

The Water Commission will meet in a regular session on Tuesday, September 17, 2024, at 6:00 PM in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order/Roll Call**2. Pledge of Allegiance****3. Citizen Comment Period - limited to 30 minutes total**

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. The Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you must follow these guidelines:

a) Respect and courtesy:

1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
2. Show the Commission the same respect that you would like to be shown.
3. End your speaking at the time allotted below.

b) Speaking:**1. First citizen comment period**

- 1.1. You are required to sign up to speak and you are limited to one 3-minute period.

2. Second citizen comment period

- 2.1. You are not required to sign up and you are limited to one 2-minute period.

3. State your name and address before your comments begin.**4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.**

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

4. Business Items

The following items are for discussion, consideration, and/or action.

a. Approvals

1. Approval of Minutes for August 20, 2024, Water Commission Regular Meeting.

b. Discussions/Reports/Updates**1. Utility Department Monthly Activity Report.**

- i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).

2. Items applicable to the Water Commission discussed at City Council Meetings.
3. Ordinance No. 61-Drought Management Plan.
4. Water Rate Analysis process.
5. Water Master Plan.

c. Recommendations

1. Ordinance No. 210-102022 An Ordinance of the City council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.
 - i. Receive recommendations and consideration of appointment of Water Commission Chair and Vice-Chair for one-year term effective October 2024.

d. Future Agenda Items

5. **Citizen Comment Period**

6. **Adjournment**

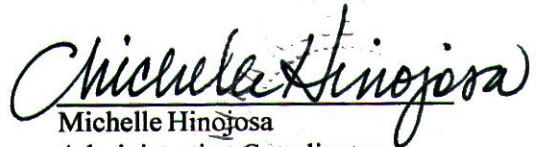
AGENDA NOTICES:

Decorum Required: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized: The Commission may vote or act upon any item within this Agenda.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of the City Council, other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the City Council, other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

This is to certify that I, Michelle Hinojosa, posted this Agenda at 10:05 a.m. on September 11, 2024, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Michelle Hinojosa
Administrative Coordinator



MINUTES

WATER COMMISSION

REGULAR MEETING

TUESDAY, AUGUST 20, 2024 | 6:00 P.M.

Commissioners Present:

Chair James Mueller
Vice-Chair William Pohl
Commissioner Don Stone
Commissioner Keven Harshbarger
Commissioner Steven Stedman
Commissioner Nathan Dorsey

Commissioners Absent:

Commissioner Dr. Richard Carmichael

City Staff, City Councilmembers, and Other Commissioners Present:

Marisa Spencer, City Secretary
Robyn Achu, Finance-HR Director
Michelle Hinojosa, Administrative Coordinator
Sandra Izquierdo, Utility Clerk
Steven Steinmetz, Public Works Director
Jesús Valdez, Jr., City Councilmember

1. Call to Order

With a quorum of the Water Commissioners present, Chair Mueller called the regular meeting of the Garden Ridge Water Commission to order at 6:00 p.m. on Tuesday, August 20, 2024, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance

Chair Mueller led the Pledge of Allegiance.

4. Citizen Comment Period

No one signed up to speak.

5. Business Items

The following items are for discussion, consideration, and/or action.

a) Approvals

1. Minutes for April 16, 2024, Water Commission Regular Meeting.

Motion: A motion was made by Commissioner Stone, seconded by Commissioner Stedman, to approve the Minutes for the April 16, 2024, Water Commission Regular Meeting. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

b) Discussions/Reports/Updates

1. Utility Department Monthly Activity Report.

i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).

Steven Steinmetz, Public Works Director, reviewed the monthly activity report and answered questions from the



Commission.

2. Items applicable to the Water Commission discussed at the City Council Regular Meetings.

Chair Mueller provided the Commission with an update on items applicable to the Water Commission discussed at City Council Meetings.

3. AMI Portal Usage and Outreach Efforts.

Michelle Hinojosa, Administrative Coordinator, provided the Commission with an update regarding AMI Portal Usage and Outreach Efforts and addressed questions from the Commission.

4. Ordinance No. 61-Drought Management Plan Subcommittee Update.

Commissioner Harshbarger provided the Commission with the subcommittee update regarding Ordinance No. 61-Drought Management Plan.

c) Recommendations

1. Water Rate Structure.

i. Presentation from City Staff.

Robyn Achu, Finance-HR Director, spoke regarding the Water Rate Structure and addressed questions from Commissioners.

ii. Discuss and make recommendations to City Council regarding the Water Rate Structure.

Motion: A motion was made by Commissioner Pohl, seconded by Commissioner Stone, to recommend to City Council the approval of Water Rate Structure Option 4, consisting of a \$5.00 base rate increase and a 1% tier rate increase for FY2025. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

2. Ordinance No. 210-102022 An Ordinance of the City Council of the City of Garden Ridge, Texas, adopting board and commission policies and procedures; providing a cumulative and savings clause; providing for severability; and declaring an effective date.

i. Discuss expiring terms (September 30, 2024) of Commission Pohl, Commissioner Stone, Commissioner Stedman, and Commissioner Dorsey.

The Commission discussed the expiring terms of Commissioners. Commissioner Pohl, Commissioner Stone, Commissioner Stedman, and Commissioner Dorsey expressed their desire to continue serving on the Commission.

ii. Make a recommendation to City Council for consideration of reappointment.

Motion: A motion was made by Commissioner Harshbarger, seconded by Commissioner Stone, to recommend to City Council the reappointment of Commissioner Pohl, Commissioner Stone, Commissioner Stedman, and Commissioner Dorsey to serve another term on the Water Commission with terms expiring September 30, 2026. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

d) Future Agenda Items

1. Commissioners input on agenda items.

None at this time.

2. Announce the date, time, and location for next meeting (Tuesday, September 17, 2024, at 6:00 p.m. at City Hall).

Chair Mueller announced the next Water Commission Regular Meeting will be held on Tuesday, September 17, 2024, at 6:00 p.m. at City Hall in the City Council Chambers.

6. Citizen Comment Period

No one wished to speak.

7. Adjournment

There being no further business, the Tuesday, August 20, 2024, Water Commission Regular Meeting was adjourned at 7:44 p.m. by Chair Mueller.

James Mueller
Chair

ATTEST

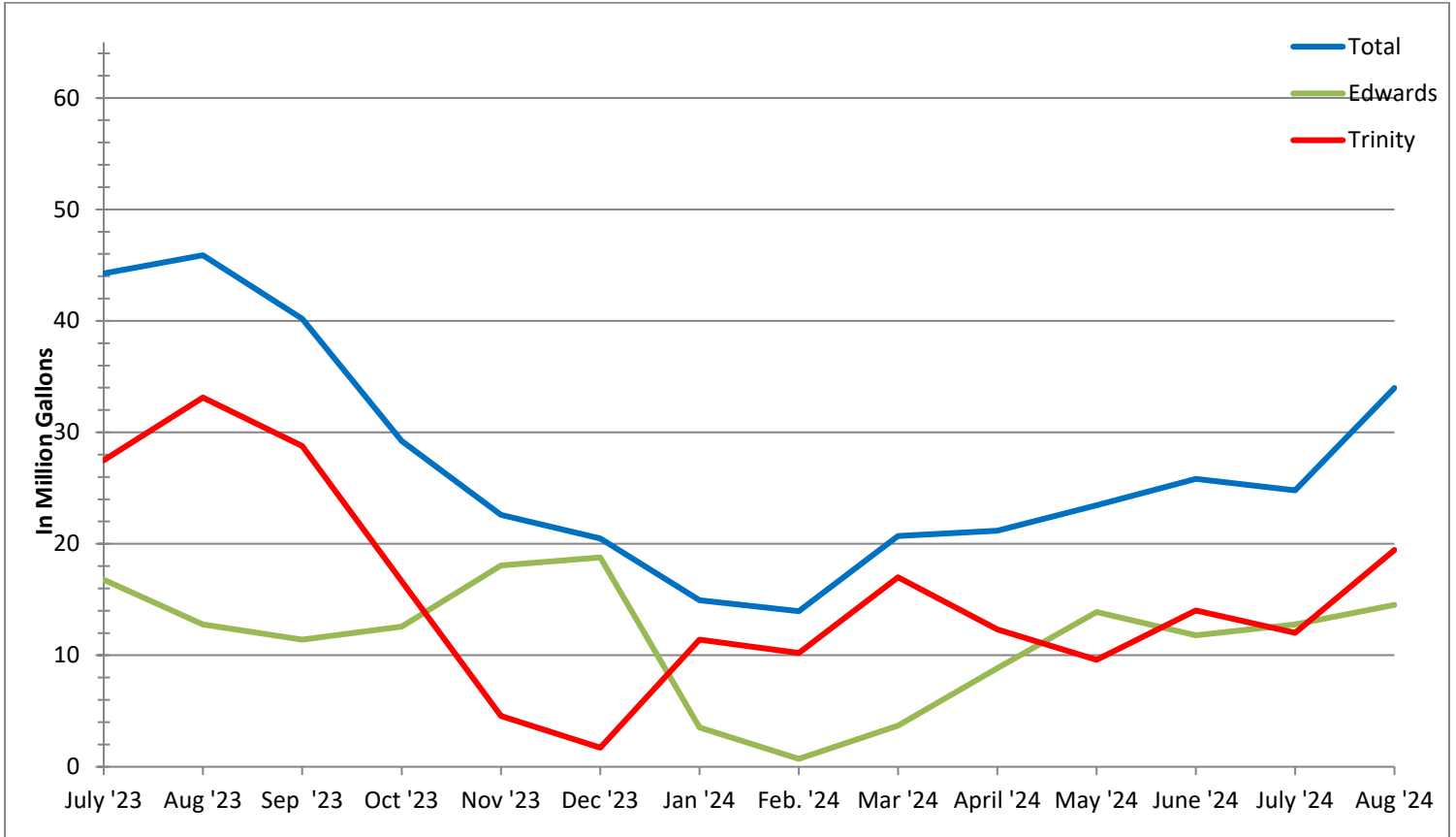
Michelle Hinojosa
Administrative Coordinator



Utilities Department Report

As of August 31, 2024

City of Garden Ridge Aquifer Usage

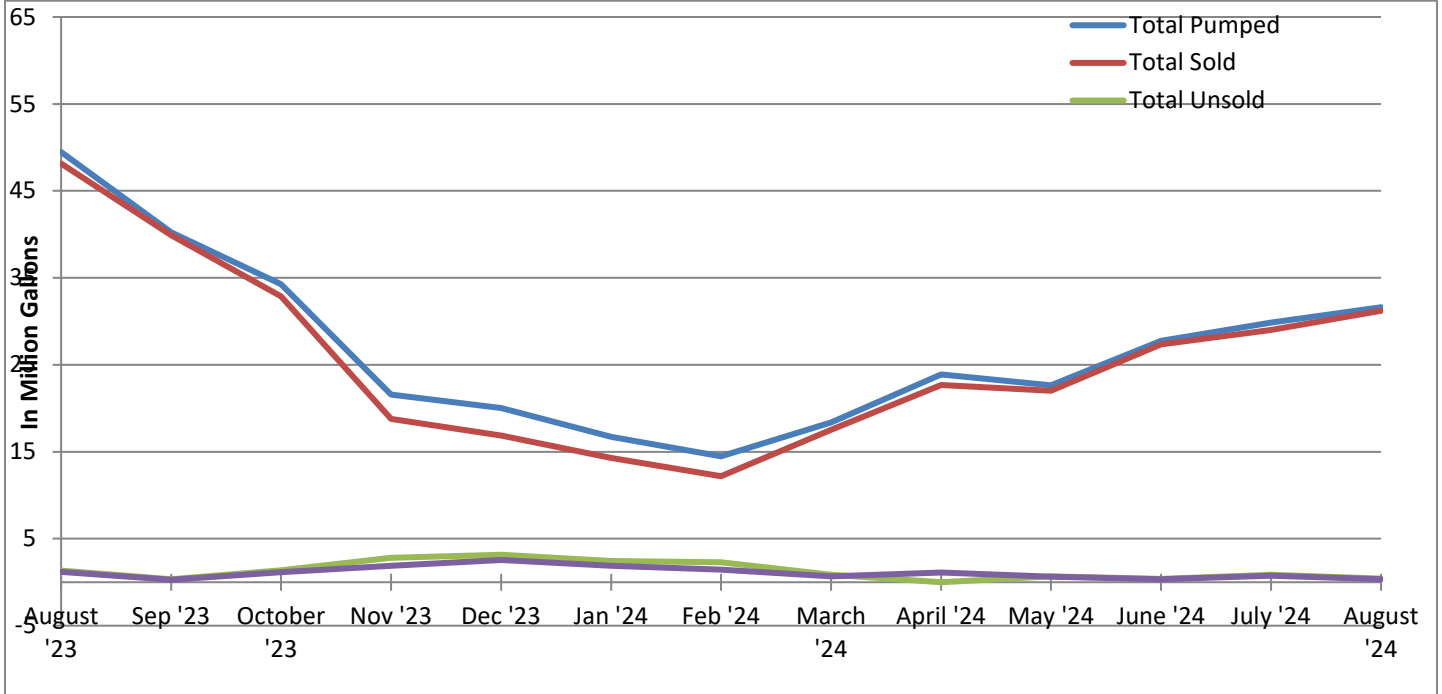


	Month:	Year:	Available:	Stage:
Edwards Well Usage AC/FT:	44.61	214.07	287.59	4
Trinity Well Usage AC/FT:	59.67	334.72	N/A	0

Water Quality

Bacteriological Samples:	Due:	Missed:	Passed:	Failed:
Distribution samples:	6	0	6	0
Chlorine Residual test:	31	0	31	0
Special Samples:	0	0	0	0

2023 – 2024 Pumping Report



	Total Pumped (Thousands)	Total Sold (Thousands)	Total Unsold (Thousands)	Unaccountable Unsold (Thousands)	Unaccountable Unsold %
August '23	49,472	48,143	1,329	1,203	2.4%
September '23	40,223	39,889	334	284	0.7%
Oct '23	34,260	32,874	1,386	1,138	3.3%
Nov '23	21,584	18,777	2,807	1,907	8.0%
Dec '23	20,026	16,868	3,158	2,558	12.0%
Jan '24	16,712	14,276	2,436	1,896	11.3%
Feb '24	14,476	12,191	2,285	1,445	10.0%
March '24	18,375	17,527	8,480	679	3.7%
April '24	23,884	22,677	1,207	111	4.6%
May '24	22,660	22,018	692	592	2.9%
June '24	27,746	27,355	391	331	1.2%
July '24	29,853	29,010	843	744	2.5%
August '24	31,637	31,223	404	328	1.0%
Yearly Average	26,993	25,602	1,981	1,017	4.9%
	Yearly national average				16%

Utilities Department Monthly Activities:

New Installed Meters	0	Work Orders	247
Meter Replacements	1	Locates	70
City Owned Leaks	0	Irrigations Permits Issued	0
Meters Read	1700	Total Rebates	0
Meter Tests	0		0

AMI Information

Total Portal Customers: 852

Meter Daily Readability Percentage: 99.59% for 1,659 assigned meters (current bill cycle)

Main Breaks/City Repairs: None reported.

Estimated Water Loss (gallons):

Location:

Explanation:

Leak Adjustments

New Requests	1	Waiting for Customer	1	Approved	0	Amount Approved		Denied	0	Sent to Water Commission	0
--------------	---	----------------------	---	----------	---	-----------------	--	--------	---	--------------------------	---

Employee Training/certifications

ORDINANCE NO. 61-082022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; ESTABLISHING TRIGGER POINTS AND DEMAND REDUCTION MEASURES; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas; and

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region; and

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge; and

WHEREAS, the Trinity Aquifer is currently an unregulated water source; and

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council finds that the proposed revisions promote the health, safety and welfare of the City and Ordinance No. 61 is amended as contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. DEFINITIONS.

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

Act is the Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

Aesthetic Use is the use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural Irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Bucket means a bucket or other container holding five gallons or less, used singly by one person.

Connection is a metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

Conservations are those practices, techniques, and technologies that will 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 water supply is made available for future or alternative uses.

Demand Reduction Measure is a specific action to be taken by defined categories of users to reduce the pump age demand on the Edwards Aquifer during a drought.

Domestic Type Use is the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Drought is a period of shortage of precipitation of seasonal or longer duration.

Edwards Aquifer means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

Hand-Held Hose is a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Healthcare Facility is any hospital, clinic, nursing home or other healthcare or medical research facility.

Impervious Surface Area is any structure, or any street, driveway, sidewalk, patio, or other surface area covered with brick, paving, tile or other impervious material.

Industrial Use is the use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

Industrial User is an industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

Industrial Well User is an industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

Irrigator is a well owner who uses water to irrigate land for growing commercial crops.

Landscape Watering means the application of water to grow landscaping plants.

Landscape Plant is any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

Livestock is cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock Use is the use of water for drinking by or washing of livestock.

MSL is mean sea level.

Municipality is a city or other governmental unit with the authority to make and enforce ordinances.

Order is a written order of the City Council or Mayor of the City of Garden Ridge, Texas.

Other Outside Use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

Person means any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

Reduction Goal means the amount of reduction in pumpage volume, expressed in a percentage from baseline pumpage volume for each drought stage.

Reuse is the use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or not any treatment of such groundwater may be required in connection with such recycling or reclamation.

Stage means one of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

Supplier is any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

Trigger Conditions means those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

Trigger Points are special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

Trinity Aquifer Well is a source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

Use for a Beneficial Purpose means water which is used, without regard to priority, for:

- a) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational, or stock raising purposes; or

- b) exploring for, producing, handling, or treating oil, gas, sulfur, or other materials; or
- c) any other purpose that is useful and beneficial to the user.

User is a person, public or private, who produces, distributes, or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

Variance is an authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

Waste is:

- a) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,
- b) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or
- c) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

Water Utility Use is water used for withdrawal, treatment, transmission, and distribution by potable water systems.

SECTION 3. DEMAND REDUCTION MEASURES.

The demand reduction measures for all water uses for Stages 1, 2, 3, 4, and 5 are set out in Appendix A. For clarification, certain permitted and exempt water uses are listed. Listed below are the trigger points for the various stages of the Drought Management Plan.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660' (10 day rolling average)
2	650' (10 day rolling average)
3	640' (10 day rolling average)
4	630' (10 day rolling average)
5	625' (10 day rolling average)

SECTION 4. EMERGENCY WATER USE REDUCTION.

- a) **Declaration of Emergency Stages:** The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.

The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.

b) Trigger Points:

1. Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge, based upon consideration of water supplies, pumping trends, seasonal adjustments, current and forecast precipitation, and other relevant factors impacting the City's water supply.
2. The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.
3. When the pumping ability of the Trinity Aquifer well drops to 600 GPM or Draw down level of the well reaches seventy-five (75) feet above the transponder.
4. When the City's pumping capacity is reduced by infrastructure damage or equipment failure.

c) Public Issuance of Drought Stage Declaration: The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City sign, distributed through the Garden Ridge Emergency Alert System, posted on the City's website, posted on the City's social media pages, and/or published in the official City newspaper.

d) Restricting the Use of Water:

1. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.
2. Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.
3. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the City shall be prohibited. The sale of water to a temporary user for use within the City shall be at the discretion of the Public Works Director.

e) Water Rate Surcharges:

1. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - i. Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 40,000 gallons.
 - ii. Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
 - iii. Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
2. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4, or 5 of the Drought Management Plan.
3. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4, or 5.
4. Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.

f) End of Emergency Use Restrictions:

1. Trinity Aquifer: The program and/or each stage may be terminated or changed at the discretion of the Mayor, City of Garden Ridge, after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation, and the outlook for additional precipitation.
2. Edwards Aquifer: The program and/or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

SECTION 5. PENALTIES.

- a) A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than ten dollars (\$10.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.
- b) No violation, definition, or penalty under this section shall have bearing on any violation, definition, or penalty under any other section of this Ordinance.

SECTION 6. ENFORCEMENT.

- a) **Applicable to Resident and Non-Resident Customers:** The enforcement provisions of this Ordinance shall apply to all persons, customers, and property utilizing water purchased from and provided by the City. For purposes of this Ordinance, it shall be presumed that any person, corporation, or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used, or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No. 61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No. 61 by that resident person, non-resident person, corporation, or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No. 61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

SECTION 7. VARIANCES.

- a) **Request For Variance:** A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information:
 1. The specific nature of the variance requested; and
 2. A detailed explanation of why the person believes they should be granted the variance, including any supporting documentation; and
 3. A signed statement that the facts contained in the request are true and within the person's personal knowledge.
- b) **Additional Information:** The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten (10) calendar days of the request or as otherwise directed in the request.

- c) **When Variance May Be Granted:** A variance may be granted only when the variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and that substantial justice may be done. The Water Commission shall recommend to City Council a variance from these regulations when, due to special conditions, an undue hardship will result from requiring compliance. The City Council is the final authority on variances. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship, with the following considerations:
1. That the requested variance does not violate the intent of the drought regulations; and
 2. That the relief sought will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements; and
 3. That the granting of a variance will be in harmony with the spirit and purpose of these regulations; and
 4. That the hardship is in no way the result of the applicant's own actions.
- d) **Terms and Conditions of the Variance:**
1. The City Council may grant a variance for such a term and in accordance with any conditions they deem appropriate.
 2. It shall be a term of every variance granted by the City Council that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
 3. The City Council may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City believes relevant to monitoring the continuing appropriateness of the variance.

SECTION 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

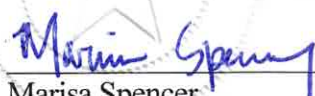
This ordinance shall take effect immediately upon its passage, approval, and publication according to law.

PASSED AND APPROVED ON this 29th day of August, 2022.



Robb Erickson
Mayor

ATTEST:



Marisa Spencer
City Secretary

APPENDIX A
DEMAND REDUCTION MEASURES

Watering by automated irrigation systems is restricted year-round between the hours of 10 am and 8 pm.

STAGE 1

Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **660** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.
3. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

4. Watering with hand-held hose or drip irrigation permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets, or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of the City.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 1 restrictions continue until there is an announcement that Stage 1 has been canceled or that Stage 2 is in effect.

STAGE 2

Stage Two Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

3. Watering with drip irrigation or a 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. any day.
4. Watering with a handheld hose permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets, or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 2 restrictions continue until there is an announcement that Stage 2 has been canceled or that Stage 3 is in effect.

STAGE 3

Stage Three Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **640** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage 3 has been declared and only on designated watering day from 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

A watering day calendar based upon the last digit of each address will be prepared, distributed, and posted monthly during Stage 3 watering restrictions with the following watering schedule.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

3. Watering with a drip irrigation or 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. on Monday, Wednesday, and Friday.
4. Watering with a handheld hose permitted any day, any time.
5. Watering newly planted landscapes permitted only with a variance from City Council.
6. Washing cars at home is permitted any day at any time over landscape or other surface where run off is minimized and with the use of hose using automatic shut-off nozzle or bucket of 5 gallons or less. Water runoff from property is prohibited.
7. No person may use groundwater or City provided water for an ornamental outdoor fountain or similar feature.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.
9. Water customers subject to a 100% surcharge for use over 40,000 gallons.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 3 restrictions continue until there is an announcement that Stage 3 has been canceled or that Stage 4 is in effect.

STAGE 4

Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **630** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 40,000 gallons.
3. The Mayor may establish interim restrictions until the City Council is able to meet to establish additional restrictions.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 4 restrictions continue until there is an announcement that Stage 4 has been canceled or that Stage 5 is in effect.

STAGE 5

Stage Five Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **625** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council.
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety, or welfare or to the extent required by State or Federal law.
6. Water customers subject to a 200% surcharge for use over 40,000 gallons.

This does not apply to non-potable water, gray water, or treated effluent.

Ordinance 61 Areas of Concern

Section 2 Definitions. As you review other areas in the Ordinance, please crosscheck the definitions. In some cases, definitions appear missing or inconsistent. As an example, “Hand-held hose” is defined, but “soaker hose” and “drip irrigation” are not.

Section 3 (as opposed to Section 4). The ordinance mixes demand reduction measures and emergency water use reduction throughout in an inconsistent manner. Definitions define “Demand Reduction Measures” in terms of the Edwards Aquifer. “Trigger Points” are specifically defined in terms of Edwards J-17 well. “Emergency Water Use Reduction” is not defined. Given that Garden Ridge has diversified its water sources with additional Trinity Aquifer wells, the City’s Draught Management plan need not be so explicitly tied to the EAA. Instead, the EAA Stage Level and trigger points should be one of several considerations.

Section 4. Like Section 3, language is inconsistent. Cyclical draughts are a part of our climate. Demand reduction measures are not strictly speaking emergency actions. Infrastructure failures or other damage could constitute emergencies that justify additional restrictions and authorities. Recommend cleaning up the language and adopting consistent descriptions.

Section 4.d.1. I did not see any “voluntary” measures listed in the current Appendix. Delete reference to voluntary measures.

Section 4.e., surcharges. Current water rate tier structure includes significant conservation incentives at higher tiers. Surcharges as listed in the Ordinance may be excessive. If retained, recommend reducing the Stage 3 surcharge to 50%, and the Stage 4 surcharge to 100%. Stage 5 surcharge can remain at 200%. As an alternative, the surcharge amount could be fixed for all stages, for example 100%. Then, apply that surcharge at lower levels of consumption as stages increase. For example, Stage 3 surcharges could apply to all water usage above 40,000 gallons. Stage 4 surcharge could apply to consumption above 30,000 gallons. And, for Stage 5, apply the surcharge to amounts above 20,000 gallons. All these examples are admittedly arbitrary. More analysis is needed.

Section 7.c., When Variances May Be Granted. The current variance process requiring Water Commission recommendation and City Council action for any variances is unlikely to be timely or generate “substantial justice.” Some variances should be “preauthorized” by the City Council and authority delegated to the City Manager and/or Public Works Director. The paragraph should be restructured to specify the conditions under which a variance may be granted, and that any variance would be the minimum relief necessary. Then, modify the sentence beginning “The Water Commission shall recommend...” to read, “Unless stated otherwise in Appendix A, the Water Commission shall recommend...” In the appropriate areas of Appendix A, add “The City Manager may approve a variance to ...”

Section 7.c.1 and 7.c.3. are substantially redundant.

Section 7.d. Terms and Conditions of the Variance. Add new subsection 4: “The City Manager shall notify the City Council of all variance requests received and the disposition of each request as pending, approved, denied, or forwarded for Water Commission recommendation. The City

Council may, at its discretion, amend, modify, deny, or cancel any variance approved by the City Manager under this Ordinance. Such action by the Council shall not be applied retroactively.”

Appendix A, Stages. First paragraph in each stage should be greatly shortened. Stage trigger points and the authority of Mayor are in the Ordinance itself. Stages in Appendix A should detail only the specific demand reduction measures, along with any delegated variance authorities (currently there is one related to pool permits). Also, statement regarding water waste that is repeated in Stages 1 through 3 applies to all Stages and should be moved to the introductory paragraph.

Appendix A, all Stages. Either change references to “automated spray irrigation system” or add to definitions section. A drip irrigation system is also an “automated” irrigation system but is permitted in most stages. Carefully review all Stage restrictions for similar inconsistencies. Likewise, “hand-held hose” is over-defined to require an automatic or manual shutoff nozzle and to be physically held by a customer. A hose flowing at a low rate placed directly at the plant to be watered and under supervision by the customer provides greater control and less evaporation than the same hose physically held and used over a wide area with a spray nozzle. Statement within each stage that assigns medians, common areas, and areas without an address to water as if their address ended in “2” should be moved to the introductory section. Further, consider changing from “2” to either “0” or “9.” If the intent is to equalize the amount of pumping throughout the days of the week, common areas should be matched with a single address day.

Stage 1 item 2, watering hours. Restate as “permitted from 8 pm through 10 am,” or change to “not permitted between the hours of 10 am and 8 pm.”

Stage 1 and Stage 2, Item 5. Does this apply to any actual City of Garden Ridge Water Department customers? Users with independent wells in the Edwards Aquifer must comply with Stages as set by the EAA. If it is necessary to include this statement, it should be added to Stage 3 as well.

Stages 1 and 2 Item 6, Washing Impervious Cover. Consider allowing City Manager to approve variance for one-time washing of sidewalks or other areas for control of mold, mildew, or other health and safety issues during periods of extended draught. Regardless, this restriction is not currently in Stage 3, and therefore Stages 4 or 5.

Stages 1 and 2, Item 7, and Stage 3 Item 6, Non-commercial washing of vehicles and mobile equipment. What ordinance governs commercial uses? For non-commercial uses, consider adding an exception for non-profit fundraising activities such as school/church groups. Alternatively, authorize City Manager to approve variance. Stage 3 item 6 refers to washing cars at home vs. washing vehicles and mobile equipment at a residence. Why the change? If true for all Stages, move to an introductory section.

Stages 1, 2, and 3 (and by extension 4 and 5), Item 8, Restriction on building permits for pools. City should find another way to deal with this issue. The permitting process and construction

timelines are not well suited as a demand reduction measure. Permits may be issued prior to entering a Stage, or a permit delayed or denied only to have a Stage terminated. Further, adequate evidence has already been presented to the Commission regarding the significant opportunity costs imposed by requiring water to be sourced and transported from outside the city. Instead of reducing demand, the restriction transfers the impact elsewhere. Pools in the city typically involve between 10- and 30,000 gallons. Even at the high end, this is equivalent to one more customer irrigating a typical lot within the city. Initial filling of a pool is a one-time event. The benefit derived from this regulation may be outweighed by the costs imposed. The real issue is in controlling the number of pools filled to avoid undue impact to well and storage recovery times. Investigate a different process. For example, pool permits during draught stages could be issued in two steps, with a separate permit required prior to the final surfacing and filling of the pool. The city could then meter the approval of such permits to mitigate the impact. Customers would be responsible for any surcharges that may result from excessive water use. The city could also impose limits on permits granted during the peak irrigation months of July and August. Alternatively, the requirement to transport water could be limited to higher Stages, such as Stage 3 and above.

All Stages, watering hours and restrictions. Review for reasonableness and consistency. For example, under Stage 3, why would a hand-held hose be allowed any time while a bucket is restricted? Soaker hose mentioned only in Stage 3. Should be defined and treated like drip irrigation. Recommend City Manager be able to approve limited changes to watering start/stop hours to accommodate customers with unique needs.

Stage 3 Item 5, watering newly planted landscapes. This item is unnecessary here. Watering days and hours are already substantially restricted, regardless of planting status. Recommend removal. However, recommend consideration of a new section regarding new plantings. Other ordinances already address permitting for irrigation and restrict the types of landscape plantings. This ordinance should include provision for approved/delegated variances to draught management plan for new plantings that comply with permitting requirements. Some thoughts: consider time of year to avoid peak irrigation demand, limit the total number of landscape variances allowed at any given time, require a minimum square footage, for example 5,000 sq ft (smaller replacements can be watered effectively with hand-held hoses, soaker hoses, etc.). Limit length and duration of any variance. Approval of landscape variances could be retained by City Council for Stages 3 and higher.

WATER COMMISSION TERMS OF OFFICE

Name	Place	Appointment & Expiration	Appointment & Expiration	Appointment & Expiration	Appointment & Expiration	Appointment & Expiration
William Pohl (Appointed Vice-Chair January 2024-current)	1	January 2023 September 2024	October 2024 September 2026			
Dr. Richard Carmichael	2	December 2019 September 2021	October 2021 September 2023	October 2023 September 2025		
Don Stone	3	April 2021 September 2022	October 2022 September 2024	October 2024 September 2026		
Steve Stedman	4	December 2023 September 2024	October 2024 September 2026			
James Mueller (Appointed Chair April 2021-current)	5	October 2019 September 2021	October 2021 September 2023	October 2023 September 2025		
Keven Harshbarger (Appointed Vice-Chair October 2019-2024)	6	October 2015 September 2017	October 2017 September 2019	October 2019 September 2021	October 2021 September 2023	October 2023 September 2025
Nathan Dorsey	7	Term Expires September 2024	October 2024 September 2026			

(P)= Partial term of less than ½ the term remaining

Future Agenda Items

Water Commission

October 15, 2024, Regular Meeting

14 days before Meeting	(10/01/2024)	Water Commission and Staff items are due.
11 days before Meeting	(10/04/2024)	Water Commission Chair reviews agenda. City Attorney is sent agenda.
7 days before Meeting	(10/08/2024)	Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/request additional information be added)
5 days before Meeting	(10/10/2024)	Post agenda packet to City Website.
4 days before Meeting	(10/11/2024)	(72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 City Holiday = Orange
 City Event = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 19, 2024, Regular Meeting

14 days before Meeting	(11/05/2024)	Water Commission and Staff items are due.
11 days before Meeting	(11/08/2024)	Water Commission Chair reviews agenda. City Attorney is sent agenda.
7 days before Meeting	(11/12/2024)	Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/request additional information be added)
5 days before Meeting	(11/14/2024)	Post agenda packet to City Website.
4 days before Meeting	(11/15/2024)	(72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 Municipal Court = Dark Gray
 City Holiday = Orange
 City Event = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

PENDING FUTURE AGENDA ITEMS