AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL JOINT CITY COUNCIL / BEXAR COUNTY WATER CONTROL and IMPROVEMENT DISTRICT #10 BOARD OF DIRECTORS

JULY 21, 2011

7:30 P.M.

NOTICE IS HEREBY GIVEN THAT A SPECIAL JOINT WINDCREST CITY COUNCIL AND THE BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #10 BOARD OF DIRECTORS BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 21ST DAY OF JULY 2011 STARTING AT 7:30 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance and Invocation.

II. Citizens To Be Heard

A member of the public will have three (3) minutes to discuss topics not listed on the agenda.

A member of the public will have six (6) minutes to discuss topics listed on the agenda.

III. Discuss and Act

1. City Council and the Bexar County Water Control and Improvement District #10 Board of Directors will hold a joint meeting to discuss the enforcement of watering restrictions found in the City of Windcrest Ordinance #547. (Att. 1)

2. City Council will discuss and may take action on the enforcement of watering restrictions found in the City of Windcrest Ordinance #547.

3. City Council and the Bexar County Water Control and Improvement District #10 Board of Directors will discuss and may take action concerning infrastructure, beautification, intergovernmental agreements and relationships, rates, election facilities and other collaborative opportunities under the authority of the City and the Water District

VI. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VII. Adjournment

Agenda Notice

I, the undersigned authority, do hereby certify that the above Notice of a Special Joint Meeting of the City Council and the WEDC of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on July 21, 2011.

By: Heather Weidenbach, **City Secretary**

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Heather Weidenbach, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ July, 2011.

_____

Title: _____

ORDINANCE NO. 547

AN ORDINANCE REPEALING ORDINANCE NO. 349 AND ORDINANCE NO. 474 ADOPTING A CRITICAL PERIOD MANAGEMENT AND WATER CONSERVATION PLAN FOR THE CITY OF WINDCREST; ESTABLISHING GUIDELINES FOR WATER USE DURING PERIODS OF NORMAL RAINFALL AND RESTRICTING THE USE OF WATER DURING NEAR-DROUGHT AND DROUGHT CONDITIONS; PROVIDING FOR A PENALTY OF NOT LESS THAN ONE DOLLAR ($1.00) NOR MORE THAN ONE THOUSAND DOLLARS ($1000.00) FOR VIOLATIONS THEREOF.

WHEREAS, population growth in the region, accompanied by associated industrial and commercial growth, has increased the demand on the Edwards Aquifer, the sole source of water for the City of Windcrest, and

WHEREAS, there is increased awareness of the potential for the adverse impact upon the Edwards Aquifer if unrestricted withdrawal from the Aquifer continues unabated, and

WHEREAS, the Edwards Aquifer Authority (the Authority) acting upon a mandate from the Texas Legislature has approved a regional plan for purpose of regulating withdrawal from the Aquifer, and

WHEREAS, the City of Windcrest (the City), with the support of Bexar County Water Control and Improvement District #10 (the District) and the Windcrest Golf Club (the Club.

b. Wasting of water is prohibited. Waste is defined as allowing water to run off of or fall onto a gutter, ditch, drain, street, alley, or onto property other than that of person applying the water and failing to repair a controllable leak. It includes the use of water for purposes that are generally considered wasteful or excessive.

c. The Windcrest Golf Club is allowed to use a combination of hand watering and sprinklers once a month on Mondays only during the months of April through August. This exemption applies during a critical period in order to protect the sensitive turf after fertilizer or chemicals are applied.

SECTION 4. CRITICAL PERIOD. A critical period begins on the date and time specified in the notice of commencement issued by the General Manager, Edwards Aquifer Authority.

a. The notice will be published in a newspaper of general circulation (San Antonio Express-News), other regional newspapers and be posted on the Authority's internet site. It will also be announced and reported upon by the local radio and television media. Before critical period restrictions are implemented on the basis of radio and/or TV reports, the announcement will be confirmed at the Authority's internet site.

b. The Authority shall issue notice of commencement of a critical period stage if any one of the applicable triggering conditions in Section 4, Table 2 is met.

c. A critical period expires upon the occurrence of one of the following:

(1) When the 10 day rolling average exceeds Stage I trigger levels cited in Table 1; or

(2) The Authority issues a notice of expiration because the applicable Aquifer triggers in Table 1 no longer exist. The notice of expiration will be posted on the Authority's internet site and reported by the local media. Radio and TV reports will be confirmed at the Authority's internet site before being acted upon.

d. The following conditions will apply once any stage is implemented.

(1). Bexar County WCID #10's Critical Period Management/Critical Period Water Rates will be imposed with the implementation of Stage I and will remain in effect until all stages are cancelled.

(2). In the event that one of Bexar County WCID #10's prime wells (Well 3,4, or 6) is taken out of service because of mechanical failure or loss of suction, the next more restrictive stage may be implemented until the well is placed back in service. This is a precaution necessary to reduce stress on remaining resources/pumps.

(3). The designated residential and commercial customer landscape watering day is determined by the last digit of the property address.

Watering Schedule

If the Last Digit Of Street Address Is:	Then the Watering Day Is:
0 and 1	Monday
2 and 3	Tuesday
4 and 5	Wednesday
6 and 7	Thursday
8 and 9	Friday

Table 1. Watering Schedule

(4). Laying of new turf grass is strongly discouraged during any stage because new turf typically requires frequent and heavy watering to establish it. Case-by-case waivers for more frequent than once a week landscape watering for newly laid turf will only be considered for turf laid *before* declaration of Stage I.

(5). The District will mail each customer a notice for each stage as soon as practical after it is implemented; however, implementation will commence immediately upon notification by the Authority. Signs at primary entrances to the City will reflect the stage.

e. The Mayor will implement successive stages of the Windcrest Critical Period Plan when the trigger levels fall below the trigger levels shown below and are verified by Bexar County WCID #10.

TRIGGER LEVELS*

STAGE	IF J-17 is	Or Comal Springs is	Or San Marcos Springs is	Reduction Factor is
I	< 660 Feet MSL*	<225 CFS **	<96 CFS	-20%
II	< 650 Feet MSL	<200 CFS	<80 CFS	-30%
III	< 640 Feet MSL	<150 CFS	N/A	-35%
IV	< 630 Feet MSL	<100 CFS		-40%

*** Trigger levels are a ten day rolling average**
* MSL - Mean Sea Level
**CFS - Cubic Feet Per Second

Table 2. Critical Period Stages, Triggers, and Reduction Factors

SECTION 7. STAGE I. The order to implement STAGE I will be issued by the Mayor following confirmation by the District that the Authority has declared we are in Stage I. The order will be effective immediately and will be publicized in local newspapers and other media. The decisive factor for implementing STAGE I occurs when the level of well J-17 falls below 660 feet at J-17, *or* spring flow at Comal Springs is less than 225 cubic feet per second (cfs) *or* spring flow at San Marcos Springs is less than 96 cfs. Stage I is mandatory and all businesses

and residents are required to adhere to the following water use restrictions. Overall water consumption must be reduced by 20% from pre-Stage I levels.

(a). Landscape watering of private, commercial, and public properties with a sprinkler, sprinkler system, or "soaker" hose is permitted only between the hours of midnight and 10:00 AM and 8:00 PM and midnight on authorized days. Authorized landscape watering days are as stated in Section 4, Table 1. Watering with a hand-held hose one inch or less in diameter or hand-held bucket is permitted anytime. Drip irrigation, including use of soaker hoses for purposes of stabilizing moisture levels under and immediately adjacent to a building foundation or to water a vegetable garden may be done at any time.

(b). Non-commercial washing of automobiles, trucks, trailers, boats, and other private equipment can only be done with a hand-held hose equipped with a positive shut-off nozzle or with a hand-held bucket, on the designated watering day (see Section 4, Table 1). Water must not run into the street.

(c). Commercial washing of automobiles, trucks, trailers, boats, and other equipment will be limited to the immediate premises of a commercial washing facility with a water recycling unit that recycles at least 85% of its water. Fund raising car washes can only be held at commercial car washes and the fund raiser is solely responsibile for managing this event.

(d). Restaurants will serve water to customers only when specifically requested by the customer.

(e). Ornamental fountains or similar structures shall not be operated unless the system recycles/reuses water. Adding potable make-up water is prohibited.

(f). Golf courses may be watered between the hours of midnight and 10:00 AM and 8:00 PM to midnight in accordance with the following schedule.

(1). Greens – a maximum of 20 minutes per station (sprinkler head) five (5) nights a week..

(2). Tees – a maximum of 15 minutes per station five (5) nights a week.

(3). Fairways – a maximum of 30 minutes per station twice per week.

(4). Roughs – not watered.

(5). Dry or hot spots on greens and tees may be watered by hand held hose as necessary.

(6). On days when fertilizer or chemicals ae applied, greens may be watered with a sprinkler system during the day in order to protect the sensitive turf. This exemption is limited to greens only.

(g). High use recreational areas such as sports fields, baseball fields, etc., may be watered once a week between the hours of midnight and 10:00 AM and 8:00 PM to midnight for a period not to exceed forty (40) minutes per zone. If it is more beneficial, water may be applied twice a week (Monday and Friday) for 20 minutes per zone.

(h). Low use recreational areas (any recreational area other than those described as high use in Section 6(G) may be watered once a week between the hours of midnight and 10:00 AM and 8:00 PM to midnight for a period not to exceed forty (30) minutes per zone. If it is more beneficial, water may be applied twice a week (Monday and Friday) for 15 minutes per zone.

(i). The filling of new and existing private and public swimming pools, hot tubs, and other similar facilities is permitted.

SECTION 8. STAGE II. The order to implement STAGE II will be issued by the Mayor following confirmation by the District that the Authority has declared we are in Stage II. The order will be effective immediately and will be publicized in local newspapers and other media. The decisive factor for implementing STAGE II occurs when the level of well J-17 falls below 650 feet at J-17, *or* spring flow at Comal Springs is less than 200 cfs *or* spring flow at San Marcos Springs is less than 80 cfs. Stage I is mandatory and all businesses and residents are required to adhere to the following water use restrictions. Overall water consumption must be reduced by 30% from pre-Stage I levels.

(a). Landscape watering of private, commercial, and public property with a sprinkler or sprinkler system is permitted only between the hours of 3:00 AM and 8:00 AM and 8:00 PM and 10:00 PM only on designated days identified in Section 4, Table 1. Watering with a hand-held hose one inch or less in diameter or hand-held bucket of five gallons or less is permitted any day, but is limited to the hours of 3:00 AM and 8:00 AM and 8:00 PM and 10:00 PM. Drip irrigation for purposes of stabilizing moisture under a building foundation or to water a vegetable garden or shrubbery may be done at any time.

(b). The addition of make-up water for existing private and public swimming pools, hot tubs, and other similar facilities is permitted. The refilling of an *empty* existing pools and filling of new private and public swimming pools, hot tubs, and other similar facilities and activation of new sprinkler systems is prohibited unless a waiver is obtained from the Bexar County WCID #10 who will coordinate with the City.

(c). Non-commercial washing of automobiles, trucks, trailers, boats, and other private equipment may be done only with a hose equipped with a positive shut-off nozzle or with a hand-held bucket only on designated watering days (Section 4, Table 1).

(d). Commercial washing of automobiles, trucks, trailers, boats, and other equipment will be limited to the immediate premises of a commercial washing facility with a water recycling unit that recycles at least 85% of its water. Fund raising car washes can only be held at commercial car washes and the fund raiser is solely responsibility for managing this event.

(e). Restaurants are prohibited from serving water to customers except when specifically requested by the customer.

(f). Ornamental fountains or similar structures may not be operated unless they recycle/reuse the water. Adding potable make-up water is not allowed.

(g). Golf courses may be watered only between the hours of midnight and 10:00 AM and 8:00 PM and midnight in accordance with the following schedule.

(1). Greens – a maximum of 20 minutes per station every other night.
(2). Tees – a maximum of 10 minutes per station every other night.
(3). Fairways – a maximum of 30 minutes per station two (2) nights per week.
(4). Roughs – not watered.
(5). Dry or hot spots on greens and tees may be watered by hand held hose as necessary.
(6). On days when fertilizer or chemicals are applied, greens may be watered with a sprinkler system during the day in order to protect the sensitive turf. This exemption is limited to greens only.

(h). High use recreational areas such as sports fields, baseball fields, etc., may be watered once a week between the hours of midnight and 10:00 AM and 8:00 PM to

midnight for a period not to exceed thirty (30) minutes per zone. If it is more beneficial, water may be applied twice a week (Monday and Friday) for 15 minutes per zone.

(i). Low use recreational areas (any recreational area other than those described as high use in Section 6(G) may be watered once a week between the hours of midnight and 10:00 AM and 8:00 PM to midnight for a period not to exceed forty (20) minutes per zone.

SECTION 9. STAGE III. The order to implement STAGE III will be issued by the Mayor following confirmation by the District that the Authority has declared we are in Stage III. The order will be effective immediately and will be publicized in local newspapers and other media. The decisive factor for implementing STAGE III occurs when the level of well J-17 falls below 640 feet at J-17, *or* spring flow at Comal Springs is less than 200 cfs. Stage IIII is mandatory and all businesses and residents are required to adhere to the following water use restrictions. Additional measures, as deemed necessary, may be implemented to ensure pumping limits are not exceeded. Overall water consumption must be reduced by 35% from pre-Stage I levels.

(a). Landscape watering of private, commercial, and public properties with a sprinkler, sprinkler system or flat "soaker hose" is permitted between 3:00 AM and 7:00 AM and 8:00 PM to 10:00 PM only on designated days (See Section 5).

(b). Irrigation with a hand-held hose equipped with a positive control nozzle can be done any day between 3:00 AM and 7:00 AM and 8:00 PM to 10:00 PM. Drip irrigation for purposes of stabilizing moisture under a building foundation or to water a vegetable garden or shrubbery may be done at any time.

(c). The addition of make-up water for existing private and public swimming pools, hot tubs, and other similar facilities is permitted. Filling of new swimming pools, hot tubs, and other similar facilities, as well as activating a new sprinkler system is prohibited. Case-by-case exemptions will be considered and must be submitted to Bexar County WCID 10 and will be coordinated with the City.

(d). Parks and athletic complexes may be watered only with a hand-held hose between the hours of 5:00 AM until 10:00 AM and 8:00 PM until midnight.

(e). Golf courses may be watered only between the hours of 8:00 PM and 10:00 AM in accordance with the following schedule.

(1). Greens – a maximum of 15 minutes every other day.
(2). Tees – a maximum of 10 minutes per station every other day.
(3). Fairways – Watered 30 minutes one (1) night per week.
(4). Roughs – not watered.
(5). In addition, dry or hot spots on greens and tees may be watered by hand held hose as necessary.

(f). Vehicle washing, including organized fund-raising car washes, is prohibited except at commercial washing facilities with a water recycling unit that recycles at least 85% of the water.

(g). Vegetation at commercial nurseries and similar establishments can be irrigated only between the hours of 5:00 AM and 10:00 AM and 8:00 PM to midnight with a hand-held hose, hand held bucket, or by drip irrigation.

SECTION 10. STAGE IV. The City Council, in consultation with the Bexar County WCID 10 Board of Directors, will, for the health, safety, and welfare of the general public implement STAGE IV, of the Windcrest Critical Period following confirmation by the District that the Authority has declared we are in Stage IV. The decisive factor for implementing STAGE IV

occurs when the level of well J-17 falls below 630 feet at J-17, *or* spring flow at Comal Springs is less than 100 cubic feet per second cfs. This level poses a potential hazardous situation for the Edwards Aquifer. Water used for purposes not necessary to the maintenance of public health, safety, and welfare is prohibited. The steps taken to achieve the mandatory reduction are therefore much more severe. Efforts to ensure compliance will be stepped up. Water consumption must be reduced by 40% from pre-Stage I levels.

(a). Landscape watering of private, commercial, and public properties with a sprinkler, sprinkler system or soaker hose is permitted only once every other week on designated days (See Section 5). This cycle will commence with the first Monday following declaration of Stage IV and will continue until Stage IV is cancelled in accordance with Section 4.

(b). The only exceptions to the above is hand held watering or drip irrigation for purposes of stabilizing a building's foundation which may be done at any time.

(c). The addition of make-up water for existing private and public swimming pools, hot tubs, and other similar facilities is permitted. Filling of new swimming pools, hot tubs, and other similar facilities, as well as activating a new sprinkler system is prohibited.

(d). Ornamental fountains or similar structures may not be operated unless they recycle/reuse the water. Adding potable "make-up" water is strictly prohibited.

(e). Washing of automobiles, trucks, trailers, boats, airplanes, busses, and other transportation equipment is allowed only at those commercial washing facilities with an installed wastewater recovery system that is 85% effective.

(f). Parks, athletic complexes, and other landscapes may be irrigated only with treated wastewater or reused water.

(g). Golf Courses will be watered the minimum necessary to ensure survival of Hybrid Bermuda grass on greens and tees by using hand held hoses.

(h). A graduated surcharge rate structure may be implemented by Bexar County WCID #10 when deemed necessary to meet mandates of the Edwards Aquifer Authority or other regulatory agencies. The decision to implement surcharge rates will be done in consultation with the City Council. These surcharges will be in addition to drought management rates already in effect.

SECTION 11. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine of not less than $1.00 nor more than $1,000.00.

SECTION 12. Ordinance 349 and Ordinance 474 is hereby repealed.

PASSED AND APPROVED this 16th day of June, 2008.

Jack H. Leonhardt, Mayor

ATTEST:

Tracy Freimarck, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney