:** The goal for Stage 4 is to restrict water usage to allow the City's system to recover from the emergency condition. The City Manager is authorized to take any actions deemed necessary to meet conditions resulting from the emergency.

#### 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, airplane 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

A monthly water allocation shall be established by the City Manager, or his/her designee, for each residential customer. The residential customer's allocation shall be seventy-five percent (75%) 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. The City Manager shall give his/her best effort to see that notice of each 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 City of Los Fresnos 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) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions, or (3) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited. A customer may appeal an allocation established hereunder to the City Council. Residential water customers shall pay the following surcharges:

- \$5.00 for the first 1,000 gallons over allocation.
- \$6.00 for the second 1,000 gallons over allocation.
- \$7.00 for the third 1,000 gallons over allocation.
- \$8.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

### Master-Metered Multi-Family Residential Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each residential customer. 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 seventy-five percent (75%) 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. The City Manager shall give his/her best effort to see that notice of each master-metered multi-family 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 City of Los Fresnos 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) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions, (3) there is a change in the number of permanent residential dwelling units served by the master meter, or (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited. A customer may appeal an allocation established hereunder to the City Council. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$5.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$6.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$7.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.



- \$8.00, 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, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be seventy-five percent (75%) 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. 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 City of Los Fresnos 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 Council. Nonresidential commercial customers shall pay the following surcharges:

- \$5.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$6.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$7.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$8.00 per thousand gallons for each additional 1,000 gallons over allocation.

The surcharges shall be cumulative.

### **Industrial Customers**

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be seventy-five percent (75%) of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period prior to the date of implementation of Stage 2 of the Plan. 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 billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial 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 City of Los Fresnos to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. 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 use because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation

established hereunder to the City Council. Industrial customers shall pay the following surcharges:

- \$5.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$6.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$7.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$8.00 per thousand gallons for each additional 1,000 gallons over allocation.

The surcharges shall be cumulative.

#### Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Los Fresnos 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 more than two thousand dollars (\$2,000). 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 \$25.00, and any other costs incurred by the City of Los Fresnos 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 City of Los Fresnos, 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) Any employee of the City of Los Fresnos, police officer, or other Los Fresnos employee designated by the City Manager, 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 14 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 the 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 the 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:

- (a) 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.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

The City Council may consider granting customer specific variances from the provisions of this Plan in cases of hardship or special conditions. Persons requesting an exemption or variance from the provisions of this Ordinance shall file a petition for variance with the City Manager 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.

After recommendation by the City Manager, the City Council shall consider hardship or special cases to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern. Such findings of the City Council together with the specific facts upon which such findings are based shall be incorporated into the official minutes of the City Council meeting at which such variance is recommended. A fee of twenty-five dollars (\$25.00) shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that the applicant for the variance is unable to pay the fee.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the Variance.

After recommendation by the City Manager, the City Council shall consider hardship or special cases to



## ORDINANCE NO. 505

**AN ORDINANCE OF THE CITY OF LOS FRESNOS, TEXAS ADOPTING A WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN: ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS' ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING SEVERABILITY; REPEALING ORDINANCE 455 AND PROVIDING FOR AN EFFECTIVE DATE.**

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by \_\_\_\_\_ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by \_\_\_\_\_ and carried by the following voted:

Mayor Polo Narvaez	___	For	___	Against	___	Abstained
Mayor Pro-tem Yolanda H. Cruz	___	For	___	Against	___	Abstained
Councilmember Swain Real	___	For	___	Against	___	Abstained
Councilmember James Herrera	___	For	___	Against	___	Abstained
Councilmember Joe Collinsworth	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained

**WHEREAS**, the city of los fresnos, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

**WHEREAS**, the City recognizes that natural limitations due to drought conditions and other acts of god cannot guarantee an uninterrupted water supply for all purposes;

**WHEREAS**, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a water conservation and drought contingency plan; and

**WHEREAS**, as authorized under law, and in the best interests of the citizens of Los Fresnos, Texas the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

**NOW, THEREFORE, BE IT ORDAINED Y THE CITY COUNCIL TO THE CITY OF LOS FRESNOS, TEXAS:**

SECTION 1. That the City of Los Fresnos, Texas Water Conservation Plan and Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy to the City of Los Fresnos.

SECTION 2. That all ordinances that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

INTRODUCED AND APPROVED on the first reading this 13<sup>th</sup> day of August 2019.

APPROVED AND PASSED on the second reading this 20<sup>th</sup> day of August 2019.

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Mayor, Polo Narvaez

ATTEST:

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City Secretary, Jacqueline Moya

**City Council**  
200 North Brazil  
Los Fresnos, TX 78566

Meeting: 08/20/19 06:00 PM  
Department: City Secretary  
Category: Workshop  
Prepared By: Jacqueline Moya  
Initiator: Jacqueline Moya  
Sponsors:

**SCHEDULED**

**ACTION ITEM (ID # 3140)**

DOC ID: 3140 A

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## **Budget Workshop**

We will continue to review the budget.