

RESOLUTION NO. 2013-05-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY
AMENDING THE STAGE 3 POLICY ADOPTED PURSUANT TO
SECTION 110-371(c) OF THE CITY OF MCKINNEY CODE OF
ORDINANCES DROUGHT CONTINGENCY PLAN**

WHEREAS, the City Council of the City of McKinney has approved Ordinances establishing a Drought Contingency Plan, including conservation Stages; and

WHEREAS, the City Council of the City of McKinney adopted an amended version of the North Texas Municipal Water District (the "NTMWD") Model Drought Contingency Plan on May 22, 2006; and

WHEREAS, the City Council desires to amend the Stage 3 Policy to ensure sufficient water in the face of increasing customer demand and continued drought conditions; and

WHEREAS, the new Stage 3 Policy, attached hereto as Exhibit "A" is hereby adopted to ensure that the City maintains sufficient water to provide for the health and safety needs of the citizens of the City of McKinney.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. That the foregoing recitals are hereby found to be true and correct legislative and factual findings of the City of McKinney, Texas, and are fully incorporated into the body of this Resolution.

Section 2. The new Stage 3 Policy, attached hereto as Exhibit "A" and incorporated by reference, is hereby adopted as the City's Policy for Stage 3 Drought Operation Conditions pursuant to Section 110-371(c) of the City of McKinney Code of Ordinances. Add the following wording: "The ET/Smart irrigation systems registered after June 1, 2013 will not be exempt."

Section 3. The City Manager is directed to take all actions necessary to ensure the enforcement of the Stage 3 Policy.

Section 4. This Resolution shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 21st DAY OF MAY, 2013.

BRIAN LOUGHMILLER
Mayor of McKinney, Texas

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney
City of McKinney, Texas

EXHIBIT A

CITY OF MCKINNEY DROUGHT CONTINGENCY PLAN - STAGE 3 POLICIES

This policy is adopted pursuant to City of McKinney Code of Ordinances, Section 110-371(c). The following actions may be implemented at the direction of the Public Works Director, or his/her designee, as deemed necessary, upon the initiation of Stage 3 drought measures by the North Texas Municipal Water District (the "NTMWD").

Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The NTMWD must notify the Texas Commission on Environmental Quality (the "TCEQ") within five business days if these measures are implemented:

- a. Continue or initiate any actions available under stages 1 and 2, as set forth in the Code of Ordinances, Section 110-371 and Chapter 110, Article VIII "Landscape Water Management."
- b. Implement viable alternative water supply strategies.
- c. As required by NTMWD, the circumstances currently require an increased water reduction goal; therefore, the goal for water use reduction under this stage 3 policy is a ten percent (10%) reduction of in the amount of water obtained from NTMWD.
- d. Requires Notification to TCEQ--Initiate mandatory water use restrictions as follows:
 1. Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 2. Prohibit washing or rinsing of vehicles by hose except where the washing or rinsing is accomplished with a hose that has an end cut-off.
 3. Prohibit using water in such a manner as to allow runoff or other waste.
 4. Landscape watering with sprinklers or irrigation systems is limited to once per week on the day of weekly scheduled trash/recycling collection for the service address's trash/recycling collection zone. An exception is allowed for new landscapes, they may be watered as necessary for 30 days from the date of installation with proof of purchase or certificate of completion.
 5. Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand held hose, a soaker hose, or a dedicated zone using drip irrigation system.
 6. Public athletic fields which are in use for competition at least once per week may be watered up to two times per week.
 7. A property that uses an alternate source of water supply for irrigation, other than treated water from the City, may irrigate without restrictions.
 8. Hydro seeding, hydro mulching, and sprigging are prohibited.
 9. Notify wholesale customers of actions being taken and request them to implement similar procedures.

10. If NTMWD has imposed a reduction in water available to member cities and customers, impose the same percent reduction on wholesale customers.
11. All current ET (evapotranspiration) controller exemption participants will be exempt during stage 3 drought. "Any new application after June 1, 2013 will not be exempt from once a week watering while in Stage 3 or Stage 4.

This list is in addition to requirements adopted by the NTMWD and does not restrict NTMWD's ability to adopt further restrictions in the future. In the event of a conflict between this policy and the City of McKinney Code of Ordinances, the Code of Ordinances shall control. Any revision of this policy adopted by City Council shall be effective as of the date of adoption, unless otherwise specified, and customers of City water shall be required to adhere to the newest City Council approved policy.