



APRIL 20, 2021

3:00 P.M.

CITY COUNCIL

TELECONFERENCE

**WORKSHOP AND REGULAR
MEETING AGENDA**





**NOTICE OF WORKSHOP AND MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, April 20, 2021, and continuing from day to day thereafter if necessary the City Council of the City of Harker Heights, Texas, will conduct a telephonic workshop and meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
Lynda Nash
Jody Nicholas

WORKSHOP AGENDA

I. Roll Call:

II. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

III. Mayoral Proclamations and Presentations:

1. Certificate of Appreciation to recognize Killeen Independent School District (KISD) for assistance provided to our citizens during the February 2021 Severe Winter Storm event.

IV. New Business:

1. Receive and discuss a presentation from Killeen Independent School District (KISD) Superintendent Dr. John M. Craft for an update regarding enrollment, academic programs, projected growth, and current and future KISD facilities. (City Manager)
2. Receive and discuss a presentation regarding Sex Offender Residency, Establishment of Child Safety Zones and Corresponding Ordinance Development. (Planning and Development Director)
3. Receive and discuss a presentation regarding the City Council's Mission and Vision Statements. (Assistant City Manager)

V. Adjourn Workshop Session and Call to Order Regular Meeting:

REGULAR MEETING AGENDA

VI. New Business

1. Discuss And Consider Approving An Ordinance Of The City Of Harker Heights, Texas Adopting And Extending Its Water Conservation Plan, As Revised, And Drought Contingency Plan For A Period Of Five (5) Years; Providing For Review For The Purpose Of Readoption In Five (5) Years; And Providing That Such Plans Shall Continue In Full Force And Effect Until Readoption And Take The Appropriate Action. (Public Works Director)

VII. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 16th day of April 2021, by 4:30 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: [1 866 899 4679](tel:8668994679) and use Access Code: 650-937-149

To join the meeting from your computer, tablet or smartphone, use the following meeting link: <https://global.gotomeeting.com/join/650937149>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be available on the City of Harker Heights website at www.harkerheights.gov

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IV-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 20, 2021

RECEIVE AND DISCUSS A PRESENTATION FROM KILLEEN INDEPENDENT SCHOOL DISTRICT (KISD) SUPERINTENDENT DR. JOHN M. CRAFT FOR AN UPDATE REGARDING ENROLLMENT, ACADEMIC PROGRAMS, PROJECTED GROWTH, AND CURRENT AND FUTURE KISD FACILITIES.

BACKGROUND:

The Killeen Independent School District (KISD) Superintendent Dr. John M. Craft will provide a general update to the Council on the overall school district.

RECOMMENDATION:

None.

ACTION BY THE CITY COUNCIL:

None.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IV-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 20, 2021

RECEIVE AND DISCUSS A PRESENTATION REGARDING SEX OFFENDER RESIDENCY, ESTABLISHMENT OF CHILD SAFETY ZONES AND CORRESPONDING ORDINANCE DEVELOPMENT.

EXPLANATION:

Per the Texas Attorney General's opinion No. GA-0526 (2007), a home-rule municipality, through their city ordinance, may prohibit registered sex offenders from living within a specified distance from locations where children typically congregate. This is often accomplished through the establishment of a "child safety zone." A "child safety zone" delineates an area where a registered sex offender is prohibited from going in, on, or within a specified distance of a premise where children commonly gather (i.e. schools, day care facilities, or playgrounds). This presentation will include discussion on sex offender residency requirements, options for establishment of child safety zones and development of a corresponding ordinance.

ATTACHMENTS:

1. None



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IV-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 20, 2021

RECEIVE AND DISCUSS A PRESENTATION REGARDING THE CITY COUNCIL'S MISSION AND VISION STATEMENTS.

EXPLANATION:

Based on the conversations and guidance from the City Council's retreat on March 30, 2021, at the Central Fire Station training room, staff comprised mission and vision statements for City Council's consideration.

Staff has made an attempt to capture the Council's thoughts and desires.

ATTACHMENTS:

1. Notes from Council Retreat on March 30, 2021
2. Proposal of a Mission and Vision Statement

Council Retreat Notes: 3/30/21

Mission:

- Approachable – Availability
- Communication – Responsive
- Fiscal Responsibility – Good Stewardship of public funds
- Ambassadors of the City
- Smart Growth – Plan for the future
- Trust
- Public Safety
- Infrastructure Improvements
- Professionalism
- Environment – Green Space

Vision:

- Highest quality of life
- Safety
- Environment
- Opportunities
- Branching the Community
- Diversity
- Close-knit Community
- Shape and build for the future
- Cohesive Council
- Building relationships
- Voice for the Community
- Quality Staff – Customer service oriented
- Long-term financial strategy
- Sustainability
- Community enjoyed by all – Citizens from neighboring cities
- Foster Community pride

Vision

The City of choice for excellence in governance, safe neighborhoods, quality services, and equal opportunity for all.

Mission

Working together to create and implement policies that turn the City's Vision into a reality.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VI-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 20, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS ADOPTING AND EXTENDING ITS WATER CONSERVATION PLAN, AS REVISED, AND DROUGHT CONTINGENCY PLAN FOR A PERIOD OF FIVE (5) YEARS; PROVIDING FOR REVIEW FOR THE PURPOSE OF READOPTION IN FIVE (5) YEARS; AND PROVIDING THAT SUCH PLANS SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL READOPTION AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City Council approved revisions to the Water Conservation Plan on October 27, 2020. Since that date, the Texas Water Development Board requested additional revisions to the Water Conservation Plan. The Texas Commission on Environmental Quality requires Drought Contingency Plan and Water Conservation Plan updates at least once every five years. There were no proposed revisions to the Drought Contingency Plan. Proposed revisions to the Water Conservation Plan include the following:

§ 52.40 Reduction of Use Goals (Found on Page 9 of the redlined ordinance)

- The previous paragraph (B) was deleted and the Water Conservation Plan 5- and 10-Year Goals beginning in the 2020 plan year were added.

§ 52.42 Implementation Schedule and § 52.43 Method for Tracking Effectiveness were added. (Found on Page 10 of the redlined ordinance)

§ 52.47 Water Conservation Rate Structure (Found on Pages 11 and 12 of the redlined ordinance)

- The 2020 Harker Heights water rate fee schedule was added.

§ 52.48 Universal Metering and Meter Repair/Replacement (Found on Page 12 of the redlined ordinance)

- The water meter testing and replacement schedule was added for typical sized water meters in the City.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, Adopting and Extending its Water Conservation Plan, as revised, and Drought Contingency Plan for a period of five (5) years; Providing for review for the purpose of readoption in five (5) years; And providing that such plans shall continue in full force and effect until readoption.
2. Any action desired by the City Council.

ATTACHMENTS:

1. Ordinance
2. Redlined Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING AND EXTENDING ITS WATER CONSERVATION PLAN, AS REVISED, AND DROUGHT CONTINGENCY PLAN FOR A PERIOD OF FIVE (5) YEARS; PROVIDING FOR REVIEW FOR THE PURPOSE OF READOPTION IN FIVE (5) YEARS; AND PROVIDING THAT SUCH PLANS SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL READOPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:

Section 1. The Drought Contingency Plan for the City of Harker Heights, which is attached as **Exhibit "A"** and the Water Conservation Plan of the City of Harker Heights, as revised, which is attached as **Exhibit "B"** and, are hereby adopted and extended for a period of five (5) years from and after the date of this Ordinance. The Water Conservation Plan and Drought Contingency Plan shall be reviewed for re adoption at the expiration of such five (5) year period.

Section 2. The Water Conservation Plan and Drought Contingency Plan which are adopted and extended herein shall remain in full force and effect until the same are amended or otherwise readopted at the end of such five (5) year period.

PASSED on this the 20th day of April, 2021.

CITY OF HARKER HEIGHTS, TEXAS

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights

DROUGHT CONTINGENCY PLAN

§ 52.20 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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, other than the city itself or a city employee acting within the course and scope of such employment.

DESIGNATED WATERING DAYS. Means Sundays and Thursdays for street addresses ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for street addresses ending in an odd number (1, 3, 5, 7 or 9).

DROUGHT CONTINGENCY PLAN. A plan which prescribes short-term measures to cause a temporary but significant reduction in water use during drought or periods of extended high temperatures.

NON-ESSENTIAL WATER USE. Water uses that are not essential, nor required for the protection of public health, safety, and welfare including but not limited to:

- (1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this subchapter;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak within a reasonable period after becoming aware of such leak; and
- (9) Use of water from hydrants for any other purposes other than fire fighting.

OUTDOOR WATER USE. Any outdoor use of water, including but not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to outdoor swimming pools, wading pools or ponds; the operation of any outdoor ornamental fountain or other similar

structure; the use of water from fire hydrants for uses other than fire fighting or other activities necessary to maintain health and safety conditions; the washing down of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the washing down of ground foundations.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.21 TRIGGER CONDITIONS.

(A) Daily water demand will be monitored for emergency conditions by the city. The City Manager, on recommendation of the Public Works Department, shall determine when conditions warrant initiation or termination of each stage of this subchapter. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

(B) The city shall conduct a feasibility study about an interconnection with Central Texas Water Supply Corporation. The interconnection would be utilized to provide water in emergency conditions provided it does not create an additional emergency situation for either entity. This shared water resource may be evaluated or implemented prior to initiation of the trigger conditions.

(C) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* Customers shall be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use, as outlined in § 52.22(B) (Stage 1) conservation measures when any of the following trigger events occur:

- (1) The city's wholesale water provider initiates stage 1 conservation conditions.
- (2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 80%.

(D) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 2 conservation measures when any of the following triggering events occur:

- (1) The city's total storage capacity falls to 75% of maximum storage.
- (2) The city's wholesale water provider initiates Stage 2 conservation conditions.
- (3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 85%.

(E) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 3 conservation measures when any of the following triggering events occur:

- (1) The city's total storage capacity falls to 50% of maximum storage.
- (2) The city's wholesale water provider initiates stage 3 conservation conditions.
- (3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 90%.

(F) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 4 conservation measures when any of the following triggering events occur:

- (1) The city's total storage capacity falls to 25% of maximum storage.
- (2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 95%.
- (3) The city water system is contaminated to the degree that the city's ability to supply safe, potable water is impaired.
- (4) Any mechanical failure of pumping equipment or system component failure which in the opinion of the Public Works Director will require more than 12 hours to repair, and which causes a loss of capability to provide water service in the city.
- (5) The City Manager declares that mandatory water restrictions are necessary to protect the public health, safety, and welfare due to unusual events, catastrophic occurrences, or severe weather, provided that such declaration shall not extend beyond seven days unless authorized by the City Council.

(G) *Requirements for termination.* The City Manager may rescind Stage 1 at any time. Any other Stage may be rescinded by the City Manager when all of the trigger conditions for that Stage cease to exist.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.22 DROUGHT RESPONSE STAGES.

(A) The City Manager shall monitor water supply and demand conditions on a daily basis and, upon initiating a drought response stage in accordance with the triggering criteria set forth in § 52.21, shall provide notice as provided by § 53.23(B). The applicable restrictions are effective immediately on the making of the public announcement.

(B) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* During Stage 1 the aspirational goals are to: raise public and customer awareness of water demand conditions; encourage voluntary water conservation by avoiding non-essential water uses and observance of the restrictions of this subsection; and achieve a target reduction of 5% of the city's total water demand expressed as a percentage of pumping capacity.

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems should be limited to any two days of the week between the hours of 8:00 p.m. and 9:00 a.m.

(2) Outdoor water use is discouraged between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets.

(3) All operations of the city shall minimize non-essential water uses.

(C) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* During Stage 2 the aspirational goal is to achieve a target reduction of 10% of the city's total water demand expressed as a percentage of pumping capacity. Customers must comply with the water use requirements and restrictions of this subsection under threat of penalty for violation.

(1) The following uses and activities are prohibited at all times:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other hard-surfaced areas, except to alleviate immediate health or safety hazards;

(b) Allowing water to run off a property or allowing water to pond in the street or parking lot;

(c) Operating a permanently installed irrigation system with one or more sprinkler heads that are broken, missing, out of adjustment, or spraying more than 10% of the water on street or parking lots;

(d) Failure to repair a controllable leak within a reasonable period after the customer becomes aware of such leak; and

(e) Charity car washes.

(2) Irrigation of landscaped areas, golf course greens, tees, and fairways shall be limited to the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(3) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes, or other vehicles is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days. 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 rinses. This prohibition does not apply to washing of:

(a) Individual vehicles on the immediate premises of a commercial car wash or commercial service station; or

(b) Vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing.

(4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(5) 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.

(6) Restaurants are prohibited from serving water to patrons except when requested.

(7) All other outdoor water use is prohibited between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. It shall be an affirmative defense to a violation of using water outside the hours permitted by this paragraph if customer was:

(a) At a commercial plant nursery and irrigating products for sale; or

(b) Irrigating landscaping during installation thereof or within the first ten days thereafter.

(8) Stage 2 restrictions do not apply to the following uses of water:

(a) The necessary use of water, other than for landscaping irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects; and

(b) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

(D) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* During Stage 3 the aspirational goal is to achieve a target reduction of 15% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Supply Management Measures.* The city will cease the flushing of water mains except when necessary for reasons of health or safety. Irrigation of public landscaped areas will be discontinued except when such areas are irrigated with reclaimed water, domestic ground water, raw water sources, or sources other than the city water supply system.

(2) *Water Use Restrictions.* During Stage 3 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 2 shall remain in effect during Stage 3 except:

(a) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited except:

(i) On the immediate premises of a commercial car wash or a commercial service station; or

(ii) When such washing is in the immediate interest of the public health, safety, and welfare, and occurs between the hours of 6:00 a.m. and 9:00 a.m.

(b) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.

(c) No new landscapes of any type may be installed.

(d) The use of water for land development, construction purposes, and dust control is prohibited.

(e) All other outdoor water use is restricted to use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets, and may occur only between the hours of 6:00 a.m. to 9:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated watering days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.

(E) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* During Stage 4 the aspirational goal is to achieve a target reduction of 20% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Water Use Restrictions.* During Stage 4 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 3 shall remain in effect during Stage 4.

(2) The City Manager, upon recommendation of the Public Works Director, may order water rationing and terminate service to selected users of the system in accordance with the following sequence:

(a) Recreational users;

(b) Commercial users;

(c) Industrial users;

(d) School users;

(e) Residential users; and

(f) Public health and safety facilities.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2019-23, passed 8-13-19; Am. Ord. 2020-57, passed 10-27-20)
Penalty, see § 52.99

§ 52.23 NOTIFICATION AND PUBLIC EDUCATION.

(A) The city is located within the Brazos Region Water Planning Group, Region G. A copy of this subchapter has been provided to the Brazos Region Water Planning Group, Region G, as well as the Brazos River Authority.

(B) Public notification of the initiation or termination of drought response stages shall be by means of publication in the *Killeen Daily Herald* newspaper, the City website and public service announcements on KWTX - Channel 10. Additional notification may be given by signs posted in public places, utility bill inserts, and other means to be determined by the City Manager.

(C) When mandatory restrictions are enacted with the initiation of Stage 2, Stage 3 or Stage 4, the Executive Director of TCEQ will be notified, at a minimum via telephone, within five business days.

(D) Public education of this subchapter will be provided periodically to update the public with information about the conditions under which each stage of this subchapter is to be initiated or terminated as well as the drought measures to be implemented in each stage. This information may be provided through utility bill inserts, public events, or other means to be determined by the City Manager.

(E) In the event of an imminent or actual water supply emergency due to either impairment of water supply source (including contamination) or system failure, the following emergency actions will take place:

(1) The public will be notified of the need to boil water, use bottled water, or use a designated alternate water source, as appropriate.

(2) The City Manager may seek assistance through the local and/or state emergency management system.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-13, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.24 VARIANCES

(A) The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this subchapter if it is determined that failure to grant such a 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:

(1) Compliance with this subchapter cannot be technically accomplished during the duration of the water supply shortage or other condition for which the subchapter is in effect; or

(2) Alternative methods can be implemented which will achieve a comparable reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City Secretary within five days after a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- (1) Name and address of each petitioner;
 - (2) Purpose of water use;
 - (3) Specific provision(s) of this subchapter from which the petitioner is requesting relief;
 - (4) Detailed statement as to how the specific provision of this subchapter adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;
 - (5) Description of the relief requested;
 - (6) Period of time for which the variance is sought;
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this subchapter and the compliance date; and
 - (8) Any other pertinent information.
- (C) Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified:
- (1) Variances granted shall include a timetable for compliance;
 - (2) Variances granted shall expire when the particular drought response stage for which the variance was granted is no longer in effect; and
 - (3) The City Manager may terminate a variance if the petitioner fails to meet specified requirements.

(D) No variance shall be retroactive or otherwise justify any violation of this subchapter occurring prior to the issuance of the variance.
(Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

Exhibit "B"

WATER CONSERVATION PLAN

§ 52.40 REDUCTION OF USE GOALS.

(A) It is the goal of the City Council to reduce the future water requirements by adopting conservation measures that will prevent the otherwise expected rise in per capita use of water, and endeavor to maintain the current level of per capita demand. This goal recognizes that there are factors that will increase the average per capita use of water unless additional conservation actions are taken. These factors that may increase the per capita use are projected increases in per capita income, increases in the employment-population ratio, increases in the proportion of single-family homes, increases in the number of persons living in each household, and uses by additional industries as the economy of the community expands.

(B) The City of Harker Heights Water Conservation Plan 5- and 10-Year Goals for Water Savings beginning in the 2020 plan year are as follows:

2020 Plan Year	Historic 5-Year Average	Baseline (2014 Average)	5-Year Goal for Year 2025	10-Year Goal for Year 2030
Total (GPCD) ¹	152	156	141	140
Residential (GPCD) ²	108	121	108	105
Water Loss (GPCD) ³	16	18	16	14
Water Loss (Percentage) ⁴	11%	12%	11%	10%

1. Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
2. Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
3. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
4. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

GPCD-Gallons Per Capita Per Day

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.41 WATER RESOURCE MANAGEMENT GOALS.

(A) It is the goal of the City Council to reduce to the maximum extent possible the rate of depletion of Lake Belton and Stillhouse Hollow Lake by the utilization of sewage effluent water to substitute for potable water for some irrigation purposes.

(B) The Water Conservation Plan, when implemented, will serve as a program to influence the long-term water use characteristics of the city's residents. The five-year goal of the program is to reduce the percentage of water loss from the city's water system to approximately 11%, while maintaining the base per capita water use of 141 gallons per day or less. The ten-year goal of the program is to further reduce the percentage of water loss to 10%, while maintaining a per capita water use of 140 gallons per day or less.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.42 IMPLEMENTATION SCHEDULE.

1. Once a year, the City of Harker Heights will review consumption patterns and its income and expense levels and evaluate whether or not the current water rates are effective and appropriate. Adjustments will be made as needed.
2. The City of Harker Heights will provide information on the City website regarding the current uniform water rate structure.
3. Water meters will be tested as outlined in § 52.48, Universal Metering and Meter Repair/Replacement Program.
4. Public water conservation education methods will be implemented as outlined in § 52.44

- Education and Information.
5. A leak detection and repair program will be maintained as outlined in § 52.50 Water Audits and Leak Detection.
 6. Replacement of water lines found to be leaking or are in a generally poor condition will be completed as quickly as practical to ensure minimal water loss.
 7. The City of Harker Heights will evaluate using reuse water as outlined in § 52.51 Recycling and Reuse.

§ 52.43 METHOD FOR TRACKING EFFECTIVENESS.

The following information will be useful in tracking the progress of the Water Conservation Plan.

1. Data from the annual Texas Water Development Board Water Use Survey, Water Audit and Water Conservation Report will be used to evaluate the effectiveness of the implementation schedule.
2. The uniform rate structure used for billing will be evaluated annually. Data from the Texas Water Development Board annual Water Audit Report includes water purchased, water billed, water losses along with the retail cost of water will determine the effectiveness of the current uniform rate structure on water use. The annual water replacement program will be evaluated annually based on the following replacement schedule as outlined in § 52.48, Universal Metering and Meter Repair/Replacement Program.

§ 52.44 EDUCATION AND INFORMATION.

(A) The education of the residents as to water conservation practices and methods will be accomplished through a program of informing the citizens on the city website, utility bills, local newspaper articles, brochures, radio, and public education through schools. The information to be distributed will follow the items of the "Guidelines for Municipal Water Conservation" and the Drought Contingency Plan, § 52.20.

(B) The specific program of education and information will be as follows:

(1) Special articles will be printed in the *Evening Star* newspaper of Harker Heights and the *Killeen Daily Herald* as needed.

(2) Water and wastewater billings shall be utilized to further inform the residents of water conservation.

(3) All new customers shall be informed of the water conservation program by a brochure. It will describe the program and explain its goals and solicit the help and participation of the new customers.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.45 WATER CONSERVATION PLUMBING CODE.

As set forth in § 150.01, the Council has adopted plumbing regulations that include water saving plumbing requirements consistent with Texas Water Development Board guidelines. These regulations apply to all new construction and replacement of plumbing in existing structures.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, pass 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.46 WATER CONSERVATION PLUMBING RETROFITS.

Customers and/or owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The educational and advertising program will help inform them of advantages of installing water savings devices as well as the availability of these items. Customers will be informed of water conservation kits available at a low cost to aid in their water conservation efforts.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.47 WATER CONSERVATION RATE STRUCTURE.

The city currently has a uniform rate structure that does not and will not encourage water waste. All water customers are subject to the uniform rate structure so that all customer classes (single-family residence, multi-family residence, industrial, commercial, and the like) are equally encouraged to conserve water. The Harker Heights 2020 fee schedule is as follows:

- Inside the Harker Heights Certificate of Convenience and Necessity
 - Base Rate/Per 1,000 gallons of Water Consumption...\$10.91/\$3.40
- Outside the Harker Heights Certificate of Convenience and Necessity
 - Base Rate/Per 1,000 gallons of Water Consumption...\$21.82/\$6.80

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.48 UNIVERSAL METERING AND METER REPAIR/REPLACEMENT PROGRAM.

(A) The city currently has master meters located at the Maintenance Yard pump station and Verna Lee pump station sites to provide accurate accounting of water supply from the Bell County WCID #1 system.

(B) Currently, the city has a water accounting program that is implemented by computerized water consumption tracking. Each meter is monitored for consistency in water use. If water consumption increases or decreases dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

(C) In addition to meters identified by the computerized water accounting program, the city will establish a flow meter testing and replacement schedule as follows:

- 5/8 x 3/4 and Straight 3/4 water meters: 10 years or 1 million gallons.
- 1-inch water meters: 10 years or 1 million gallons.
- 1 1/4-inch water meters: 15 years or 1.5 million gallons.
- 1 1/2-inch water meters: 15 years or 2 million gallons.
- 2-inch water meters: 15 years or 3 million gallons.
- Water meters larger than 2-inches will be tested annually and repaired/replaced accordingly.
- Pump station discharge meters-tested annually.
- When discovered, defective water meters are replaced immediately.
 - Defective meters include: Under-registering meters and/or meters that exceed a plus or minus 1.5% calibration range on low, intermediate or high water flow.

(D) Metering and meter repair/replacement coupled with water accounting and auditing will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.49 WATER CONSERVING LANDSCAPING.

The use of water conserving landscaping and irrigation techniques shall be encouraged through education and information programs. This will be done through a public education program that will include suggestions on landscaping and irrigation procedures which will result in reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. Nurseries and other businesses that sell outdoor plants, grasses, and irrigation equipment will be encouraged to make products available to the public that conserve water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.50 WATER AUDITS AND LEAK DETECTION.

The city currently has a continuous leak detection, location, and repair program that includes an annual water audit. When a source of water loss is located, corrective repairs or other actions are taken. The city has access to a Fisher Model XLT-20 to conduct a thorough sonic or acoustic survey of the system. The meter testing program will aid in reducing water losses.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.51 RECYCLING AND REUSE.

There are a few commercial businesses or industries in Harker Heights that recycle or reuse water, and the city is seriously considering using treated effluent water from the wastewater plant to irrigate a 33-acre park owned by the city. The city has already asked TCEQ to assist in administrative and submittal requirements that must be followed when utilizing reclaimed water. In addition, the city will continue to look for opportunities to recycle or reuse water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.52 IMPLEMENTATION AND ENFORCEMENT.

The City Council has passed this ordinance as a means to implement and enforce the Water Conservation Plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.53 ADMINISTRATION AND REPORTING.

(A) The Public Works Director will act as the administrator of the Water Conservation Plan. The administrator will oversee the execution and implementation of all elements of the Plan. He will also be responsible to oversee the keeping of adequate records for program verification.

(B) The administrator will be responsible for the submission of an updated Drought Contingency Plan and Water Conservation Plan once every five years to the Texas Water Development Board, the Texas Commission on Environmental Quality, the Brazos River Authority, Region G and the Bell County Water Control & Improvement District No. 1.
(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.54 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

Although no necessity exists upon passage and approval of this Water Conservation Plan for contracts with other political subdivisions, the city may enter into such contracts from time to time in order to benefit the public and to maximize the effectiveness of this plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.99 OFFENSES AND PENALTY.

(A) Any person, firm, or corporation who violates any provision of §§ 52.01 through 52.05 of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this subchapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(B) Any person, firm, or corporation violating any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the city shall be punished by a fine not to exceed the sum of \$500 for each offense. Each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(C) In any prosecution for violation of any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter, it shall be an affirmative defense that:

(1) The person was using only reclaimed water, ground water, raw water, or water obtained from any source other than the city water supply system;

(2) The use was necessary for testing or repair of water distribution facilities, residential and commercial plumbing, or permanently installed landscape irrigation systems; or

(3) The use was necessary for fire fighting, fire protection, or other activities necessary to maintain public health, sanitation, safety, and welfare.

(D) The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 94-21, passed 6-14-94; Am. Ord. 94-40, passed 9-13-94; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2013-18, passed 7-9-13; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

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DROUGHT CONTINGENCY PLAN

§ 52.20 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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, other than the city itself or a city employee acting within the course and scope of such employment.

DESIGNATED WATERING DAYS. Means Sundays and Thursdays for street addresses ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for street addresses ending in an odd number (1, 3, 5, 7 or 9).

DROUGHT CONTINGENCY PLAN. A plan which prescribes short-term measures to cause a temporary but significant reduction in water use during drought or periods of extended high temperatures.

NON-ESSENTIAL WATER USE. Water uses that are not essential, nor required for the protection of public health, safety, and welfare including but not limited to:

- (1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this subchapter;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak within a reasonable period after becoming aware of such leak; and

(9) Use of water from hydrants for any other purposes other than fire fighting.

OUTDOOR WATER USE. Any outdoor use of water, including but not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to outdoor swimming pools, wading pools or ponds; the operation of any outdoor ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than fire fighting or other activities necessary to maintain health and safety conditions; the washing down of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the washing down of ground foundations.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.21 TRIGGER CONDITIONS.

(A) Daily water demand will be monitored for emergency conditions by the city. The City Manager, on recommendation of the Public Works Department, shall determine when conditions warrant initiation or termination of each stage of this subchapter. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

(B) The city shall conduct a feasibility study about an interconnection with Central Texas Water Supply Corporation. The interconnection would be utilized to provide water in emergency conditions provided it does not create an additional emergency situation for either entity. This shared water resource may be evaluated or implemented prior to initiation of the trigger conditions.

(C) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* Customers shall be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use, as outlined in § 52.22(B) (Stage 1) conservation measures when any of the following trigger events occur:

(1) The city's wholesale water provider initiates stage 1 conservation conditions.

(2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 80%.

(D) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 2 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 75% of maximum storage.

(2) The city's wholesale water provider initiates Stage 2 conservation conditions.

(3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 85%.

(E) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 3 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 50% of maximum storage.

(2) The city's wholesale water provider initiates stage 3 conservation conditions.

(3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 90%.

(F) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 4 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 25% of maximum storage.

(2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 95%.

(3) The city water system is contaminated to the degree that the city's ability to supply safe, potable water is impaired.

(4) Any mechanical failure of pumping equipment or system component failure which in the opinion of the Public Works Director will require more than 12 hours to repair, and which causes a loss of capability to provide water service in the city.

(5) The City Manager declares that mandatory water restrictions are necessary to protect the public health, safety, and welfare due to unusual events, catastrophic occurrences, or severe weather, provided that such declaration shall not extend beyond seven days unless authorized by the City Council.

(G) *Requirements for termination.* The City Manager may rescind Stage 1 at any time. Any other Stage may be rescinded by the City Manager when all of the trigger conditions for that Stage cease to exist.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.22 DROUGHT RESPONSE STAGES.

(A) The City Manager shall monitor water supply and demand conditions on a daily basis and, upon initiating a drought response stage in accordance with the triggering criteria set forth in § 52.21, shall provide notice as provided by § 53.23(B). The applicable restrictions are effective immediately on the making of the public announcement.

(B) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* During Stage 1 the aspirational goals are to: raise public and customer awareness of water demand conditions; encourage voluntary water conservation by avoiding non-essential water uses and observance of the restrictions of this subsection; and achieve a target reduction of 5% of the city's total water demand expressed as a percentage of pumping capacity.

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems should be limited to any two days of the week between the hours of 8:00 p.m. and 9:00 a.m.

(2) Outdoor water use is discouraged between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets.

(3) All operations of the city shall minimize non-essential water uses.

(C) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* During Stage 2 the aspirational goal is to achieve a target reduction of 10% of the city's total water demand expressed as a percentage of pumping capacity. Customers must comply with the water use requirements and restrictions of this subsection under threat of penalty for violation.

(1) The following uses and activities are prohibited at all times:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other hard-surfaced areas, except to alleviate immediate health or safety hazards;

(b) Allowing water to run off a property or allowing water to pond in the street or parking lot;

(c) Operating a permanently installed irrigation system with one or more sprinkler heads that are broken, missing, out of adjustment, or spraying more than 10% of the water on street or parking lots;

(d) Failure to repair a controllable leak within a reasonable period after the customer becomes aware of such leak; and

(e) Charity car washes.

(2) Irrigation of landscaped areas, golf course greens, tees, and fairways shall be limited to the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(3) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes, or other vehicles is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days. 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 rinses. This prohibition does not apply to washing of:

(a) Individual vehicles on the immediate premises of a commercial car wash or commercial service station; or

(b) Vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing.

(4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(5) 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.

(6) Restaurants are prohibited from serving water to patrons except when requested.

(7) All other outdoor water use is prohibited between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. It shall be an affirmative defense to a violation of using water outside the hours permitted by this paragraph if customer was:

(a) At a commercial plant nursery and irrigating products for sale; or

(b) Irrigating landscaping during installation thereof or within the first ten days thereafter.

(8) Stage 2 restrictions do not apply to the following uses of water:

(a) The necessary use of water, other than for landscaping irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects; and

(b) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

(D) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* During Stage 3 the aspirational goal is to achieve a target reduction of 15% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Supply Management Measures.* The city will cease the flushing of water mains except when necessary for reasons of health or safety. Irrigation of public landscaped areas will be discontinued except when such areas are irrigated with reclaimed water, domestic ground water, raw water sources, or sources other than the city water supply system.

(2) *Water Use Restrictions.* During Stage 3 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 2 shall remain in effect during Stage 3 except:

(a) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited except:

(i) On the immediate premises of a commercial car wash or a commercial service station; or

(ii) When such washing is in the immediate interest of the public health, safety, and welfare, and occurs between the hours of 6:00 a.m. and 9:00 a.m.

(b) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.

(c) No new landscapes of any type may be installed.

(d) The use of water for land development, construction purposes, and dust control is prohibited.

(e) All other outdoor water use is restricted to use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets, and may occur only between the hours of 6:00 a.m. to 9:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated watering days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.

(E) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* During Stage 4 the aspirational goal is to achieve a target reduction of 20% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Water Use Restrictions.* During Stage 4 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 3 shall remain in effect during Stage 4.

(2) The City Manager, upon recommendation of the Public Works Director, may order water rationing and terminate service to selected users of the system in accordance with the following sequence:

(a) Recreational users;

(b) Commercial users;

(c) Industrial users;

(d) School users;

(e) Residential users; and

(f) Public health and safety facilities.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2019-23, passed 8-13-19; Am. Ord. 2020-57, passed 10-27-20) Penalty, see § 52.99

§ 52.23 NOTIFICATION AND PUBLIC EDUCATION.

(A) The city is located within the Brazos Region Water Planning Group, Region G. A copy of this subchapter has been provided to the Brazos Region Water Planning Group, Region G, as well as the Brazos River Authority.

(B) Public notification of the initiation or termination of drought response stages shall be by means of publication in the *Killeen Daily Herald* newspaper, the City

website and public service announcements on KWTX - Channel 10. Additional notification may be given by signs posted in public places, utility bill inserts, and other means to be determined by the City Manager.

(C) When mandatory restrictions are enacted with the initiation of Stage 2, Stage 3 or Stage 4, the Executive Director of TCEQ will be notified, at a minimum via telephone, within five business days.

(D) Public education of this subchapter will be provided periodically to update the public with information about the conditions under which each stage of this subchapter is to be initiated or terminated as well as the drought measures to be implemented in each stage. This information may be provided through utility bill inserts, public events, or other means to be determined by the City Manager.

(E) In the event of an imminent or actual water supply emergency due to either impairment of water supply source (including contamination) or system failure, the following emergency actions will take place:

(1) The public will be notified of the need to boil water, use bottled water, or use a designated alternate water source, as appropriate.

(2) The City Manager may seek assistance through the local and/or state emergency management system.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-13, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.24 VARIANCES

(A) The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this subchapter if it is determined that failure to grant such a 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:

(1) Compliance with this subchapter cannot be technically accomplished during the duration of the water supply shortage or other condition for which the subchapter is in effect; or

(2) Alternative methods can be implemented which will achieve a comparable reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City Secretary within five days after a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

(1) Name and address of each petitioner;

(2) Purpose of water use;

(3) Specific provision(s) of this subchapter from which the petitioner is requesting relief;

- (4) Detailed statement as to how the specific provision of this subchapter adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;
- (5) Description of the relief requested;
- (6) Period of time for which the variance is sought;
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this subchapter and the compliance date; and
- (8) Any other pertinent information.

(C) Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified:

- (1) Variances granted shall include a timetable for compliance;
- (2) Variances granted shall expire when the particular drought response stage for which the variance was granted is no longer in effect; and
- (3) The City Manager may terminate a variance if the petitioner fails to meet specified requirements.

(D) No variance shall be retroactive or otherwise justify any violation of this subchapter occurring prior to the issuance of the variance.

(Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

Exhibit "B"

WATER CONSERVATION PLAN

§ 52.40 REDUCTION OF USE GOALS.

(A) It is the goal of the City Council to reduce the future water requirements by adopting conservation measures that will prevent the otherwise expected rise in per capita use of water, and endeavor to maintain the current level of per capita demand. This goal recognizes that there are factors that will increase the average per capita use of water unless additional conservation actions are taken. These factors that may increase the per capita use are projected increases in per capita income, increases in the employment-population ratio, increases in the proportion of single-family homes, increases in the number of persons living in each household, and uses by additional industries as the economy of the community expands.

(B) — Given these potentials for causing the per capita use to increase and the fact that the City Council has already adopted and implemented all of those conservation measures which are considered to have a large impact on water use, a goal of further reducing the per capita demand would be unrealistic for water resources planning purposes.

(B) The City of Harker Heights Water Conservation Plan 5- and 10-Year Goals for Water Savings beginning in the 2020 plan year are as follows:

2020 Plan Year	Historic 5-Year Average	Baseline (2014 Average)	5-Year Goal for Year 2025	10-Year Goal for Year 2030
Total (GPCD) ¹	152	156	141	140
Residential (GPCD) ²	108	121	108	105
Water Loss (GPCD) ³	16	18	16	14
Water Loss (Percentage) ⁴	11%	12%	11%	10%

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

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

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

4. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

GPCD-Gallons Per Capita Per Day

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.41 WATER RESOURCE MANAGEMENT GOALS.

(A) It is the goal of the City Council to reduce to the maximum extent possible the rate of depletion of Lake Belton and Stillhouse Hollow Lake by the utilization of sewage effluent water to substitute for potable water for some irrigation purposes.

(B) The Water Conservation Plan, when implemented, will serve as a program to influence the long-term water use characteristics of the city's residents. The five-year goal of the program is to reduce the percentage of water loss from the city's water system to approximately 11%, while maintaining the base per capita water use of 141 gallons per day or less. The ten-year goal of the program is to further reduce the percentage of water loss to 10%, while maintaining a per capita water use of 140 gallons per day or less.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.42 IMPLEMENTATION SCHEDULE.

1. Once a year, the City of Harker Heights will review consumption patterns and its income and expense levels and evaluate whether or not the current water rates are effective and appropriate. Adjustments will be made as needed.
2. The City of Harker Heights will provide information on the City website regarding the current uniform water rate structure.
3. Water meters will be tested as outlined in § 52.48, Universal Metering and Meter Repair/Replacement Program.
4. Public water conservation education methods will be implemented as outlined in § 52.44 Education and Information.
5. A leak detection and repair program will be maintained as outlined in § 52.50 Water Audits and Leak Detection.
6. Replacement of water lines found to be leaking or are in a generally poor condition will be completed as quickly as practical to ensure minimal water loss.
7. The City of Harker Heights will evaluate using reuse water as outlined in § 52.51 Recycling and Reuse.

§ 52.43 METHOD FOR TRACKING EFFECTIVENESS.

The following information will be useful in tracking the progress of the Water Conservation Plan.

1. Data from the annual Texas Water Development Board Water Use Survey, Water Audit and Water Conservation Report will be used to evaluate the effectiveness of the implementation schedule.
2. The uniform rate structure used for billing will be evaluated annually. Data from the Texas Water Development Board annual Water Audit Report includes water purchased, water billed, water losses along with the retail cost of water will determine the effectiveness of the current uniform rate structure on water use. The annual water replacement program will be evaluated annually based on the following replacement schedule as outlined in § 52.48, Universal Metering and Meter Repair/Replacement Program.

§ 52.44 EDUCATION AND INFORMATION.

(A) The education of the residents as to water conservation practices and methods will be accomplished through a program of informing the citizens on the city website, utility bills, local newspaper articles, brochures, radio, and public education through schools. The information to be distributed will follow the items of the "Guidelines for Municipal Water Conservation" and the Drought Contingency Plan, § 52.20.

- (B) The specific program of education and information will be as follows:
- (1) Special articles will be printed in the *Evening Star* newspaper of Harker Heights and the *Killeen Daily Herald* as needed.
 - (2) Water and wastewater billings shall be utilized to further inform the residents of water conservation.
 - (3) All new customers shall be informed of the water conservation program by a brochure. It will describe the program and explain its goals and solicit the help and participation of the new customers.
- (Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.45 WATER CONSERVATION PLUMBING CODE.

As set forth in § 150.01, the Council has adopted plumbing regulations that include water saving plumbing requirements consistent with Texas Water Development Board guidelines. These regulations apply to all new construction and replacement of plumbing in existing structures.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, pass 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.46 WATER CONSERVATION PLUMBING RETROFITS.

Customers and/or owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The educational and advertising program will help inform them of advantages of installing water savings devices as well as the availability of these items. Customers will be informed of water conservation kits available at a low cost to aid in their water conservation efforts.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.47 WATER CONSERVATION RATE STRUCTURE.

The city currently has a uniform rate structure that does not and will not encourage water waste. All water customers are subject to the uniform rate structure so that all customer classes (single-family residence, multi-family residence, industrial, commercial, and the like) are equally encouraged to conserve water. **The Harker Heights 2020 fee schedule is as follows:**

- **Inside the Harker Heights Certificate of Convenience and Necessity**
 - **Base Rate/Per 1,000 gallons of Water Consumption...\$10.91/\$3.40**
- **Outside the Harker Heights Certificate of Convenience and Necessity**

- Base Rate/Per 1,000 gallons of Water Consumption... \$21.82/\$6.80
(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.48 UNIVERSAL METERING AND METER REPAIR/REPLACEMENT PROGRAM.

(A) The city currently has master meters located at the Maintenance Yard pump station and Verna Lee pump station sites to provide accurate accounting of water supply from the Bell County WCID #1 system.

(B) Currently, the city has a water accounting program that is implemented by computerized water consumption tracking. Each meter is monitored for consistency in water use. If water consumption increases or decreases dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

(C) In addition to meters identified by the computerized water accounting program, the city will establish a flow meter testing and replacement schedule as follows:

- 5/8 x 3/4 and Straight 3/4 water meters: 10 years or 1 million gallons.
- 1-inch water meters: 10 years or 1 million gallons.
- 1 1/4-inch water meters: 15 years or 1.5 million gallons.
- 1 1/2-inch water meters: 15 years or 2 million gallons.
- 2-inch water meters: 15 years or 3 million gallons.
- Water meters larger than 2-inches will be tested annually and repaired/replaced accordingly.
- Pump station discharge meters-tested annually.
- When discovered, defective water meters are replaced immediately.
 - Defective meters include: Under-registering meters and/or meters that exceed a plus or minus 1.5% calibration range on low, intermediate or high water flow.

(D) Metering and meter repair/replacement coupled with water accounting and auditing will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.
(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.49 WATER CONSERVING LANDSCAPING.

The use of water conserving landscaping and irrigation techniques shall be encouraged through education and information programs. This will be done through a

public education program that will include suggestions on landscaping and irrigation procedures which will result in reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. Nurseries and other businesses that sell outdoor plants, grasses, and irrigation equipment will be encouraged to make products available to the public that conserve water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.50 WATER AUDITS AND LEAK DETECTION.

The city currently has a continuous leak detection, location, and repair program that includes an annual water audit. When a source of water loss is located, corrective repairs or other actions are taken. The city has access to a Fisher Model XLT-20 to conduct a thorough sonic or acoustic survey of the system. The meter testing program will aid in reducing water losses.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.51 RECYCLING AND REUSE.

There are a few commercial businesses or industries in Harker Heights that recycle or reuse water, and the city is seriously considering using treated effluent water from the wastewater plant to irrigate a 33-acre park owned by the city. The city has already asked TCEQ to assist in administrative and submittal requirements that must be followed when utilizing reclaimed water. In addition, the city will continue to look for opportunities to recycle or reuse water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.52 IMPLEMENTATION AND ENFORCEMENT.

The City Council has passed this ordinance as a means to implement and enforce the Water Conservation Plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.53 ADMINISTRATION AND REPORTING.

(A) The Public Works Director will act as the administrator of the Water Conservation Plan. The administrator will oversee the execution and implementation of all elements of the Plan. He will also be responsible to oversee the keeping of adequate records for program verification.

(B) The administrator will be responsible for the submission of an updated Drought Contingency Plan and Water Conservation Plan once every five years to the Texas Water Development Board, the Texas Commission on Environmental Quality, the Brazos River Authority, Region G and the Bell County Water Control & Improvement District No. 1.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.54 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

Although no necessity exists upon passage and approval of this Water Conservation Plan for contracts with other political subdivisions, the city may enter into such contracts from time to time in order to benefit the public and to maximize the effectiveness of this plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)

§ 52.99 OFFENSES AND PENALTY.

(A) Any person, firm, or corporation who violates any provision of §§ 52.01 through 52.05 of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this subchapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(B) Any person, firm, or corporation violating any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the city shall be punished by a fine not to exceed the sum of \$500 for each offense. Each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(C) In any prosecution for violation of any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter, it shall be an affirmative defense that:

(1) The person was using only reclaimed water, ground water, raw water, or water obtained from any source other than the city water supply system;

(2) The use was necessary for testing or repair of water distribution facilities, residential and commercial plumbing, or permanently installed landscape irrigation systems; or

(3) The use was necessary for fire fighting, fire protection, or other activities necessary to maintain public health, sanitation, safety, and welfare.

(D) The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 94-21, passed 6-14-94; Am. Ord. 94-40, passed 9-13-94; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2013-18, passed 7-9-13; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2020-57, passed 10-27-20)