



MAYOR
ANA DIAZ

City of Jacinto City

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November 12, 2024

Minutes

The Mayor and City Council met in Special Session on
Tuesday, November 5, 2024, at 6:00p.m. in the Council Chamber at 10301 Market Street.

COUNCIL MEMBERS

MARIO GONZALES
CARMELA GARCIA
ALLEN LEE
JIMMY "JJ" RIVAS
GREGG ROBINSON

CITY MANAGER

LON D. SQUYRES

CITY SECRETARY

CHRISTAL RODRIGUEZ

CITY ATTORNEY

JIM DEFOYD

1. Call to Order: at 6:00pm

a. Invocation and Pledge of Allegiance:

The meeting was opened with Prayer and the Pledge of Allegiance.

b. Roll Call:

The following members were present: Mayor Diaz; Council Members Rivas, Robinson, Lee, Garcia & Gonzales; City Manager Squyres, City Attorney Defoyd & City Secretary Rodriguez.

c. Mayor & Council Comments:

** Asked everyone to keep an eye on the weather forecast and take any necessary precautions.*

** Also reminded everyone that there were still a few minutes to go vote, if it hadn't been done yet.*

2. Public Comments:

a. No one requested to address the Mayor & Council.

3. Approval of the Minutes of Previous Meeting(s):

A motion was made by Council Member Rivas and Seconded by Council Member Robinson to approve the minutes of the previous meetings as presented. Vote: **For: 5, Against:0**

4. Unfinished Business:

a. Council to Close Bid Process that was extended to November 14th for the City of Jacinto City Wastewater Treatment Plant Improvements-2024 CDBG-MIT Project No. 22-085-053-D306.

- *City Manager Squyres reported that this item was tabled during the last meeting because there were no bids received. The city has spoken with GLO & GrantWorks, they both feel we need to close this process. The city attorney has been consulted and is in agreement with that. You will see it again on the agenda, we will reopen the entire process, readvertise and redo the whole thing. We are consulting with LJA as to whether or not, to hold until the beginning of the year. We'd hate to burn those days because of the time constraints but it's possible we wouldn't get any bids because everyone will be gone over the holidays. They are contacting the people that should be bidding on it and getting their thoughts on it, so we'll let you know.*
- *Council Member Rivas asked what the cause is for not receiving any bids. City Manager Squyres replied that it is a very large and complicated bid. It's a sewer treatment plant and it requires very specialized equipment. There were two interested potential bidders that went to the Prebid Meeting along with several subcontractors, of those two, one said that their labor pool wasn't large enough right now and the other one literally could not get their paperwork done in time. We are hearing that part of it is a little bit of reluctance because it is Federal Grant and they require so much paperwork. Council Member Rivas also inquired if the Federal part of it understood why we don't have any bids yet and are giving us an exception to the rule and allowing us to take a little longer. City Manager Squyres replied that we have monthly meetings with GLO and have explained everything in great detail, they seem sympathetic with it so far.*

Motion to close the Bidding Process, Made by Council Member: Robinson

Second was made by Council Member: Garcia

Favor: 5/0

5. New Business

- a. Mayor & Council to consider Resolution 2024-8R approving the submission of an application for “FY 25 SB 224 Catalytic Converter Grant Program” for the Police Department of Jacinto City, Texas.

(Brief provided by City Manager Squyres)

Flock has found Grant Money they believe we can qualify for as a small city. With this money, we plan to add several cameras of a different nature, not license plate readers necessarily. We talked about adding cameras that would look at intersections and parking lots. This grant will fund that, it will also fund our existing flock cameras, Flock researched it for us and confirmed that the grant would also pay for our existing flock cameras. Right now, we pay 100% of our own flock bill. If awarded, this grant should award us 80% of the total bill for the added, high-end, cameras and the existing flock cameras; We'll be paying less than half of what we're paying now. We are mapping out with the flock engineering team several locations to place these cameras. The City Manager suggests we pass the resolution. The application process for this grant, requires a resolution to go with the application.

Motion to approve Resolution 2024-8R approving the submission of an application for “FY 25 SB 224 Catalytic Converter Grant Program” for the Police Department of Jacinto City, Texas, Made by Council Member: Rivas

Second was made by Council Member: Garcia

Favor: 5/0

- b. Mayor & Council to consider authorization of RFP #2 for the City of Jacinto city Wastewater Treatment Plant Improvements-2024 CDBG-MIT Project No. 22-085-053-D306.

(Brief provided by City Manager Squyres)

This is simply the redo of the one we just closed out.

Motion to authorize RFP #2 for the City of Jacinto city Wastewater Treatment Plant Improvements-2024

CDBG-MIT Project No. 22-085-053-D306, Made by Council Member: Rivas

Second was made by Council Member: Garcia

Favor: 5/0

- c. Mayor & Council to consider Resolution 2024-9R “Adopt a Drought Contingency Plan” prepared by LJA engineering.

(Brief provided by City Manager Squyres)

This is Required by the State of Texas every five years.

Motion to approve Resolution 2024-9R, Made by Council Member: Robinson

Second was made by Council Member: Gonzales

Favor: 5/0

- d. Council to consider authorization of RFP # 2 for Disaster Debris Removal and Disposal.

(Brief provided by City Manager Squyres)

We did not receive any bids on either the Monitoring or Removal. FEMA would like us to go back out for bids again as Plan B, if we can't get it by this, it's going to free up the way that we're going to be able hire. We'll find someone to remove it, we just need to go through the process to make sure we're covering our basis. The code of Federal Regulation requires us to go through certain purchasing obligations, certain methods. The good news is that since the last time we looked at this, the Governor has agreed to pay the extra 25%. Typically, FEMA would pay 75% and the city would pay 25% now the whole thing is going to be picked up by either FEMA or the State, so it won't cost us anything.

Motion to authorize RFP # 2 for Disaster Debris Removal and Disposal, Made by Council Member: Robinson

Second was made by Council Member: Lee

Favor: 5/0

- e. Council to consider authorization of RFP # 2 for Disaster Debris Monitoring.

(Brief provided by City Manager Squyres)

The first one was to remove it, this one is to have someone watch and measure while they remove it.

Motion to authorization of RFP # 2 for Disaster Debris Monitoring, Made by Council Member: Rivas

Second was made by Council Member: Robinson

Favor: 5/0

Mayor Diaz adjourned the meeting at 6:13pm.

Respectfully submitted,


Christal Rodriguez
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive service must be made 48 hours prior to Meeting.

RESOLUTION 2024-8R

**Resolution Approving the Submission of an Application for
“FY 25 SB 224 Catalytic Converter Grant Program”**

A Resolution of the City of Jacinto City Approving the Submission of an Application for “FY 25 SB 224 Catalytic Converter Grant Program” for the Police Department of Jacinto City, Texas.

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement task forces and agencies for economic motor vehicle theft, including catalytic converter theft; and

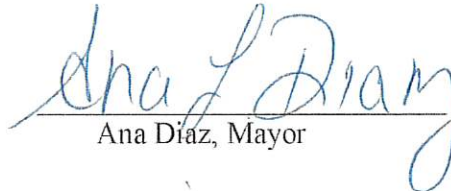
WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, the City of Jacinto City has agreed that in the event of loss or misuse of the grant funds, the City of Jacinto City agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

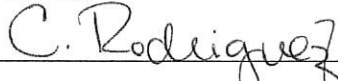
NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNCIL OF THE CITY OF JACINTO CITY: that Joe Ayala, Chief of Police, is designated as the Authorized Official to apply for, accept, decline, modify or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that Lon Squyres, City Manager, is designated as the Program Director; Mark Longrigg, Police Captain, as the Program Manager and Kathy Greiner, Finance Director, is designated as the Financial Officer for this grant.


DULY PASSED BY THE COUNCIL OF THE CITY OF JACINTO CITY,
ON THIS 5th DAY OF NOVEMBER 2024.


Ana Diaz, Mayor

ATTEST:


Christal Rodriguez, City Secretary

APPROVED:


Jim Defoyd, City Attorney

DROUGHT CONTINGENCY PLAN



April 2024

Prepared by:

LJA Engineering, Inc.
11821 East Freeway, Suite 360
Houston, Texas 77029
Ph: 713-450-1300
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TABLE OF CONTENTS

INTRODUCTION	1
Section I. Description and Location	1
Section II. Population.....	1
Section III. Boundaries and Political Jurisdictions	1
Section IV. Water Source	1
Section V. Mission Statement	1
Section VI. Critical Customers	2
Section VII. Goal	2
DROUGHT CONTINGENCY PLAN.....	3
Section I. Declaration of Policy, Purpose, and Intent.....	3
Section II. Public Involvement.....	3
Section III. Public Education.....	3
Section IV. Coordination with Regional Water Planning Groups.....	3
Section V. Authorization.....	4
Section VI. Application	4
Section VII. Definitions	4
Section VIII. Criteria for Initiation and Termination of Drought Response Stages	6
Section IX. Drought Response Stages	9
Section X. Enforcement	17
Section XI. Variances	18
EXHIBIT A City Ordinance for Adoption of a Drought Contingency Plan	



INTRODUCTION

Section I. Description and Location

The City of Jacinto City (City) was incorporated in 1946. The City is primarily a residential community with few commercial and industrial customers. During the 1990's Jacinto City's population grew by about 10% but in recent years appears to have stabilized. The City has sparse area in which to expand. The City's service area is approximately two (2) square miles.

Section II. Population

The 2024 population estimate is 10,750 (based on 3,071 connections times 3.5 persons per connection).

Section III. Boundaries and Political Jurisdictions

The City of Jacinto City is located in the eastern section of Harris County approximately seven (7) miles east of downtown Houston. The City is bounded on the west mostly by Fidelity Street, on the east by Hunting Bayou and lies just south of Interstate Highway 10.

Section IV. Water Source

The City of Houston's three (3) East Surface Water Treatment Plants, which receive and process raw water from Lake Houston and Trinity River, provide the City of Jacinto City's major potable water supply. The Coastal Water Authority is responsible for delivering the raw water from Lake Houston and Trinity River. The treated surface water is delivered by means of a 10-inch tap on the City of Houston's 84-inch distribution line which transverses Market Street, the main street in Jacinto City.

The City of Jacinto City also has one (1) water well to provide potable water to its customers during high demand and emergency conditions. The well is capable of producing 1,200 gpm (1.728 MGD). The well water is obtained from the Gulf Coast Aquifer, and the wells are permitted by the Harris-Galveston Subsidence District.

Section V. Mission Statement

The primary mission of the Utility is as follows:

- Provide adequate water volume and pressure for firefighting
- Provide potable water for public consumption, public safety, and welfare
- Provide quality service

The intent of the City of Jacinto City's Drought Contingency Plan will be to reduce unnecessary consumption of water by implementing efficient water use practices in times needed. Currently, the City has no shortage of water; however, the City recognizes the benefits of having a plan should a drought occur.



Plan

Section VI. Critical Customers

The City has no dominant “critical” customers with the exception of the school system, and daycare facilities. There are no hospitals, nursing centers or major commercial or industrial installations. The City does not know of any customer who is water dependent for life support or medical reasons that live within the City.

Section VII. Goal

The goal of the City’s Drought Contingency Plan will be to provide temporary procedures for mandatory and voluntary action, which will reduce demand on the water supply system during a water shortage situation. The Plan will include mechanisms for prohibiting certain other uses during emergency water shortages.



DROUGHT CONTINGENCY PLAN

Section I. Declaration of Policy, Purpose, and Intent

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

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

Section II. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling a meeting to receive comments, input, notifying the public by notices in the local paper and postings at City Hall.

Section III. Public Education

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

- Utility bill inserts
- Direct mailing
- Sponsor school programs to promote Water Conservation Education
- Newspaper advertisement/school function directories (i.e., football programs, ads-yearbook, ads-FFA and 4-H programs)
- Distribute and have available brochures on water conservation

Section IV. Coordination with Regional Water Planning Groups

The service area of the City is located within the Houston Region (H), and the City has provided a copy of this Plan to the Houston Region (H), Regional Water Planning Group, which is headed by Mrs. Heather Rose and may be contacted at (512) 475-1558 or heather.rose@twdb.texas.gov.



Section V. Authorization

The City's Director of Public Works or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon a determination that such implementation is necessary to protect public health, safety, and welfare. The City's Director of Public Works 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. The terms "persons" 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.

Mayor: Chief executive for the City.

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.

Designee: Any City employee designated by the Mayor and/or City Manager with the authority to enforce the Drought Contingency Plan.

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.



City Manager: Manages all departments of the City and is responsible to the City Council Members.

Odd Number Address: Street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7 or 9.

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

Landscaping 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 or required for the protection of public health, safety, and welfare, including:

1. Irrigation of landscape areas, including parks, athletic fields and golf courses, except where otherwise provided under the Plan.
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.
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 indoor or outdoor 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(s) within a reasonable period after having been given notice directing the repair of such a leak(s).
9. Use of water from hydrants for construction purposes or any other purposes 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's Director of Public Works and his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is when the specified "triggers" are reached.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for Initiation: Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII-Definitions, when:

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery or if the distribution system is compromised.
2. Average daily water consumption reaches 85% of production capacity for three (3) days.
3. The static level of the water wells begins to fall below normal operating conditions.
4. Weather conditions are to be considered in drought classification determinations. Predicted long cold or dry periods and conditions are to be considered in impact analysis.

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

Stage 2 Triggers - MODERATE Water Shortage Conditions

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

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery.
2. The static water level in the wells continues to decline.
3. Average daily water consumption reaches 100% of the rated production capacity for a three-day period.
4. Storage capacity (water level) is not being maintained during a period of 100% rated production period.
5. Weather conditions indicate that a mild drought will exist for several days.



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 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 the Plan when:

1. The City of Houston's Surface Water Treatment Plants curtail production and/or delivery.
2. The average daily water consumption exceeds the system's capacity.
3. The average daily water consumption will not enable storage levels to be maintained.
4. System demand exceeds high service pump capacity.
5. Failure of the water well system or distribution system.
6. Water system is contaminated either accidentally or intentionally.
7. Water system fails from "acts of God" (tornados, hurricanes) or man. Severe condition is reached immediately upon detection.

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 becomes operative.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions for Stage 4 of the Plan when the Director of Public Works or his/her designee determines that a water supply emergency exists based on:

1. Raw water from Lake Houston or Trinity River via the Coastal Water Authority (CWA) is contaminated and/or the raw water conveyance system is compromised.
2. City of Houston's Surface Water Treatment Plants are rendered inoperable due to "acts of God" such as hurricanes, tornadoes and major storms.
3. Major water main break or system failures occur, which causes unprecedented loss of capability to provide adequate water service.
4. Water system is contaminated either accidentally or intentionally (biologically or chemically).
5. Water system is rendered inoperable or unreliable due to terrorist activity.



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.

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's Public Works Director, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line break which causes unprecedented loss of capability to provide water service.
2. Water system fails from "acts of God" (hurricanes, tornados).
3. Water system is contaminated either accidentally or intentionally.
4. Water system is rendered inactive due to terrorist activity.
5. City of Houston's Surface Water Treatment Plant facilities are rendered inoperable due to "acts of God" such as hurricanes, tornadoes and major storms.

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 water allocation plan prescribed in Section IX of this Plan and comply with requirements and restrictions for Stage 5 of this Plan when:

1. The City of Houston's Surface Water Treatment Plant curtails production and/or Delivery.
2. Average daily water consumption reaches 100% of production capacity for three (3) consecutive days.
3. Static level in the City's water wells falls to a critical level.
4. Weather predictions are for continued dry weather with no letup in sight.

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's Director of Public Works 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 the Plan, shall determine that a mild, moderate, severe or emergency water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public: The City's Director of Public Works or his/her designee shall notify the public by means of:

- Publication in a newspaper of general circulation
- Direct mail to each customer
- Public service announcements
- Signs posted in public places
- Take-home fliers from schools

Additional Notification: The City's Director of Public Works or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities based upon the respective drought stages:

- Fire Chief(s)
- TCEQ (required when **mandatory** restrictions are imposed)
- Major water users
- Critical water users, i.e., hospitals and schools
- Parks/street superintendents and public facilities managers
- City and/or County emergency management coordinators

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 10% reduction in total daily water consumption.

Best Management Practices for Supply Management:

1. Develop an information center and designate information person.
2. Advise public of condition and publicize the availability of information from the center.
3. Encourage voluntary reduction of water use.
4. Contact commercial and industrial users and explain the necessity for the initiation of strict conservation methods.
5. Implementation of system oversight and make adjustments as required to meet changing conditions.



6. Discontinue flushing of water mains.

Voluntary Water Use Restrictions for Reducing Demand:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
2. All operations of the City shall adhere to water use restrictions prescribed in Stage 2 of the Plan.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a 15% reduction in total daily water demand

Best Management Practices for Supply Management:

1. The city will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.

Water Use Restrictions for Reducing Demand: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.



2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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.
3. 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.
4. 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.
5. Use of water from hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain public health, safety, and welfare, with the exception of the use of water from designated fire hydrants for construction purposes allowed under special permit from the City.
6. The following uses of water are defined as non-essential and are prohibited:
 - a. Wash down of any sidewalks, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - c. Use of water for dust control.
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 25% reduction in total daily consumption (i.e. total water use, daily water demand, etc.).

Best Management Practices for Supply Management:

1. The city will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.

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

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 A.M. and between 8:00 P.M. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
2. 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 are 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 10:00 P.M.
3. The filling, refilling, or adding water to swimming pools, wading pools, and Jacuzzi-type pools are prohibited.
4. 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.
5. The use of water for construction purposes from designated fire hydrants under the special permit is to be discontinued.
6. All restaurants are prohibited from serving water to patrons except upon request.



Stage 4 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 35% reduction in total daily consumption (i.e. total water use, daily water demand, etc.).

Best Management Practices for Supply Management:

1. The city will reduce or discontinue flushing water mains.
2. Reduce or discontinue irrigation of landscape areas.
3. During winter months, request that customers insulate pipes rather than running their water to prevent freezing.

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

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle and/or construction equipment is prohibited.
3. 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.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 50% reduction in total daily consumption.

Best Management Practices for Supply Management:

1. Discontinue flushing water mains unless there are health concerns.
2. Discontinue irrigation of the City's landscape areas.
3. No application for new, additional, expanded or increase-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved.



Stage 6 Response – Water Allocation

In the event that water shortage conditions threaten public health, safety and welfare, the Director of Public Works or his/her designee is hereby authorized to allocate water according to the following water allocation plan.

Single Family Residential Customers

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

<u>Persons per Household</u>	<u>Gallons per Month</u>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per Household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the Director of Public Works. The Director of Public Works shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go the City of Jacinto City offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Director of Public Works. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Jacinto City on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Jacinto City in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Director of Public Works shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Jacinto City of a reduction in the number of persons in the household shall be fined not less than \$200.00.



Residential water customers shall pay the following surcharges:

- \$100 for the first 1,000 gallons over allocation
- \$200 for the second 1,000 gallons over allocation
- \$300 for the third 1,000 gallons over allocation
- \$400 for each additional 1,000 gallons over allocation

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the Director of Public Works or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage of the billing period of the same month in the previous year. If the customer's billing history is less than a year, the monthly average of the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer 75% of whose monthly usage is less than 6,000 gallons shall be allocated 6,000 gallons. The Director of Public Works 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 Jacinto City to determine the allocation. Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if: 1) the designated period does not accurately reflect the customer's normal water usage; 2) one non-residential customer agrees to transfer part of its allocation to another non-residential 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 Director of Public Works and/or his/her designee. Non-residential commercial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 10,000 gallons per month:

- \$100 per 1,000 gallons for the first 1,000 gallons over allocation
- \$200 per 1,000 gallons for the second 1,000 gallons over allocation
- \$300 per 1,000 gallons for the third 1,000 gallons over allocation
- \$400 per 1,000 gallons for each additional 1,000 gallons over allocation

Customers whose allocation is 10,001 gallons per month or more:

- 5 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation



- 10 times the block rate for each 1,000 gallons from 5% through 10% above allocation
- 15 times the block rate for each 1,000 gallons from 10% through 15% above allocation
- 20 times the block rate for each 1,000 gallons more than 15% above allocation

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

Industrial Customers

A monthly water allocation shall be established by the Director of Public Works or his/her designee for each industrial customer which uses water for processing purposes. The industrial customer’s allocation shall be approximately 90% of the customer’s water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer’s allocation shall be further reduced to 85% 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 ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water 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 Director of Public Works 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 Jacinto City to determine the allocation. Upon request of the customer or at the initiative of the Director of Public Works, 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 previously implemented significant permanent water conservation measures so as to limit the ability to further reduce water use; 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 Director of Public Works and/or his/her designee. Industrial customers shall pay the following surcharges.



Customers whose allocation is 6,000 gallons through 10,000 gallons per month:

- \$300 per 1,000 gallons for the first 1,000 gallons over allocation
- \$400 per 1,000 gallons for the second 1,000 gallons over allocation
- \$500 per 1,000 gallons for the third 1,000 gallons over allocation
- \$600 per 1,000 gallons for each additional 1,000 gallons over allocation

Customers whose allocation is 10,001 gallons per month or more:

- 10 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation
- 15 times the block rate for each 1,000 gallons from 5% through 10% above allocation
- 20 times the block rate for each 1,000 gallons from 10% through 15% above allocation
- 25 times the block rate for each 1,000 gallons more than 15% above allocation

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

Section X. Enforcement

1. No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of the 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’s Director of Public Works or his/her designee, in accordance with provisions of the Plan.
2. Any person who violates the Plan is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00) each day that one or more of the provisions in the Plan is violated. Each violation shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the Director of Public Works shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$200, and any other costs incurred by the City in discontinuing a service. In addition, suitable assurance must be given to the City’s Director of Public Works that the same action shall not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the Municipal Court.



Plan

3. Any person, including a person classified as a water customer of the City, 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 parent's 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 the Plan and that the parent could not have reasonably known of the violation.
4. Any employee of the City, police officer, or other City employee designated by the City's Director of Public Works 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 designated Municipal Court on the date shown on the citation, which date shall not be less than three (3) days or more than five (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 residence. The alleged violator shall appear in the Municipal Court designated on the citation to enter a plea of guilty or not guilty for the violation of the 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, if possible, given preferential setting in Municipal Court before all other cases.

Section XI. Variances

The City's Director of Public Works or his/her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under the 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 the 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.



Plan

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City's Director of Public Works 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 the Plan and the compliance date;
- h. Other pertinent information.

EXHIBIT A

CITY RESOLUTION FOR ADOPTION OF A DROUGHT CONTINGENCY

RESOLUTION 2024-9R

**RESOLUTION FOR THE ADOPTION OF A
DROUGHT CONTINGENCY PLAN**

A RESOLUTION OF THE CITY OF JACINTO CITY ADOPTING A DROUGHT CONTINGENCY PLAN

WHEREAS, the City of Jacinto City 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 act of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 and subchapter A of Chapter 288 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 drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Jacinto City, Texas, the City 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 BY THE CITY OF JACINTO CITY:


SECTION 1. That the Drought 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 of the City of Jacinto City.

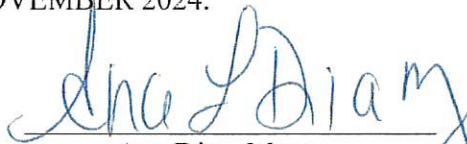
SECTION 2. That the Director is hereby directed to implement, administer and enforce the Drought Contingency Plan.

SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE COUNCIL OF THE CITY OF JACINTO CITY,
THIS 5TH DAY OF NOVEMBER 2024.

ATTEST:


Christal Rodriguez, Secretary


Ana Diaz, Mayor

APPROVED:


Jim Defoyd, City Attorney